

STRATEGIES TO PROMOTE REGULATORY COMPLIANCE IN ASSISTED LIVING FACILITIES

TOP CITATIONS 1/1/10 – 12/31/10

Residential Care Apartment Complex (RCAC)

1. DHS 89.23(4)(d)1 Staff Training. (2 cites) (*) All facility staff shall have training in safety procedures, including fire safety, first aid, universal precautions and the facility's emergency plan, and in the facility's policies and procedures relating to tenant rights.

Some Recommended Practices and Strategies to Comply with this Regulation:

- Maintain list of resources of acceptable training programs. Examples of acceptable training:
 - Training provided by a recognized training entity (i.e., technical college, university, Red Cross, fire department etc.)
 - Training provided by counties
 - Training provided by ombudsmen, other advocates
 - Training provided by home health agencies, hospitals, public health agencies, etc.
 - Training provided by a health or human service professional or consultant.
 - Training approved by the department for Community Based Residential Facilities
<http://www.uwosh.edu/ccdet/CBRF/>
- Incorporate training requirements into employee job descriptions and evaluations.
- Ensure that staff training includes standard precautions, fire safety, first aid, the facility emergency plan and tenant rights
- Document all training received in each employee file. Include the dates of training, the length of training topic, the name and qualifications of the instructor, and an outline of course content.
- Routinely audit employee records to determine compliance with this standard. Use results of this audit to institute quality improvement activities.
- Implement a resident, family, staff satisfaction survey that includes questions regarding staff training.
- Identify a person responsible for monitoring continued regulatory compliance.

2. 50.34(5n) Required Referral. (2 cites) When a residential care apartment complex first provides written material regarding the residential care apartment complex to a prospective resident who is at least 65 years of age or has a developmental disability or a physical disability and whose disability or condition is expected to last at least 90 days, the residential care apartment complex shall refer the prospective resident to a resource center under s. 46.283, unless any of the following applies:

- Be knowledgeable of the requirements stated in memo 09-024 Preadmission Requirements for Residential Care Apartment Complexes:
http://www.dhs.wisconsin.gov/rl_DSL/Publications/09-024.htm
- If the RCAC operates in a county with a certified ADRC, have copies of the brochure "Considering Assisted Living or a Nursing Home: What You Should Know," to provide to prospective tenants: Brochures may be obtained at:
<http://www.dhs.wisconsin.gov/lcaredc/adrc/professionals/programsservices/pac.htm>
- Offer all prospective tenants or representatives to complete form F-62493.
<http://www.dhs.wisconsin.gov/forms1/F6/F62493.pdf>
- Submit the completed referral form to the ADRC or county human services no later than the close of the next business day after facility staff first provides written information about the facility to the

prospective tenant or representative.

- Maintain a copy of the referral form in the facility records.
- Routinely audit records to ensure compliance with these standards. Use results of the audit to institute quality improvement activities.

3. Chapter 50.065(2)(bb) Determine Final Disposition of Charge. (1 cite) (*) If information obtained under par. (am) or (b) indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge.

Some Recommended Practices and Strategies to Comply with this Regulation:

- Be knowledgeable of the requirements of DHS 89 and all other laws governing the facility and its operation.
- Have a copy of DHS 89 and Chapter 12 in the facility.
- Review the criminal history records maintained by the department of justice for each caregiver.
- Review each caregiver records for credentialing.
- Conduct a “Credential Lookup” on all staff.
- <http://online.drl.wi.gov/LicenseLookup/IndividualCredentialSearch.aspx>
- Review information contained in the registry regarding any findings for each caregiver.
- Contact the clerk of courts for records that do not indicate the final disposition of a charge against a caregiver.
- Document attempts to contact the clerk of courts for records.
- Routinely audit records to ensure compliance with these standards. Use results of the audit to institute quality improvement activities.

4. DHS 89.23(4)(c) Freedom From Abuse, Neglect and Exploitation. (1 cite) (*) A residential apartment complex shall ensure that tenants are free from abuse, neglect or financial exploitation by the facility or its staff. A residential care apartment complex shall not employ an individual who has been convicted of a crime that is substantially related to the circumstances of the job or for whom there is a substantiated finding of abuse or neglect or misappropriation of property in the department’s registry for nurse aides, home health aides and hospice aides. The facility shall conduct a criminal records check with the Wisconsin department of justice and shall check with the department’s registry for nurse aides, home health aides, and hospice aides when hiring a service manager, service providers and other persons to work in the facility or have contact with tenants.

