

whether the interest is in the profits, land or building, including owners of any business entity which owns any part of the land or building.

3. Identity of all creditors holding a security interest in the premises, whether land or building.

4. In the case of a change of ownership, disclosure of any relationship or connection between the old licensee and the new licensee, or between any owner or operator of the old licensee and the owner or operator of the new licensee, whether direct or indirect.

(b) The applicant for licensure shall also provide any additional information requested by the department during its review of the license application.

(c) The new licensee shall submit evidence to establish that it has sufficient resources to permit operation of the facility for a period of 6 months.

(d) No license shall be issued unless and until the applicant has supplied all information requested by the department.

(5) ACTION BY THE DEPARTMENT. Within 90 days after receiving a complete application for a nursing home license, the department shall either approve the application and issue a license or deny the application. If the application for a license is denied, the department shall give the applicant reasons, in writing, for the denial.

History: Cr. Register, July, 1982, No. 319, eff. 8-1-82; cr. (5), Register, November, 1985, No. 359, eff. 12-1-85.

HSS 132.15 Certification for medical assistance. For requirements for certification under the medical assistance program, see ch. HSS 105.

History: Cr. Register, July, 1982, No. 319, eff. 8-1-82.

Subchapter II—Enforcement

HSS 132.21 Waivers and variances. (1) DEFINITIONS. As used in this section:

(a) "Waiver" means the grant of an exemption from a requirement of this chapter.

(b) "Variance" means the granting of an alternate requirement in place of a requirement of this chapter.

(2) REQUIREMENTS FOR WAIVERS OR VARIANCES. A waiver or variance may be granted if the department finds that the waiver or variance will not adversely affect the health, safety, or welfare of any resident and that:

(a) Strict enforcement of a requirement would result in unreasonable hardship on the facility or on a resident; or

(b) An alternative to a rule, including new concepts, methods, procedures, techniques, equipment, personnel qualifications, or the conducting of pilot projects, is in the interests of better care or management.

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(3) PROCEDURES. (a) *Applications*. 1. All applications for waiver or variance from the requirements of this chapter shall be made in writing to the department, specifying the following:

- a. The rule from which the waiver or variance is requested;
- b. The time period for which the waiver or variance is requested;
- c. If the request is for a variance, the specific alternative action which the facility proposes;
- d. The reasons for the request;
- e. Justification that sub. (2) would be satisfied.

2. Requests for a waiver or variance may be made at any time.

3. The department may require additional information from the facility prior to acting on the request.

(b) *Grants and denials*. 1. The department shall grant or deny each request for waiver or variance in writing. Notice of denials shall contain the reasons for denial. If a notice of denial is not issued within 60 days after the receipt of a complete request, the waiver or variance shall be automatically approved.

2. The terms of a requested variance may be modified upon agreement between the department and a facility.

3. The department may impose such conditions on the granting of a waiver or variance which it deems necessary.

4. The department may limit the duration of any waiver or variance.

(c) *Hearings*. 1. Denials of waivers or variances may be contested by requesting a hearing as provided by ch. 227, Stats.

2. The licensee shall sustain the burden of proving that the denial of a waiver or variance was unreasonable.

(d) *Retocation*. The department may revoke a waiver or variance if:

1. It is determined that the waiver or variance is adversely affecting the health, safety, or welfare of the residents; or

2. The facility has failed to comply with the variance as granted; or

3. The licensee notifies the department in writing that it wishes to relinquish the waiver or variance and be subject to the rule previously waived or varied; or

4. Required by a change in law.

History: Cr. Register, July, 1982, No. 319, eff. 8-1-82.

Subchapter III—Residents' Rights and Protections

HSS 132.31 Rights of residents. (1) RESIDENTS' RIGHTS. Every resident shall, except as provided in sub. (4), have the right to:

(a) *Communications*. Have private and unrestricted communications with the resident's family, physician, attorney and any other person, un-
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less medically contraindicated as documented by the resident's physician in the resident's medical record, except that communications with public officials or with the resident's attorney shall not be restricted in any event. The right to private and unrestricted communications shall include, but is not limited to, the right to:

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