Please refer to P-00638 for a current copy of the Standards for Certified 1-2 Bed Adult Family Homes at www.dhs.wisconsin.gov/regulations/afh/1-2bed.

WISCONSIN MEDICAID STANDARDS FOR CERTIFIED 1-2 BED ADULT FAMILY HOMES **(ARCHIVED)**

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I. Introduction

A. Authority and Purpose

These standards are issued under the authority of the approved Medicaid Home and Community Based Waiver Programs operated by DHS and approved by the federal Center for Medicare and Medicaid Services (CMS) and other state and local funding sources administered by the Department of Health Services that cover and or fund 1-2 bed Adult Family Homes. The authority for promulgating these standards for use by the funding sources other than the Medicaid Home and Community based Waivers is pursuant to s. 46.036, Wis. Stats., which permit the Department to establish standards for services used by the Department and by county governments in the programs covered by the state/county contract. These standards also are issued so that DHS is in compliance with s. 1616(e) of the Social Security Act 42 USC 1382e which requires states to have and publish standards for any residential facility or home where significant numbers of SSI recipients reside. These standards are intended to protect and promote the health, safety and welfare of persons residing in and receiving support, services and supervision in these settings. Certification pursuant to these standards is required as a condition of reimbursement for all providers covered by these standards, under Medicaid Home and Community Based Waiver programs and all other funding sources.

B. Applicability

These standards apply to the Wisconsin Department of Health Services, Managed Care Organizations (MCOs) operating Family Care, Family Care Partnership and PACE programs, the Include, Respect, I Self-Direct (IRIS) program and those County agencies that choose to certify Adult Family Homes and serve as placing agencies. The standards also apply to any agent of a qualified certifying agency contracted or authorized to perform studies related to certifying and placing individuals in these homes, to Adult Family Home sponsors, substitute and/or respite care providers, staff who work in the Adult Family Homes covered by these standards and individuals served in these Adult Family Homes and their guardians, if any.

C. Definitions

1. *Activities of daily living (ADLs)*

   Activities relating to the performance of self care and engaging in leisure or recreational activities. “Self care” includes dressing, eating, bathing, grooming, toileting, mobility, transferring from one surface to another such as bed to chair transfer, object manipulation, ambulation and rest.

2. *Adult Family Home*

   An Adult Family Home may either be a “traditional Adult Family Home” or a “community care home,” both of which are defined in this Article. An Adult Family Home is not a “respite home.”

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3. *Adult Family Home service plan*

The plan that describes the amount, type, manner of delivery and provider of any service that will be provided in and/or by the sponsor, operator or staff of an Adult Family Home.

4. *Applicant*

Any person or sponsoring agency who/that applies for certification as an Adult Family Home.

5. *Caregiver*

The sponsor, operator, any staff and any household members who have regular, direct contact with residents of the Adult Family Home, whether or not the caregiver resides in the home. “Regular” means contact that is scheduled, planned, expected or otherwise periodic. “Direct” means face-to-face physical proximity to a resident.

6. *Care manager, Support and Service Coordinator, Case manager, or IRIS Program Representative*

The person who has primary responsibility for arranging, coordinating, managing and monitoring the services and supports needed and received by a resident including services provided outside of the Adult Family Home. Care managers are also responsible for assuring the health, safety and welfare of the program participants/ members who are residents of the Adult Family Home. (Note: Care managers may be members of an interdisciplinary staff team performing the functions listed.)

7. *Certifying Agency*

An agency authorized by these standards or the Department to certify and recertify Adult Family Homes according to these standards. Agencies authorized to certify Adult Family Homes using these standards are a managed care organization, a county agency or the Department.

8. *Certificate holder*

The agency or individual proprietor that is serving as the sponsor of and which controls the specific community care home that has received approval under these standards and to which a certificate indicating the approval has been issued. The certificate holder employs the operator and all staff who work with the residents of the Adult Family Home.

9. *Community Care Home*

A residence controlled, either owned by an entity/agency or leased by an entity/agency, and operated by an entity/agency certified to operate the Adult Family Home where one or two adult residents reside and receive support and services above the level of room and board from staff employed by the entity/ agency that controls and sponsors the Adult Family Home and employs the staff. The staff employed by the agency that sponsors the Adult Family Home may or may not reside in the residence.

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10. *Conflict of Interest*

A conflict of interest means a situation where a person or entity involved in placement of an individual into an Adult Family Home has a direct or indirect interest in or the potential to benefit from that placement decision. Any person, agency, or entity serving as the guardian of an adult and as the potential provider has a conflict of interest under this definition. Under this definition, a conflict of interest includes, but is not limited to, the following:

a. The guardian is an employee of the placement or provider agency that provides services to that employee's ward;

b. The same entity/individual receives funds from the resident and also manages the resident's finances or makes any decisions that result in the agency or entity receiving participant funds e.g., cost share, room and board payment, etc. Excludes nominal funds given to a sponsor, operator, or staff to finance routine recreational or other community activities;

c. The same person/entity is the guardian or another legally established decision-maker and is a compensated service provider.

11. *County agency*

A county department of social services established under s. 46.215 or 46.22, Wis. Stats., a county department of human services established under s. 46.23, Wis. Stats., a county department of community programs established under s. 51.42, Wis. Stats., a county department of developmental disabilities services established under s. 51.437, Wis. Stats., a county department of aging, or the tribal governing body of a federally recognized American Indian tribe or band under s. 56.075, Wis. Stats.

12. *Day*

Calendar day unless otherwise specified.

13. *Department*

The Wisconsin Department of Health Services.

14. *Frail elder*

A person who is age 65 or older who has a physical disability or irreversible dementia that restricts the individual's ability to perform normal daily tasks, ADLS, IADLs, or that threatens the capacity of the individual to live independently.

15. *Guardian*

As defined in s. 54.01(10), Wis. Stats. means a person appointed by a court under s. 54.10, Wis. Stats. to manage the income and assets and provide for the essential requirements for health and safety and the personal needs of a minor, an individual found incompetent, or a spendthrift.

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16. *Household member*

Anyone who resides or stays and sleeps in an Adult Family Home who is not a resident; this includes the sponsor, operator and any other person(s) who reside in the house and intend to remain. Come-in staff personnel are not household members.

17. *Individualized Service Plan*

The prospective client, member or participant's overall plan of services including services in addition to the Adult Family Home service. The name of this plan varies by program. It is sometimes referred to as the member-centered plan.

18. *Informed consent or consent*

Written consent voluntarily signed by a resident or prospective resident who is competent and who understands the terms of the consent, or by the resident's or prospective resident's legal guardian without any form of coercion, or temporary oral consent obtained by telephone in accordance with s. DHS 94.0(2m) Wis. Admin. Code.

19. *Instrumental activities of daily living*

Activities relating to the Adult Family Home and household management, including preparing meals, shopping and chores, personal housekeeping, using the telephone, managing one's personal finances, using the telephone to access support for health care activities including taking medicine, management of medications and treatments, applying or changing dressings and/or using a medical device. Instrumental activities of daily living also include activities involving moving about in one's community including transportation for any purpose including accessing and participating in a job, in vocational, recreational and social activities in the community with other members of the community, arranging and using transportation and the ability to function at a job site.

20. *Medicaid Waiver Program*

Community Based Long Term Care programs authorized under Section 1915 (c) of the Social Security Act. This includes programs named CIP-I, CIP II, COP-W, COR, IRIS, and Family Care (Family Care, Partnership, PACE managed care organizations).