Some Recommended Practices and Strategies to Comply with this Regulation:

- Be knowledgeable of the requirements of DHS 89 and all other laws governing the RCAC and its operation.
- Have a copy of DHS 89 and Chapter 12 in the facility.
- Develop and implement a written procedure for reporting and responding to allegations of caregiver misconduct.
- Ensure that all staff are trained on policies and procedures related to caregiver misconduct. Conduct annual training on reporting and responding to allegations of caregiver misconduct.
- Immediately investigate any allegations of caregiver misconduct.
- Document the investigation and results, and steps taken to ensure tenant protection while a determination is being made. Maintain all documentation.
- Visit the Caregiver Training page at: <http://dhs.wisconsin.gov/caregiver/training/trgIndex.HTM>
- Promptly report allegations of caregiver misconduct to the Office of Caregiver Quality as required.
- Develop and implement a written procedure that address hiring practices related to employee

background checks and employee notification requirements related to reporting crimes or offenses.

- Review caregiver records for credentialing. Send background information forms to the department as required.
- Conduct a “Credential Lookup” on all staff.
<http://online.drl.wi.gov/LicenseLookup/IndividualCredentialSearch.aspx>
- Conduct criminal records checks for all aides, managers, service providers and other persons who have contact with tenants.
<http://www.dhs.wisconsin.gov/caregiver/BkgdFormsINDEX.HTM>
- Conduct a criminal history search for all aides, managers, service providers and other persons who have contact with tenants.
- <http://wcca.wicourts.gov>
- Routinely audit records to ensure compliance with these standards. Use results of the audit to institute quality improvement activities.

5. DHS 89.34(12) Confidentiality of Records. (1 cite) (*) To have his or her medical, personal and financial records kept confidential consistent with all applicable federal and state statutes, rules and regulations. For the purposes of registration, certification and administration, staff of the residential care apartment complex, the department and any county department or aging unit designated to administer the Medicaid waiver for those tenants whose services are paid for under s. 46.27(11) or 46.277, Stats., shall have access to a tenants record without the tenant’s consent, but may not disclose the information except as permitted by law.

Some Recommended Practices and Strategies to Comply with this Regulation:

- Be knowledgeable of the Health Insurance Portability and Accountability Act of 1996
<http://www.dhs.wisconsin.gov/hipaa/index.htm>
- Develop and implement a written procedure that addresses tenant confidentiality related to personal, medical and financial information.
- Store tenant records in a secure location.
- Limit accessibility of confidential information to only persons needing to know.
- Educate tenants of their responsibility to maintain confidential information in a secure place within their apartments.

6. DHS 89.34(14) Disclosure of Personal Information. (1 cite) (*) To have necessary discussion by facility employees regarding one’s physical, mental or medical conditions, services, payment sources and other personal affairs conducted discreetly, and to not have facility staff or any service provider under contract with the facility indiscreetly disclosing personal information about oneself to other tenants.

Some Recommended Practices and Strategies to Comply with this Regulation:

- Be knowledgeable of the Health Insurance Portability and Accountability Act of 1996
<http://www.dhs.wisconsin.gov/hipaa/index.htm>
- Develop and implement a written procedure that addresses tenant confidentiality related to personal, medical and financial information.
- Educate service providers and tenants about discussing personal information and appropriate locations for such discussions.
- Store tenant records in a secure location.
- Limit accessibility of confidential information to only persons needing to know.

7. DHS 89.34(17) Safe Environment. (1 cite) (*) To a safe environment in which to live.

Some Recommended Practices and Strategies to Comply with this Regulation:

- Develop a Building and Safety Committee whose role is to anticipate, identify, and address hazards in the building as well as building maintenance and fire safety. Include a tenant on the committee, if applicable.
- Use “Fresh Eyes” Approach: have someone who is not familiar with the building/environment make observations to help identify hazards that may be overlooked by a person who is familiar with the environment/building.
- Routinely monitor the facility for the existence or continuation of a condition which places the health, safety or welfare of a tenant at substantial risk of harm.
- Contract with reputable service providers (when necessary) to complete repairs.
- Implement a resident, family, staff satisfaction survey that includes questions regarding building maintenance.
- Develop a corrective action plan and system changes to ensure violations are corrected and regulatory compliance is maintained.
- Identify a person responsible for monitoring continued regulatory compliance.

8. DHS 89.34(7) Furnishing and Possessions. (1 cite) (*) To furnish his or her independent apartment and to maintain personal possessions as space permits as long as the tenant does not unreasonably interfere with the other tenant’s choices or endanger the health or safety of the other tenants.

- Identify in the service agreement under DHS 89.27(2)(a) guidelines related to maintaining personal possessions in one’s independent apartment.
- Identify in the risk agreement under 89.28(2)(a) any situation or condition involving personal possessions maintained by the tenant that are contrary to the guidelines for maintaining personal possessions.
- Educate service providers and tenants about choices that may endanger other tenants.
- Develop and implement a Quality Assurance program to identify possessions maintained by tenants that may be hazardous to the tenant or other tenants.
- Develop of process of addressing unsafe conditions with tenants whose space does not permit the storage of certain personal possessions.
- Document discussions with the tenant regarding the maintenance of possessions that interfere with other tenant choices or endanger the health, or safety of other tenants.

*** Denotes Key Code**