

## Chapter H 32

## NURSING HOMES

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**H 32.01 Definitions.** (1) **NURSING HOME** means any building, structure, institution, agency or other place, whether proprietary, non-governmental or governmental, for the reception and care or treatment not less than 72 hours in any week of three or more unrelated individuals hereinafter designated patients, who by reason of aging, illness, blindness, disease or physical or mental infirmity desire any such service, and for which reception and care or treatment a charge is made; provided that the reception and care or treatment in a household or family, for compensation, of a person related by blood to the head of such household or family, or to his or her spouse, within the degree of consanguinity of first cousin, shall not constitute the premises a nursing home. The term "nursing home" shall include, but not in limitation thereof, boarding and convalescent homes for the aged, infirm or chronically ill as they may fall within the foregoing definition. The term "nursing home" shall not include institutions operated by the federal government or county institutions subject to the supervision of the state department of public welfare under sections 46.16 (1) and 46.17 (1), Wis. Stats., offices of practitioners treating the sick, nor to child care centers, day nurseries, maternity homes, nursery schools, foster homes, child placing or child welfare agencies as defined under the laws of this state; nor shall such term include hotels, general hospitals, institutions for the treatment and care of psychiatric and tuberculosis patients, and child care institutions; provided, that any hotel or institution or part thereof, which comes within the above definition of nursing home shall be so regarded as to the part so operated. Section 146.30 (1) (a), Wis. Stats.

(2) **NURSING HOMES FOR AMBULATORY PATIENTS** shall mean a nursing home for ambulatory persons requiring personal services, dietary, nursing or medical care, but exclusive of bedfast patients and chairfast patients.

(3) **NURSING HOME FOR BEDFAST PATIENTS** shall mean a nursing home ordinarily caring for one or more bedfast or chairfast persons.

(4) **GENERAL HOSPITAL** means an institution providing community service for in-patient medical and surgical care of the sick or injured, including obstetrics in which not more than 50 percent of the total patient days during the year are customarily assignable to the fol-

lowing categories of cases: chronic, convalescent and rest, drug and alcoholic, epileptic, mentally deficient, mental, nervous and mental, and tuberculosis. Section 146.30 (1) (b), Wis. Stats.

(6) PATIENT means an individual cared for or treated in any nursing home, irrespective of how admitted. Section 146.30 (1) (c), Wis. Stats.

(7) An AMBULATORY PATIENT is a person requiring personal services, dietary, nursing or medical care, but is not confined to a bed or chair.

(8) A BEDFAST PATIENT is a person who is normally confined to a bed or chair.

(10) STANDARDS means rules, regulations and standards established with the advice and consultation of the advisory committee and approved by the board, relating to the (a) care, treatment, health, safety, welfare, and comfort of patients and (b) construction, general hygiene, maintenance and operation which, in the light of advancing knowledge, will promote safe and adequate accommodation.

(15) ACCREDITED NURSING HOMES. Nursing homes operating at a standard above the minimum required for licensing may be determined by the board to be accredited nursing homes, and their names listed in a book maintained for that purpose by the board. Section 146.30 (12), Wis. Stats.

(16) BASIS FOR ACCREDITATION. A nursing home which can meet all of the maintenance and operation standards, whether required or recommended, and in addition thereto the construction standards for new structures shall be entitled to be classified as an accredited nursing home by the board.

(17) PROVISIONAL LICENSE. A provisional license may be issued to any nursing home, the facilities of which are in use or needed for patients, but which is temporarily unable to conform to all the established rules. A provisional license may not be issued for more than one year.

(20) MAXIMUM BED CAPACITY shall mean the exact number of beds allowed by these standards and specified in the license to accommodate patients in each home, exclusive of the licensed operator, his family, and employes.

(25) LICENSEE OR LICENSED OPERATOR is the "person" (defined in section 146.30 (1) (d), Wis. Stats.) to whom the license is issued.

(26) ADMINISTRATIVE HEAD is the person, not necessarily the licensee, who is directly responsible for the daily operations, activities, supervision of employes, and care of patients.