21. *Non-ambulatory*

An inability to walk without the use of a wheelchair or other device that assists with mobility and which makes prompt evacuation of the home difficult.

22. *Nursing care*

Services and procedures provided by a registered nurse licensed under Chapter 441 of the Wisconsin Statutes, or which require the direct supervision of a registered nurse licensed under Chapter 441 of the Wisconsin Statutes.

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23. *Operator*

A person who is employed by the Community Care Home's sponsoring entity/agency and who works in and has primary responsibility for the day to day operation of a Community Care Home, for in-home supervision and direction of the work of the home's other staff, for ensuring the service plans of all residents of the home are being correctly implemented and for assuring the health, safety and welfare of all residents. An operator is not an off-site area or regional supervisor overseeing more than one home but is positioned on-site or accompanying residents of the home to places in the community.

24. *Placing agency or placement agency*

An agency responsible for facilitating the placement of a resident to/in an Adult Family Home and for providing ongoing services including participant/member monitoring, incident management and complaint handling. Placing agencies are often the source of funds used to compensate the home for the support and services they provide. Placing agencies may be Managed Care Organizations, county programs as defined by DHS 46.23, DSS 46.22, DCP 51.42 and 51.437 (DD Board), the Department, private agencies under contract to any of these three entities or may be private entities hired by a resident or the resident's guardian to perform these functions. Where there is no other placement agency (e.g. in private pay situations), the sponsor or operator of the Adult Family Home is responsible for performing the duties of the placement agency.

25. *Primary Care Provider*

A physician who provides primary care to the resident at the first point of contact and takes continuing responsibility for providing the resident's overall health care.

26. *Relative*

An individual who is a parent, step-parent, spouse, domestic partner, child, step-child, sibling, grandchild, grandparent, aunt, uncle, niece, or nephew of the Adult Family Home sponsor.

27. *Resident*

An adult who resides and intends to remain in the Adult Family Home to receive support and services above the level of room and board provided from the sponsor, operator, or staff.

28. *Respite Care*

For these standards, respite care has two different meanings; (1) respite care means short-term Adult Family Home care provided to one or two additional persons who temporarily stay in the Adult Family Home requiring expansion of the capacity of an Adult Family Home by up to two additional beds; or (2) The provision of relief to an Adult Family Home's sponsor by a substitute provider in traditional Adult Family Homes.

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29. *Respite home or respite care home*

A home certified for respite care or authorized by a placing agency to provide short term support and supervision and room and board to up to four residents for an overnight stay or a stay greater than 24 hours but not more than 28 days. None of the residents intend to or may remain in that Adult Family Home permanently. Because no resident may stay in the respite home permanently, an Adult Family Home is not a Respite home.

30. *Respite resident*

An adult who does not permanently reside in an Adult Family Home but who is receiving respite care in a certified traditional Adult Family Home.

31. *Revocation*

Withdrawing the approval of the Adult Family Home's certification during the term of certification for violations of one or more of the terms in these standards or other incident that could affect the health, safety, and welfare of the resident.

32. *Sponsor*

The person, persons, or agency that applies for and receives the certification as an Adult Family Home. The sponsor may also be known as the provider.

33. *Substitute Provider*

A person designated by the sponsor or operator to temporarily take primary responsibility for the operation of the Adult Family Home when the sponsor or operator is temporarily unable or unavailable to provide services, supports and cares for any reason.

34. *Traditional Adult Family Home*

A residence that is the primary domicile of the sponsor or certificate holder who provides services and supports above the level of room and board to one or two adult residents.

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II. Exceptions to a Requirement

An Adult Family Home, a certifying agency, or a placement agency may apply for an exception to any requirement in these standards unless specifically barred from doing so in this section. The certifying agency may grant the exception to the requirement in these standards unconditionally or grant the exception with conditions if the requested exception meets the requirements of this section.

A. Standards Not Subject to Exception Requests

1. No exceptions will be considered for requirements in Articles I, II, VI.A.2, VII, VIII and X.
2. Minimal exceptions will be considered for Articles V.E.2., VI A.1. and 3. Any exception requests for these sections will require DHS approval in addition to certification agency approval prior to implementation.

B. Requirements for an Exception:

1. Exceptions must be granted by the certifying agency prior to the implementation of such exception by the Adult Family Home, with the exception of Articles V.E.2., VI A.1. and 3., which require DHS approval in addition to certification agency approval prior to implementation;
2. Exceptions must be documented in writing and accompanied with a detailed description of what will be done or provided in lieu of the provision in the standard, how and if the change will impact resident health and safety, how it relates to the criteria in Article II.D.; why an exception is needed; and adequately inform the Department of what will occur if the exception is granted.
3. Exceptions must be reported to the Department as described in Article II.F.

C. Deadline for Decision

The certifying agency shall review and render a written decision no more than 30 days after the sponsor, resident, resident's guardian, if applicable, or placing agency has requested the exception. The certifying agency will review the request, following the criteria for approval of an exception, and determine if the exception is appropriate.

D. Criteria for Approval of an Exception

The criteria for approval of a requested exception used by the certifying agency shall be based on findings that the exception request describes a situation or outcome for which:

1. There is a comparable alternative to the requirement to which the exception is being requested;
2. It will produce equivalent or comparable quality, safety or other result that is comparable to what would result if the requirement was enforced;
3. It will not jeopardize the health, safety, or welfare of any participant currently residing in the home or other residents or household members in any significant way;

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4. It applies to only the site of that Adult Family Home and/or to the particular resident who may be the subject of the exception request.

E. Conditions

The certifying agency may impose conditions of approval or time limitations on an exception. Under no circumstances shall an exception be in effect longer than the Adult Family Home certification. Violation of a condition of approval or a time limitation under which the exception is granted constitutes a violation of these standards. Exceptions shall be specific to the Adult Family Home and to the person or persons involved and may not be transferred to other settings or residents.

F. Reporting

1. Certifying agencies shall report all exception requests and all granted exceptions to the Department on a quarterly basis every year in the template developed by the Department. The reporting requirements shall include the following:
   a. A description of the exception request including the sponsors' name and address or Community Care Home name and address in which the exception request is being considered;
   b. The section or sections of the standards with which the exception request applies;
   c. The certifying agency's decision of exception request;
   d. Rationale behind decision to grant or deny exception request;
   e. The certifying agency's plan to monitor and oversee granted exception;
   f. The time period the exception is in effect.
2. The Department may override the decision of the certifying agency to allow or disallow an exception request at its own discretion. The Department will provide rationale to the agency and the adult family home if an override is given.

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III. Certifying Agency; Qualifications and Responsibility

A. Qualifications

Each certifying agency shall have:

1. *Dedicated Staff Required*

   Dedicated staff refers to the people identified by the certifying agency who are assigned to regularly conduct certifications and/or certification studies of prospective or current Adult Family Homes and to operate the other elements of the Adult Family Home program specified in Article III.B.4. Such staff may be employees of the agency or authorized by a contract to conduct the necessary study of a prospective home or current Adult Family Home on behalf of the agency.

