

Chapter H 30

RESIDENTIAL CARE INSTITUTION

Type I—Residential Care Facility

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H 30.01 Statutory definitions. (1) A "residential care institution" means, without limitation because of enumeration, any building, structure, institution, boarding home or other place for the reception and care of 3 or more unrelated individuals for not less than 72 hours in any week, who by reason of physical or mental disability, including mental retardation and mental illness, are in the opinion of a licensed physician, in need of care but not the care given in a nursing home as defined in section 146.30 (1) (a), Wis. Stat.

History: Cr. Register, November, 1968, No. 155, eff. 12-1-68.

H 30.02 Administrative definitions. (1) **TYPE I. RESIDENTIAL CARE FACILITY.** A type I residential care institution hereinafter called a residential care facility has the following characteristics:

- (a) It is generally a long-term care institution.
- (b) The residents are at least 18 years of age.
- (c) The residents are aged (generally over 65).
- (d) The residents admitted or retained are at least independently mobile. (When a resident needs assistance in dressing, bathing, eating or ambulation, he is required to be transferred to at least a personal care nursing home.)
- (e) The residents have social service and activity therapy needs as distinguished from nursing needs.

(2) **TYPE II. HALFWAY HOUSE** (See chapter H 31). A Type II residential care institution hereinafter called a halfway house has the following characteristics:

- (a) It is a short-term care institution with the general length of stay less than one year; often less than 6 months.
- (b) The residents are at least 18 years of age.
- (c) The residents are active younger adults (generally under 65).
- (d) The residents admitted or retained are:
 1. Capable of being employed on a full-time or part-time basis; or
 2. Involved in work adjustment training, and/or vocational training; or
 3. Receiving services for mental or emotional disability.

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(3) **RESIDENTS.** Residents means individuals cared for in any residential care facility, irrespective of how admitted.

(4) **DEPARTMENT.** Department means the state department of health and social services.

(5) **HOME FOR PERSONAL CARE.** Home for personal care means a nursing home which is staffed, maintained and equipped for the accommodation of individuals who are not acutely ill and are not in need of hospital care, skilled nursing care or limited nursing care but require personal care.

(6) **PERSONAL CARE.** Personal care in a nursing home shall mean the provision of room, board, laundry and other personal services such as assistance in dressing, bathing, eating and ambulation.

(7) **LICENSEE.** Licensee is the "person" to whom the license is issued and shall be responsible for compliance with all the laws, rules and regulations relating to the residential care facility and its operation.

(8) **ADMINISTRATOR.** Administrator is the individual, not necessarily the licensee, who is directly responsible for the full-time operations and activities of the facility and the supervision of employes.

(9) **MAXIMUM BED CAPACITY.** (a) Maximum bed capacity shall mean the exact number of beds permitted by these standards for accommodation of residents, exclusive of beds in rooms occupied by the licensee and/or administrator, his family and employes.

(10) **PHYSICIAN.** Physician means a person possessing a license to practice medicine and surgery, osteopathy, or osteopathy and surgery in Wisconsin.

History: Cr. Register, November, 1968, No. 155, eff. 12-1-68; r. and recr., Register, June, 1971, No. 186, eff. 7-1-71.

H 30.03 Procedure for licensure. (1) **APPLICATION FOR LICENSE.** (a) The application for a license shall be in writing upon forms provided by the division of health and shall contain such information as it requires.

(2) **ISSUANCE OF LICENSE.** (a) The division of health shall issue a license:

1. If the applicant is reputable and financially responsible.
2. The administrator designated by the applicant to be in charge is fit and qualified.
3. If the residential care institution meets the requirements herein established.

(3) **ADMINISTRATOR TO BE INTERVIEWED.** (a) Every administrator shall be interviewed by a designated representative of the division of health to determine fitness and qualifications, including financial plans presumptive to the management of the institution and acceptable supervision of residents.

(4) **LICENSE NONTRANSFERABLE.** (a) Each license shall be issued only for the premises and persons named in the application and shall not be transferable or assignable.

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(5) **CONTENT OF LICENSE.** (a) The license shall state the maximum bed capacity for residents, the name of the person or persons to whom the license is granted, the date the license is granted, and such other information as may be required.

(6) **POSTING OF LICENSE.** (a) The license shall be posted in a conspicuous place in the residential care institution.

History: Cr. Register, November, 1968, No. 155, eff. 12-1-68.

H 30.04 Suspension, revocation and denial of license. (1) **DENIAL, SUSPENSION OR REVOCATION OF LICENSE; NOTICE.** (a) The administrator of the division of health after notice to the applicant or licensee is authorized to deny, suspend or revoke a license upon finding of substantial failure to comply with the rules established in this chapter.

(b) Licenses that are suspended or revoked shall be surrendered to the division of health.

(c) Any person who considers any part of these standards and any official's interpretation of the standards to be unreasonable may appeal to the administrator of the division of health.

History: Cr. Register, November, 1968, No. 155, eff. 12-1-68.

30.05 Licensee. (1) **QUALIFICATIONS.** (a) The licensee shall have the ability and willingness to carry out the provision of the rules for residential care institutions.

(b) The licensee shall have sufficient financial resources to permit operation of the residential care institution upon licensure for a period of 90 days without regard to income from patient fees.

(c) The licensee shall be a person of good moral character.

(2) **RESPONSIBILITIES.** (a) The licensee shall notify the division of health 30 days in advance before closing the institution and the license shall be returned to the division of health.

(b) The licensee shall notify the division of health 30 days in advance of any change of an administrator. In an emergency, imme-