

Date: December 12, 2000 DSL-BQA-00-081

To:	Adult Day Care Centers	ADC 25
	Adult Family Homes	AFH 28
	Ambulatory Surgery Centers	ASC 09
	Community Based Residential Facilities	CBRF 35
	End-Stage Renal Disease	ESRD 10
	Facilities for the Developmentally Disabled (FDDs)	FDD 33
	Hospices	HSPC 33
	Hospitals	HOSP 35
	Nursing Homes	NH 49
	Residential Care Apartment Complexes	RCAC 26

From: Jan Eakins, Chief
Provider Regulation and Quality Improvement Section

Via: Susan Schroeder, Director
Bureau of Quality Assurance

Variance Fee (Year 2001) – Health Care Facilities

This memorandum addresses Petitions for Variance generated by health care facilities. The Department of Health and Family Services (DHFS) processes Petitions for Variance from the Department of Commerce (DOC) – State Building Code. These variances are processed under the authority granted DHFS by the 1995 Wisconsin Act 27, ss. 50.02(2)(b) and 50.36(2). DHFS must conduct reviews according to the variance review policies of DOC and DHFS. Effective January 1, 2001, DHFS will charge a fee to process State Building Code variances pertaining to health care facilities to support the petition review service provided.

DHFS and DOC have signed a Memorandum of Agreement that eliminates duplicate agency plan review and also eliminates duplicate agency fee charges. The facility types detailed in this agreement that are under the authority of DHFS for which a variance fee is applicable are:

- Health Care Facilities per Comm 58 (hospitals, nursing homes, and FDD's)
- All facility types attached to a Comm 58 (excluding the City of Milwaukee).

Freestanding facility petitions for variance, such as an ASC or a CBRF that is not attached to a Health Care Facility (Comm 58), must be submitted to the Department of Commerce. Health care facility owners have exhibited competency in the Petition for Variance process by submitting the appropriate forms and supporting documents. Department of Commerce Petition for Variance forms (SBD-9890) and fee schedules can be found at www.commerce.state.wi.us.

Petition for Variance is a procedure by which DHFS, through a coordinated review with Commerce, will consider granting a variance to a Commerce administrative rule provided an equivalency is established in the petition for variance that meets the intent of the rule being petitioned. Complete submittals will contain a completed Petition for Variance form (SBD-9890) and fee, with supporting documents such as photographs, drawings, manufacturer cut sheets, or test reports. Submittals to DHFS should be forwarded to the following address:

Chief
Provider Regulation and Quality Improvement Section
Bureau of Quality Assurance
P.O. Box 2969
Madison, WI 53701-2969

If you have any questions regarding this information, please contact David R. Soens, Engineering Consultant, at (608) 261-5993.