2. *Trained Certification Staff*

   a. Training Plan

      A written training plan that addresses how and when all the dedicated staff expected to conduct certifications will be trained and at what point in training each staff will be put into the field to conduct certifications is required. The plan shall, at minimum, provide that these staff must receive training in the areas specified in this section prior to commencing such certification studies. This plan may be requested by the Department and may be subject to Departmental approval based on the adequacy of the plan in addressing the required subjects.

   b. Content of Training Plan

      The plan shall cover how training will be provided in the following subjects:

      i. The assisted living/residential service system and the long term support service system;

      ii. The standards for 1-2 bed Adult Family Homes and all related and referenced standards or administrative rules;

      iii. Current practices and principles, values, service methods and characteristics involved in the provision of services to individuals with intellectual and developmental disabilities, physical disabilities, elders and people with mental illness;

      iv. Basic health care practices including assessment practices, common medications, side effects and medication administration and basic dietary principles and requirements;

      v. Behavior management principles including issues associated with the use of and avoidance of using restrictive measures;

      vi. Survey and investigative methods and techniques; and

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vii. Interviewing techniques.

c. Ongoing Training

Provision of training should be ongoing with staff receiving training on these subjects on a continuous basis so they keep current with the best practices used in this field. Ongoing training shall be addressed in the plan required Article III.A.2.a.

d. Existing Staff

Staff who have operated or been employed by or under contract to an Adult Family Home program by a qualified certifying agency prior to January 1, 2013 or who have certified homes for at least twelve (12) months are exempt from additional training requirements. Staff currently employed for less than one (1) year and newly hired staff have one (1) year from their hire date to complete the required training program called for in the agency's training plan.

3. *Documentation*

The certifying agency shall maintain documentation on file that each staff person who conducts certification studies of Adult Family Homes has received the requisite training required in these standards, has received a waiver of training or is exempt under Article III.A.2.d. This training documentation shall be made available on request to the Department, any auditors, or to placement agencies that provide or provided funding for any of the residents in any of the Adult Family Homes certified by this agency.

B. Responsibilities

Each certifying agency shall:

1. *Have a Defined Territory*

Each certification agency shall have a geographic territory defined by the provisions in this section. Certifying agencies shall certify within their geographical service area; see Article III.B.5. . The Department is able to certify anywhere in Wisconsin, but is obligated to notify the local entity/entities when it does so.

2. *Receive and Accept Applications*

Receive and accept applications or requests for applications to certify one or two person Adult Family Homes from any interested and willing prospective Adult Family Home provider that applies. Upon receipt of such applications, the certifying agency shall either:

a. Certify the applicant in accordance with Article III.B.3. if the certifying agency intends to place a resident in the Adult Family Home; or

b. If the certifying agency does not intend to place a resident in the Adult Family Home at the time of application, decline to certify the applicant and:

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i. Instruct the applicant to enter directory-type information to the select survey database designated by the Department for such a purpose in the following database: http://4.selectsurvey.net/DHS/TakeSurvey.aspx?SurveyID=76M03694;

ii. Inform the prospective home about the application process, and provide a copy of the current standards by mail (or e-mail if available).

3. *Conduct Certifications*

a. Conduct certification studies of original applicants or applicants for recertification if there are prospective residents that are to be placed in the home or current residents in the home. Certification or recertification are not required if there are no prospective placements in that home by a placement agency for which the certification agency performs certifications. A certification study by the certifying agency involves:

i. A review of all application materials submitted by applicant to determine if the materials submitted evidence that the applicant meets the standards;

ii. When required, conduct a complex on-site survey of the prospective or existing Adult Family Home applicant or sponsor to ensure compliance with standards;

iii. Use of established procedures and professional judgment to determine the level of compliance with all administrative, operational, and physical plant requirements, including quality of care and quality of life provisions;

iv. Identification and communication about non-compliance when deficiencies are found; and

v. Determination of and execution of the appropriate disposition of the application.

4. *Other Elements of an Adult Family Home Program*

In addition to certification-related activities, the certification agency's role may include the following activities:

a. Certification program management that may include actions that impact on a home's certification status including revocation of the certification of an existing Adult Family Home, decertification of an Adult Family Home no longer in use or which no longer meets the standards, denial of initial certification or recertification or the imposition of conditions of approval or corrective actions;

b. Recruitment of homes;

c. Assisting placement agencies with the placement of individuals in the Adult Family Homes certified by that certification agency;

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d. Provision or arrangement of training of all personnel in Adult Family Homes as required by these standards or as needed to effectively serve specific individuals or target groups that are or may be placed in the Adult Family Home. The latter training will typically be done with the assistance and cooperation of the placement agency;

e. Conduct any appeal process required by these standards;

f. Monitor Adult Family Homes during the period of certification to assure ongoing compliance with these standards; and

g. Receive and accept, respond and attempt to resolve complaints from individuals served in the Adult Family Home, their friends, family members, guardians or members of the public about an Adult Family Home or its sponsor, operator or staff.

5. *Enter Into Agreements with Other Agencies*

Certifying agencies shall enter into interagency agreements described in this section.

a. Inter-Agency Agreements with Certifying Agencies that Cover Different Territories

An inter-agency agreement shall be executed when a certifying agency is contemplating certifying a home located outside of its regular territory and inside the territory of another certifying agency. Such an agreement is needed when the placing agency component of the agency places an individual in an Adult Family Home inside the territory of another certifying agency. The written agreement is between the certifying agency where the Adult Family Home is located, herein referred to as the "home agency," and the agency seeking to certify a home in a territory outside its geographic borders, herein referred to as the "requesting agency." The agreement shall be established prior to the certification of any home, or at the time of renewal of certification if the Adult Family Home was certified prior to the date of these standards. The agreement shall:

i. Specify which of the two certifying agencies will be responsible for the certification of the home recognizing that either agency is considered qualified to certify the home. The agency that certifies the home shall be fully responsible for the initial certification, all renewals and for monitoring the Adult Family Home, unless otherwise agreed to by both parties.

ii. Provide copies of the certification materials to the Adult Family Home agency if requested by the home agency.

b. Agreements Between Certifying Agencies

More than one certifying agency may routinely cover the same territory. These agencies perform required certifications for different publicly funded programs. An inter-agency agreement between all of the agencies

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that certify homes in overlapping territories may be executed between the agencies. Any such agreement may include:

i. A clear statement of agreement identifying which certification agencies will certify which homes. This includes whether any agency will delegate certification to a different agency;

ii. A clear statement of care coordination and delegation of tasks between the certifying agencies for the Adult Family Homes in the same territory;

iii. A clear statement detailing the certification activities and the sharing of documents.

c. Agreements Between Placement Agencies

A placement agency shall enter into an agreement when it makes a placement in an Adult Family Home that is already certified by a different certification agency. Such agreements shall identify:

i. Roles and responsibilities in assuring the Adult Family Home continues to meet requirements;

ii. Communication protocols between the placing agencies regarding quality concerns of the Adult Family Home

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IV. Certification

A. General Requirements

1. No person or agency may operate an Adult Family Home and receive reimbursement from any Department funding source unless a qualified certifying agency determines that the home is in compliance with all requirements of these standards and the sponsor or agency/entity has received a certificate indicating compliance from a qualified certifying agency.

2. No Adult Family Home may be required to be certified by more than one qualified certifying agency if the Adult Family Home's certification is current and unconditional. Placement by a second, different agency does not require a second certification. The second placement agency may review the certification documentation.

3. No certifying agency is required to certify a home or recertify an Adult Family Home that applies for certification or renewal unless a placement in the Adult Family Home is planned. If the certification of a home that has no placements expires, the certifying agency may, at its own discretion, either recertify the Adult Family Home or decline to certify the home. If that Adult Family Home reapplies, the certifying agency may, at its own discretion, treat the applicant as a new applicant or as a renewal. The certification study for the applicant shall, to the extent possible, be done in a timely way so that a prospective resident can be placed in the Adult Family Home when the resident needs placement. The certification study may be delayed by mutual consent of the parties or if extenuating circumstances are present and are documented by the certifying agency. The maximum delay in this instance may be no more than sixty (60) days.