(30) PERSON means any individual, firm, partnership, corporation, company or association and the legal successor thereof. Section 146.30 (1) (d), Wis. Stats.

(31) BOARD means the state board of health as that term is defined in section 140.01, Wis. Stats. Section 146.30 (1) (e), Wis. Stats.

(32) RULE has the meaning ascribed in section 227.01 (2), Wis. Stats. Section 146.30 (1) (f), Wis. Stats.

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GENERAL ADMINISTRATION

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**H 32.05 Restriction of admissions.** Maternity patients, disturbed mental patients, and persons having or suspected of having a communicable disease endangering other patients shall not be admitted to or retained in a nursing home.

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**H 32.06 Disturbed mental patient.** A person for whom the continuing use of medical restraints is necessary for his protection or the protection of others shall be considered a disturbed mental patient. No medical restraints shall be used unless ordered in writing by a physician.

**H 32.07 Children not to be admitted.** Children under the age of 16 shall not be cared for in a nursing home with older patients.

**H 32.08 Records and reports.** Adequate records shall be maintained and shall contain at least the following data:

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- (1) Patient's full name.
  - (2) Home address (or last known address).
  - (3) Telephone number.
  - (4) Name of nearest kin.
  - (5) Address of nearest kin.
  - (6) Telephone number of nearest kin.
  - (7) Date of birth.
  - (8) Sex.
  - (9) Name of patient's physician.
  - (10) Address of physician.
  - (11) Telephone number of physician.
  - (12) Date and time of admission.
  - (13) Date and time of transfer.
  - (14) Date and time of discharge.
  - (15) Date and time of death.
  - (16) Principal cause of death, if known.
  - (17) Person to whom body was released on death.

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**H 32.09 Records and reports—recommendation.** It is *recommended* that the following additional data be recorded:

- (1) Social security number.
- (2) Color.
- (3) Race.
- (4) Nationality.
- (5) Religion (name of pastor and church if obtainable).
- (6) Record of charges for type of services rendered and length of stay.
- (7) Name of person or agency responsible for payment of services rendered to the patient.
- (8) Personal property: An inventory be made of money or other valuables possessed by the patient at time of his entrance; copy of such list be made in duplicate, signed by the operator and patient or his agent, and one copy given to the patient or his agent.
- (9) Marital status.

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**H 32.15 Physical examinations; chest x-rays.** All nursing home personnel, including the person in charge, and all patients who have not had a complete physical examination, including an x-ray of the

chest, within a thirty-day period prior to being admitted to the nursing home, or beginning work in the nursing home, shall have a physical examination within one week thereafter. The physical examination shall be made by a physician licensed in Wisconsin and selected by the person examined or his agent. The physician shall certify in writing to the licensed operator of the nursing home that the person examined has had a physical examination, including an x-ray of the chest, and is free of any communicable disease.

*32, 155 Cr*  
H 32.16 Admission from hospitals. A patient transferred from a hospital can be admitted to the nursing home upon certification in writing by a physician that the patient has had a physical examination, including an x-ray of the chest, at the hospital and is free of any communicable disease.

H 32.17 Employe suspected of communicable disease. Any employe shall be excluded from work who is suspected of having a communicable disease or who has been diagnosed by a physician as having a communicable disease.

H 32.20 Annual physical examination—recommendation. It is recommended that both nursing home personnel and patients have annual physical examinations.

H 32.25 In-service training—recommendation. It is recommended that an adequate in-service training program be developed for the size of home operated.

H 32.26 Red Cross nursing classes—recommendation. It is recommended that persons performing nursing service attend Red Cross nursing classes in order to become more familiar with the care of patients.

*32, 265 Cr*  
H 32.27 Attendance at institutes—recommendation. It is recommended that whenever feasible employes be encouraged to attend institutes and other courses given by educational institutions, national and state organizations, and governmental agencies in the maintenance and operation of nursing homes.

H 32.30 Familiarity with standards. The licensed operator of the home and employes shall be familiar with the standards herein prescribed for the maintenance and operation of the home.

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