B. Application

This section describes the requirements for the initial application for certification. At the discretion of the certifying agency, any of these requirements can be applied to sponsors seeking renewal of their certification or sponsors who are the subject of monitoring, corrective action plans and possible revocation for non-compliance with the standards.

1. *Process*

   Application for certification shall be made on a form provided by the certifying agency. The application form submitted shall include all requested information, the date of application submittal and shall be signed by the applicant. At the discretion of the certifying agency, a different form may be used for recertifications.

2. *Previous Termination Disclosure*

   a. "Termination" means denial of an original application for certification, denial of an application for recertification or a revocation of an existing certification or license of any residential or day service for adults or children.

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b. Any applicant applying for certification or, if requested, any sponsor reapplying for renewal, must disclose any previous terminations or if the applicant, current certificate holder or any of the individuals who are proposed to provide services and supports in the home ever voluntarily surrendered a license or certification at any time. The applicant shall also disclose the date, place and name of the certifying or licensing agency that provided the surrendered license or certificate and information about any charges, orders, sanctions or penalties proposed for or imposed by them on the applicant.

c. No applicant previously denied certification or licensure, whose certificate or license was revoked or who voluntarily surrendered a license or certification for any type of residential provider while facing an active denial, decertification or revocation action may reapply for certification in Wisconsin within two (2) years after the effective date of the denial, decertification, revocation or surrender of the certificate or license unless the denial was made without prejudice or the applicant documents to the satisfaction of the certifying agency that the condition which caused the denial or revocation has been corrected.

d. Failure to disclose a previous denial or license surrender in the face of revocation is grounds for immediate revocation.

3. *Caregiver Background Checks*

a. Type of Checks Required

All three areas will be reviewed by checking the caregiver option on the Department of Justice form DJLE-250 or DJLE 250A manually or electronically via the Internet. The background check for all subjects shall be in accordance to the procedures in s. 50.054, Wis. Stats. and shall include

i. A criminal history search from the records of the Wisconsin Department of Justice; and

ii. A search of the Caregiver Registry maintained by the Department; and

iii. A search of the status of credentials and licensing from the records of the Wisconsin Department of Regulation and Licensing, if applicable.

b. Who Shall Be Checked

The certifying agency shall ensure that an up to date caregiver and criminal background check has been conducted on all applicants or current providers in accordance with ch. DHS 12 Wis. Admin. Code. This includes new applicants, the sponsor, or operator seeking renewal of certification, all staff including prospective substitute providers and all household members who are at or over the age of eighteen (18) years. Background checks of people under the age of eighteen (18) are at the

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discretion of the certifying agency. This information shall be contained in any application for initial certification or recertification.

c. Effective Date and Frequency

Each required caregiver background check for sponsors, operators and staff in the Adult Family Home of new applicants shall have been completed not more than one year prior to the Adult Family Home initial date of certification. Required background checks shall be done not less than once every four (4) years for sponsors, operators and staff in existing Adult Family Home seeking renewal of certification.

d. Responsibility

The responsibility to assure that a valid background check is completed on all required persons is the responsibility of the certifying agency. The decision as to who does this rests within the certifying agency.

e. Cost of a Background Check

The cost of a background check is the responsibility of the sponsor/operator. The cost of this may be built into a fee charged by the certifying agency for applicants for initial certification or recertification.

f. Results and Documentation

The certifying agency shall maintain documentation that a current background check has been done and that the sponsor, operator, all staff and household members do not constitute a threat to a residents health, safety or welfare as evidenced by their not having committed a crime substantially related to the care and support of residents who are placed in the Adult Family Home.

g. Disclosure

The documentation that the background check has been done along with the results must be available on request for inspection by the certifying agency or the Department at any time.

4. *Required Documentation*

Before an applicant for an initial certificate or for renewal of an existing certificate may be certified to operate an Adult Family Home, the applicant or sponsor shall submit a completed application in the form required by the certifying agency to whom the sponsor is applying and provide any other documentation required by these standards or requested by the certifying agency needed to determine whether the applicant is fit and qualified and complies with or continues to comply with these standards.

5. *Program Statement*

All Adult Family Homes shall have a program statement which shall, at minimum, describe all of the following:

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a. The target group and number of individuals the applicant is willing to serve;

b. Whether the house is physically accessible to individuals who require such assistance;

c. A description of the Adult Family Home physical features and grounds and community resources that can be accessed by residents who live in the Adult Family Home with or without transportation assistance;

d. A description of the services and skills the Adult Family Home has to offer the resident;

e. The operator's intentions for the Adult Family Home to be licensed or certified under other standards for serving adults or children;

f. The operator's intentions that the Adult Family Home be used for respite care and a statement as to the maximum number of temporary adult or child residents that may be in the Adult Family Home at any one time. The statement shall also include a description of the physical space within the Adult Family Home that will be used for temporary respite residents, how frequently the Adult Family Home may be used for respite care, whether or not the respite care will involve any additional staff being present in the Adult Family Home and whether these staff might be awake at night;

g. A list of household members and their relationship, if any with the sponsor;

h. Any additional descriptive information which either the Adult Family Home or certifying agency deem appropriate to help prospective residents or placement agencies make decisions related to the use of the Adult Family Home.

6. *Change in Program*

Prior approval by the certifying agency is required for all program changes. If an Adult Family Home seeks to make any change in its program, the sponsor shall revise the program statement. When making a change in program, the sponsor shall first notify any current resident and their guardians, if any, sixty (60) days prior to the intended effective date for implementing the proposed change(s). The proposed changes and revised program statement shall be submitted to the certifying agency for approval thirty (30) days prior to implementing the proposed change. A change in the program that adversely impacts one or more residents in a significant way or poses a threat to any resident's health, safety or welfare may be grounds for a placing agency to terminate placement.

C. Certification Process for New Applicants and Current Sponsors

In addition to the general requirements specified in the previous section of this Article, the certification process for new applicants also includes:

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1. *Document Review and On-Site Inspection*

The certifying agency shall review the application and supporting documents, including the caregiver background check(s); meet with and interview the applicant and conduct an on-site inspection of the home to determine if the requirements for certification set out in these standards are met.

2. *Professional Inspection*

The certifying agency may request any type of professional inspection if there is cause for concern about whether the home can adequately assure resident health, safety or welfare. Such inspections may include but are not limited to fire, health, sanitation or safety inspections. All required inspections shall be done by individuals qualified/credentialed to perform such inspections as determined by the certifying agency. Inspections may focus on the home and premises and, if transportation is to be provided, on any vehicles that will be used in transporting residents. The cost of these inspections is a cost associated with doing business as an Adult Family Home and may be negotiated into the rate identified by the funding source.

3. *Certification Fee*

A fee determined by the certifying agency may be assessed. This fee shall be based on the actual cost of performing all of the required actions involved in certification. The fee charged may be based on the average cost of certifying the home. The fee schedule shall be included in or with the application materials and the applicant for initial certification or recertification shall be informed verbally and in writing of any fee in advance including the re-inspection fee amount. The fee schedule shall include a statement as to whether any of the fees may be refundable under specified circumstance. The policy underlying this statement is at the discretion of the certifying agency. A separate cost-based re-inspection fee may be charged for each visit after the second visit if the certification requires more than two visits to assess compliance with a requirement.

4. *Approval of Certification*

The certifying agency shall indicate approval of the applicant by issuing an Adult Family Home Certificate if the requirements for certification set forth in these standards are met. After a complete application and all supporting documents have been received by the certifying agency and following the completion of the required on-site visit(s), the certifying agency has thirty (30) days to issue or deny the application. Certifying agencies may be allowed a longer time period for complex applications. If a certifying agency requires more than thirty (30) days to review an application, the certifying agency must communicate this to the applicant. The certification approval will be valid for up to one (1) year. If the approval is for less than one (1) year, the certification fee amount may be negotiated. The certifying agency must show evidence justifying the reduced time frame of the certification. The certification may be extended at the discretion of the certifying agency if a recertification is under active consideration and

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cannot be completed by expiration date of the current certification. Extensions shall be for no more than sixty (60) days unless there are compelling reasons for the certifying agency to approve a longer time period. Certifying agencies may also conditionally approve the applicant as long as there are specific deadlines attached to each condition imposed.

5. *The Adult Family Home Certificate*

At a minimum, the Adult Family Home Certificate shall include the following:

a. The number of residents for which it is certified;

b. The effective date of the certification and the date on which it expires;

c. The address of the Adult Family Home that is certified;

d. The target group(s) which will be served;

e. Any special circumstances or conditions of approval including any approved exceptions;

f. The signature of a representative of the certifying agency;

g. Exceptions may be added to the certificate at any time during the term of certification by the issuing of an updated certificate.

6. *Denial of Certification*

The application for certification submitted by a new applicant shall be denied if the applicant does not comply with the standard for actions involving non-approval or termination described in Article IV.F.

7. *Requirements for the Notice of Denial of Original Applications and Renewal and Revocation of Certification of Existing Homes*

If the certification agency finds that the applicant for certification or sponsor of an existing Adult Family Home fails to comply with provisions of these standards that reach the level of the criteria for maintaining certification described in Article IV.F., the certifying agency shall give written notice of this decision not to certify, renew certification or to revoke certification. The notice shall conform to the requirements in Article IV.G.

8. *Non-Transferability*

Certification is not transferable to another sponsor, address, or to another private residence.

D. Certification Renewal

In addition to the general requirements specified in this Article that apply to new applicants or applicants applying for renewal of certification, the certification process for also includes the requirements in this section.

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1. *Required Renewal*

Certification must be renewed annually on a form provided by the certifying agency. A full or more detailed application must be required when there is:

a. A change in the type or amount of services the operator offers to or is required to provide if the change may adversely affect any resident who needs service or support or diminishes the operator's or staff's ability to adequately supervise the residents or household members needing support; or

b. A change in the legal status of the sponsor, operator, any staff or any household member, involving any of those individuals being charged with or convicted of any crime, which is substantially related to being a caregiver as stated in ch. DHS 12.06 Wis. Admin. Code.

2. *Submittal Requirements*

a. The certifying agency shall provide renewal forms to the sponsor of all certified Adult Family Home up to sixty (60) but not less than thirty (30) days before the expiration date of the Adult Family Home's current certification. The sponsor may be required to submit documentation required by these standards or requested by the certifying agency

b. If the certifying agency intends to decline to renew certification of the Adult Family Home, the certifying agency shall provide notice of this decision to the sponsor not less than sixty (60) days prior to the expiration date of the Adult Family Home's current certification. The notice shall explain the reasons why the certifying agency is declining to recertify the Adult Family Home. The certifying agency may decline to recertify an Adult Family Home if that certifying agency no longer has or expects to have any residents placed there at the time of the renewal.

3. *On-Site Visit*

a. The certifying agency shall conduct an on-site inspection as a part of the renewal process.

b. The staff person conducting the certification may interview residents, staff, household members or any other person associated with the Adult Family Home.

c. The on-site visit may be waived at the sole discretion of the certifying agency if either condition listed in this section are present:

i. If the Adult Family Home has been certified for four (4) consecutive years and all monitoring by the certifying agency and placement agency(ies) has not revealed any significant negative issues or violations of any standard; the residents placed in the Adult Family Home have been stable and have not been the subject of any incidents requiring reporting to Adult Protective Services, to the DHS Division of Quality Assurance, the Division of Long Term Care, and any placement agency; or

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ii. If any placement agency is making regular visits to the Adult Family Home more than once per year and is satisfied with the support and service being provided by the Adult Family Home.

4. *Renewal Approval*

If certification is renewed, the certifying agency shall issue a certificate of renewal in the same format as the original certificate showing the effective dates of the renewal and the expiration date.

5. *Renewal Denial and Notice*

a. If the certifying agency determines that the Adult Family Home does not meet these standards, meets the criteria for renewal denial contained in Article IV.F. and therefore the certification shall not be renewed, the certifying agency shall initiate the application denial process complying with the notice requirements in Article IV.G.

b. While the Adult Family Home remains certified during this notice period, this status and the notice period does not prevent any placement agency from requiring the removal of any resident for the purpose of assuring any resident's health or safety. Such a removal requires guardian notification. If the sponsor of the Adult Family Home is acting as the placement agency, the certifying agency may require temporary removal of the residents while the proposed denial is under administrative review, if a review has been requested by the sponsor.

c. The sponsor or operator; resident; guardian, if one is appointed; and placing agency must be timely notified of the certifying agency's decision to deny renewal of certification.

E. Revocation

1. *Authority*

The certifying agency may revoke an Adult Family Home certification at any time if the certifying agency finds that the sponsor has violated or does not comply with one or more provision of these standards or any other applicable laws, or rules that apply to an Adult Family Home in a manner that meets at least one of the criteria in Article IV.F.

2. *Revocation Notice*

If the certifying agency revokes the certification, it shall issue a notice of revocation to the certificate holder conforming to the requirements of Article IV.F.

3. *Status Pending Revocation*

During the period between the notice of revocation and either the effective date of the revocation or the date on which all administrative reviews of the decision to revoke have been completed, the Adult Family Home remains certified. This status does not prevent any placement agency from requiring the temporary or

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permanent removal of any resident from the Adult Family Home for any purpose including the purpose of assuring that any resident's health or safety. If the Adult Family Home is acting as the placement agency, the certifying agency may require temporary removal of the residents while the revocation is under review.

4. *Placing Agency Notification*

If the certifying agency revokes the Adult Family Home's certification, the certifying agency shall immediately notify all placing agencies associated with all residents of the home of this decision. The notice shall include but is not limited to the reasons for the revocation citing the sections of these standards about which the Adult Family Home and/or the sponsor did/does not comply. This status and the notice period do not prevent any placement agency from requiring the removal of any resident from the Adult Family Home for the purpose of assuring any resident's health or safety.

F. Standard for Actions Involving Non-Approval or Termination

1. *Options for Certifying Agency Action Involving Adult Family Homes that Fail to Comply with Standards*

The certifying agency may adopt any of the following as part of a corrective action plan imposed on the Adult Family Home if it does not meet the standards for certification:

a. Suspend any new admissions to the Adult Family Home; or

b. Suspend the Adult Family Home certification barring it from having any residents present subject to the Adult Family Home's completing a corrective action plan; or

c. Terminate or deny the Adult Family Home's certification. Termination requires that the Adult Family Home meet the criteria for termination listed elsewhere in this section and receive notification according to the requirements of this Article.

2. *Criteria for Termination (Initial Denial, Renewal Denial, or Revocation) of an Adult Family Home's Certification*

The certifying agency may deny an Adult Family Home's certification at the point of initial application, terminate at the time of renewal, or revoke at any time. Such action may be taken if the certifying agency finds that the sponsor has violated or does not comply with these or any other applicable standards, rules or laws that apply to an Adult Family Home in a manner that meets one (1) or more of the following criteria:

a. The noncompliance places any resident's health, safety or welfare at risk;

b. The noncompliance significantly interferers with or prevents the proper implementation or monitoring of any resident's service plan or plans;

c. The noncompliance involves a violation of the resident's rights involving abuse, neglect, mistreatment financial exploitation or misappropriation of

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funds, misuse of restrictive measures including use without Department approval or denial of the right to direct the resident's own services; or

d. The noncompliance evidences a pattern of carelessness in operating the Adult Family Home, repeated violation of one or more standards or repeated failure to successfully complete corrective action plans within a reasonable time period.

e. The applicant or sponsor of an existing Adult Family Home fails to disclose or misrepresents information on the qualification of the applicant or sponsor on an application or in supplemental information submitted in response to a request by the certifying agency.

G. Standard Requirements for Notices

This section applies to any sponsor of an Adult Family Home applying to renew certification that meets the criteria in this section and therefore subject to non-renewal; or any sponsor of a certified Adult Family Home that meets this section and therefore subject to revocation, or any new applicant for certification; or person who is reapplying for certification after that person's certification expired that meets the criteria in this section and who therefore will be denied certification.

The notice must include the following elements:

a. The applicant shall be given written notice of the decision not to certify the home;

b. The notice shall state the reasons for the denial of certification;

c. Cite the section or sections of the standards with which the applicant did not comply;

d. Inform the applicant of the opportunity to request an administrative review of the non-approval decision under Article IV.H.;

e. The notice of denial shall state that the applicant has fifteen (15) days after the date of the notice to file a request for the administrative review and inform the applicant of the steps necessary to initiate such a review.

The notice to the applicant, sponsors, resident, guardian if one is appointed, or placing agency must be timely.

H. Administrative Review

1. *Certifying Agency Review*

a. Actions/ Decisions That Can Be Contested

An applicant or operator may contest a decision not to certify a home under Article IV.C.6., not to renew a certification under Article IV.D., or to revoke a certification under Article IV.E. The sponsor or certificate holder may also use this process to request an administrative review of required corrective actions or conditions of approval applied to a certification.

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b. Process

To request an administrative review, the applicant, sponsor, or certificate holder or their legal representative should they choose to employ legal counsel, shall submit to the director of the certifying agency or his/her designee, a written request for an administrative review of the decision.

c. Content of Request

The request shall include a concise statement of the reasons for objecting to the action taken by the certifying agency.

d. Deadline for Receipt of Request

A request for administrative review must be received by the certifying agency within fifteen (15) days of the date on the notice of denial or revocation by the certifying agency. The certifying agency may extend the fifteen (15) day deadline for any reason including providing time for an informal dispute resolution process.

e. Certifying Agency's Review

The director of the certifying agency or designee shall review the applicant or sponsor's reasons for appealing the decision, the factual findings that lead to the decision and make a determination about the merits of the request. If the applicant or sponsor is represented by an attorney, the certifying agency should consult their own legal representative. The certifying agency's director shall send a written decision to the applicant or sponsor or to the applicant's or sponsor's attorney if the applicant or sponsor is represented by an attorney, within thirty (30) days after receipt of the request for review.

f. Certifying Agency Response

The certifying agency's written response shall state the decision, explain why it was made and inform the applicant or sponsor that, if they still disagree with the decision, they may, within fifteen (15) days after the date of the certifying agency's decision, request an administrative review of the certifying agency's original decision by the Department.

The certification agency shall send the communication of all decisions made pursuant to this section and any copies of significant documentation of the rationale for the decision if any to the Department's designated Adult Family Home contact. The use of administrative review process by the certifying agency does not prevent the placing agency from taking action related to the placement of the resident(s) in the Adult Family Home.

2. *Department Administrative Review*

a. The Request

An applicant, sponsor or certificate holder may contest the certifying agency's decision. To do so, the applicant or sponsor or their legal

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representative shall, within fifteen (15) days after the date of the certifying agency's decision, submit a letter requesting an administrative review of the certifying agency's decision to the Department's designated Adult Family Home contact requesting an administrative review of the certifying agency's decision. The Department may extend the fifteen (15) day deadline.

b. Department Response

The Administrator of the Division of Long Term Care, or designee, shall make a decision based on the facts presented and shall send a written decision to the applicant or sponsor and certifying agency within forty-five (45) days after the receipt of the request for review communicating the decision. The Department may extend the deadline if needed. The Department's decision shall be final. Administrative review by the Department does not prevent the placing agency from taking actions related to the placement of the resident(s) in the Adult Family Home.

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V. Requirements for the Home

A. Location and Access to the Community

Adult Family Homes may be located anywhere residences are permitted in a community but should be located in anticipation of resident needs to get to employment opportunities or access community activities and supportive services. Consideration will be given to the location of the Adult Family Home with regard to maximum integration within the community, thereby minimizing clustering numerous Adult Family Homes in close proximity to one another. Placement decisions will consider access to such modes of transportation as walking or convenient private or public transportation. Applicants and sponsors will consider the nature and potential cost of assistance residents may need to get to activities and services. Community Care Homes should also consider how hired staff will access it at all times.

B. Resident Access to and Within the Building

The Adult Family Home shall be physically accessible to all residents placed there and to prospective residents considering placement there. Residents shall be able to enter, exit and move about in the Adult Family Home and get to their bedrooms, bathrooms, common living and dining areas, and kitchen without difficulty. Non-ambulatory residents placed in the Adult Family Home shall have access to all common areas including living rooms and dining areas. Home modifications such as ramps, grab bars, widened doorways, etc. provided to address the non-ambulatory resident's assessed needs must be installed in the Adult Family Home prior to and as a condition of that resident's placement. Failure to provide such modifications or adaptations may be grounds for termination of a placement.

C. Home Environment

1. *Privacy*

   The Adult Family Home shall provide space and adequate physical features such as doors and adequate interior sound control so residents can have privacy when the resident wishes to be alone and/or undisturbed.

2. *Safety and Cleanliness*

   The Adult Family Home and grounds shall be safe, clear of obstructions, free from hazards, clean, well maintained, kept uncluttered and be free from insects and rodents. The Adult Family Home shall be capable of meeting all applicable state and local building, fire and zoning codes. It shall be free from dangerous substances or have such substances stored safely and appropriately.

3. *Household Items*

   The Adult Family Home shall have clean, functioning and safe household equipment, items and furnishings.

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4. *Sufficient Space*

The Adult Family Home shall have space to accommodate all household activities and members and their possessions comfortably. Residents shall have access to a reasonable amount of secure personal storage space.

5. *Common Areas*

There shall be large common areas with sufficient space and furnishings so all occupants can comfortably share the space at the same time if desired by residents.

6. *Mechanical Systems*

The Adult Family Home shall have adequate, safe and functioning heating, hot and cold water, fire protection, electrical, plumbing, sewerage, and lighting systems. All systems shall be operated so the Adult Family Home is comfortable for all residents and habitable at all times. Indoor temperatures shall be set in all seasons to take into account any special needs of any resident for warmer or cooler conditions. Higher or lower temperatures shall be provided to the extent possible when requested by the resident.

7. *Well Water Samples*

Where a public water supply is not available, water samples shall be taken from the well and tested at least annually at the state lab of hygiene or other laboratory.

8. *Garbage Removal*

The Adult Family Home shall have adequate and functioning removal services, including refuse removal and recycling when possible or required.

9. *Laundry*

The Adult Family Home shall have or arrange for access to laundry facilities for residents.

10. *Windows/ Ventilation*

The Adult Family Home shall have adequate ventilation for the health and comfort of all household members. There shall be at least one (1) window capable of being opened to the outside in each common room available for use by residents or have some means of providing adequate ventilation in these areas. Windows used for ventilation shall be screened during appropriate seasons of the year.

11. *Limitation on Use for Business Purposes*

Unless it provides a resident with an opportunity to work, the Adult Family Home shall not be used for any commercial, production, retail business purpose or any other enterprise that regularly brings customers/clients or support service personnel to the Adult Family Home. Home businesses that do not bring a significant amount of outside customers to the home may be permitted if the business does not adversely impact resident privacy, uses or enjoyment of their home or impact on the sponsor's or other staff members ability to provide the

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level of service, support and supervision called for in resident's Adult Family Home service plan.

12. *Weapons*

In accordance with 2011 Wisconsin Act 35, a licensed individual is not prohibited from carrying a concealed weapon, as defined in Wis. Stat. s. 175.60(1)(j), in his or her own dwelling or on land that he or she owns, leases, or legally occupies. This privilege applies to a resident of an Adult Family Home that obtains a permit to carry a concealed weapon. Rifles and/or other weapons that may not be carried as concealed weapons must be stored and physically secured in an area that is not readily accessible to residents. A weapon for which a resident has a permit to carry concealed must also be stored and secured when not being carried by that permit holder. The decision to allow or prohibit weapons in the Adult Family Home belongs to the sponsor or certificate holder of that particular Adult Family Home. The sponsor or certificate holder shall require that the weapons and ammunition, when not being carried by a permit holder, be stored and locked separately. The sponsor or certificate holder may decide whether or not to permit visitors from carrying a concealed weapon within the common areas of the home. If the sponsor or certificate holder decides to prohibit weapons on the property, he or she shall give notice of that decision as required by state law, usually done by posting the notice.

13. *Carbon Monoxide Detectors*

Each Adult Family Home shall have working carbon monoxide detector on every floor, including the basement. A detector should be located within ten (10) feet of each bedroom door and there should be one near or over any attached garage. Each detector should be replaced every five (5) to six (6) years[1].

D. Bathrooms

1. *Number*

There shall be at least one (1) bathroom with at least one (1) sink, stool, and shower or tub for every eight (8) household members.

2. *Doors*

The door of each bathroom shall have a lock that can be locked from the inside, and able to be opened from the outside in an emergency.

E. Bedrooms

1. *Maximum Capacity*

A resident's bedroom may accommodate no more than two (2) persons.

[1] See http://www.dhs.wisconsin.gov/rl_DSL/Publications/11-003.htm

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2. *Floor Area for Ambulatory Residents*

In the event a resident chooses to share a bedroom, the bedroom shall have a floor area of no less than sixty (60) square feet per resident. In the event the resident has a single occupancy bedroom, the floor area shall be no less than eighty (80) square feet. Individualized service plans based on assessments may require additional space.

3. *Resident Privacy*

A resident's bedroom may not be used by any other person to get to any other part of the building or for any use not related to the occupants of the room

4. *Bedroom Windows*

There shall be at least one (1) window in each bedroom. Widows in bedrooms shall be capable of being opened to the outside in each resident bedroom or have some means of providing adequate ventilation. Windows used for ventilation shall be screened.

5. *Limitation on Bedroom Location*

Hallways, kitchens, living rooms, dining rooms, unfinished basements, closets, passage-ways or garages may not be used as resident bedrooms. No resident may regularly sleep in a basement bedroom or in a bedroom above the second floor of a single family dwelling unless there are two (2) exits that conform to the specification in Article V.G.4.

6. *Bedroom Requirements for Non-Ambulatory Residents*

a. Accessibility

Bedrooms of non-ambulatory residents must be accessible and permit evacuation in the event of a fire or other emergency.

b. Floor Area for Non-Ambulatory Residents

i. Bedrooms shall not be less than 100 square feet per non-ambulatory resident;

ii. No more than two (2) individuals may share a bedroom.

c. Conditions Required for Use of Shared Bedrooms

i. Residents shall not be required to share a bedroom. Residents shall have their own bedroom but shall be allowed to share a bedroom if a shared bedroom is preferred by the resident and the resident's guardian, if any and is agreed to by the other party;

ii. Accommodations shall be made for any two (2) residents who wish to share a sleeping room if possible and requested.

7. *Privacy*

A resident's bedroom shall provide comfort and privacy, shall be enclosed by floor to ceiling walls and shall have a rigid door that the resident can open and close. If requested by the resident, the door of the residents' bedroom shall have a

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lock that can be locked from the inside, and able to be opened from the outside in an emergency.

8. *Beds*

There shall be separate bed for each resident unless each resident chooses to share one (1) bed. The bed shall be clean, in good condition and of proper size and height for the comfort of the resident(s).

9. *Linens*

Bedding and linens shall be provided to residents, be in good repair, maintained in clean condition and laundered regularly.

10. *Storage Space*

Each resident shall be provided with conveniently located individual storage space sufficient for hanging and storing clothes and for storing other personal belongings. If requested by the resident, the storage space shall be able to be locked.

11. *Room Décor*

To the extent that space allows, residents shall be allowed to bring their own bedroom furnishings and accessories and to personalize/individualize their room.

F. Kitchen and Dining Room

1. *Space and Equipment*

The kitchen shall be equipped with a full range of appliances that are appropriately sized for the number of household members. There shall be sufficient space and equipment in the kitchen for the sanitary preparation and storage of food.

2. *Size*

The dining room or area should be large enough so that all household members may dine together if they choose to do so.

G. Fire Safety

Compliance with these standards does not relieve the sponsor or sponsoring agency of the obligation to comply with other applicable state or local codes which may have stricter provisions.

1. *Fire Extinguishers*

Every Adult Family Home shall be equipped with one or more fire extinguishers on each floor. Each required fire extinguisher shall have a minimum 2A, 10-B-C rating. All required fire extinguishers shall be mounted. A fire extinguisher is required at the head of each stairway and in or near the kitchen except that a single fire extinguisher located in close proximity to both of these areas may be used to meet more than one of these requirements. Each required fire extinguisher shall be maintained in readily usable condition as evidenced by the

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gage on the extinguisher and shall be replaced whenever it is found to be defective or not less than once every five (5) years. The sponsor or operator shall maintain documentation of the date of this purchase on site and be prepared to produce it immediately on a request by the certifying agency.

2. *Smoke Detector Location*

Every Adult Family Home shall be equipped with one or more single station battery operated, electrically interconnected or radio signal emitting smoke detectors on each floor level. Required smoke detectors shall be located in each habitable room except the kitchen and bathroom and specifically in the following locations: at the head of each open stairway, at the door leading to every enclosed stairway, in the living and/or family room and in each resident bedroom. Required smoke detectors placed on ceilings shall be at least four (4) inches away from any wall. Required smoke detectors on walls shall be placed within four (4) to twelve (12) inches from the ceiling in each room in which they are required. A smoke detector located in close proximity to one (1) or more of these areas may be used to meet more than one of these requirements.

3. *Smoke Detector Tests*

The Adult Family Home sponsor or operator shall maintain each required smoke detector in working condition and test each smoke detector not less than monthly to make sure that it is in operating condition. If a unit is found to be not operating, the sponsor or operator of a Community Care Home shall immediately replace the battery or repair or replace the unit.

4. *Exits*

Exits shall meet applicable building codes for exits, including:

a. Exiting From the First Floor

The first floor shall have two (2) accessible exit doors. At least one (1) of the exits shall discharge to grade. The additional exit may discharge to an outside balcony or an attached garage provided the garage has an exit door that discharges to grade.

b. Exiting From the Second Floor

At least two (2) exits shall be provided from the second floor. One (1) of the exits shall be a stairway or ramp that leads to the first floor or discharges to grade. The second exit may be via a stairway or ramp, a balcony, or a window that meets building code requirements for windows used for exiting.

c. Exits Above the Second Floor

At least two (2) exits shall be provided for each habitable floor above the second floor. The exits shall be stairways or ramps that lead to the second floor or discharge to grade.

d. Exiting From Basements

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All basements shall be provided with at least one exit that is either a door to the exterior or a stairway or ramp that leads to the floor above. If a basement is used for a bedroom, at least two (2) exits shall be provided. The second exit can be an additional door to the exterior, or an additional stairway or ramp that leads to the floor above or to the garage if the garage meets the requirements in Article V.G.4.a., or an egress window located in the resident's bedroom.

5. *Fire Safety Evacuation Plan*

The sponsor shall have a written plan for the immediate and safe evacuation of all occupants of the Adult Family Home in the event of a fire. The plan shall identify the necessary elements needed for such plan, including but not limited to evacuation route and equipment needs. The plan will identify an agreed upon exterior meeting place for all household members to go to in the event of an emergency evacuation. If a resident is incapable of self-evacuation in an emergency, the sponsor, any staff substitute provider shall be physically present in the Adult Family Home whenever that resident is present in the home. The Adult Family Home sponsor or operator shall review the fire safety evacuation plan with each new resident immediately following placement. All caregivers including substitute care givers shall receive training on the fire safety evacuation plans prior to working in the Adult Family Home and be capable of assisting resident including non-ambulatory residents, to safety in the event of a fire.

6. *Fire Drills*

The Adult Family Home sponsor or operator shall conduct fire drills semi-annually with all household members and whenever there is a change in household member. Written documentation of the date, time and evacuation time for each drill shall be maintained by the home.

7. *Report of a Fire*

The sponsor or operator shall report a fire in the Adult Family Home for which the local fire department was called, to the certifying agency within twenty-four (24) hours and describe what happened. A written report of this event shall be provided if required by the certifying agency.

H. Telephone

The Adult Family Home shall provide at least one (1) non-pay telephone for residents to make and receive telephone calls. The home may require that any long distance or toll calls made by residents, be made at a resident's own expense. Emergency telephone numbers, including numbers for the fire department, police, nearest hospital emergency room, primary care provider of each resident, poison control center and ambulance, shall be posted and located prominently on or near each telephone.

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I. Household Pets

1. *Ownership*

   Pets may be allowed on the premises of an Adult Family Home. Pet ownership shall comply with local ordinance.

2. *Health and Vaccinations*

   Cats, dogs and other pets vulnerable to rabies which are owned by any resident or household member shall be vaccinated as required under local ordinance. A pet suspected of being ill or infected shall be treated immediately for its condition or removed from the Adult Family Home.

3. *Cleanliness*

   Pens, cages, and litter boxes shall be kept clean. All areas of the Adult Family Home to which pets have access shall be kept clean. Pet excrement shall be disposed of properly.

4. *Care*

   Pets shall be kept and handled in a manner that protects the well-being of both residents and pets.

5. *Resident Consent*

   Prospective residents considering placement in the Adult Family Home should be informed of whether or not there are or will be pets there. The wishes of residents shall be considered before a new pet is allowed on the premises.

6. *Temperament*

   The sponsor or operator shall assure that pets are under control and shall not present a danger to residents or guests.

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VI. Sponsor, Operator and Staff Qualifications

The standards under this section shall be met at the time of certification before any placements may occur and shall be reviewed at each renewal of certification.

A. Personal Qualifications

1. *General Qualifications*

   a. Age, Fitness, and Ability

   The sponsor or operator, any staff person and every substitute provider, shall be at least eighteen (18) years of age and shall be physically, emotionally, and mentally capable of providing services, supports and supervision for residents of an Adult Family Home. The sponsor, operator, all staff including all substitute providers shall be persons who are responsible, mature and of reputable character and who exercise sound judgment. The sponsor or operator, any staff person and every substitute provider shall have the ability to respond to the routine or emergency needs of the residents.

   b. Application Information Required

   An applicant for certification or a sponsor requesting renewal of certification shall provide relevant information required by these standards and requested by the certifying agency to assist in evaluating the character and qualifications of applicants, sponsors, operators, any/all substitute providers and staff who work in the home. The certifying agency may deny or revoke certification if the applicant fails to provide required information or provides false or inaccurate information during the certification or renewal process if the correct information would have disqualified the home or applicant.

2. *Caregiver Background Checks*

   Prior to issuing a certification and not less than once every four (4) years thereafter, background checks that conforms to the requirements in Article IV.B.3. shall be done. Information obtained from the caregiver background checks must be evaluated by the certifying agency pursuant to ch. DHS 12 Wis. Admin. Code. If any staff or household member has a conviction record or a pending criminal charge which substantially relates to being a caregiver, to the use or management of funds or property of adults or minors or to activities of the Adult Family Home, the certifying agency may deny, revoke, refuse to renew or place conditions on the Adult Family Home's current certification based on information received in the caregiver background checks. Background checks shall be maintained with the application. No exceptions under Article II of these standards may be granted modifying this requirement.

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3. *Financial Security*

The sponsor may be requested to present evidence of having or having access to sufficient financial reserves to operate the home and meet the needs of all residents, household members for whom the sponsor is financially responsible and to ensure the adequate functioning of the home for a period of at least thirty (30) days without receiving payment for services rendered to/for any resident.

4. *Health*

a. Physical Examination

The applicant for an initial certification shall submit a statement from a physician, physician's assistant or nurse practitioner certifying that the applicant or sponsor, operator, all staff and all members of the household have had a physical examination and that these individuals do not have an illness or condition that would threaten the health, safety or welfare of residents or interfere with any person's capacity to provide services. The statement may not be dated more than one (1) year prior to the date of the application.

b. Communicable Disease Detection and Control

i. Documentation of Screening

The sponsor shall obtain documentation from a physician, physician's assistant, a clinical nurse practitioner or a licensed registered nurse indicating that the sponsor and all household members have been screened for clinically apparent communicable diseases including but not limited to tuberculosis (TB). The statement may not be dated more than ninety (90) days prior to the date of the application.

ii. Management and Control

All residents shall be kept away from any household member(s) with symptoms of a communicable disease which may present a safety or health risk for a resident. If the results of any screening done on any household member are positive and the household member does have the communicable disease, the sponsor or operator shall take steps to isolate the household member from all residents to the extent possible.

c. Other Health Examinations

If, at any time, the certifying agency suspects, is informed by the placing agency or has reason to believe that the applicant, sponsor, operator, substitute provider, staff or other household member has been exposed to a potentially dangerous disease or infection, or may pose a threat to the health, safety or welfare of residents, the certifying agency may require a physical exam, a screen for communicable disease, including TB, an alcohol or drug abuse assessment or a mental health evaluation of the

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person. The placing agency may also require such an exam as a condition of the continued placement of the resident(s).

5. *Conflicts of Interest*

The sponsor shall have no conflicts of interest barred by law[2]. If a conflict not barred by law exists, consistent with the requirements in Articles VII.B., the sponsor will work with the certification agency to minimize the impact of the conflict.

a. Determination of Any Conflicts of Interest

If a conflict exists but cannot be eliminated, the sponsor shall:

i. Identify and communicate the conflicts of interest to the care manager;

ii. Inform prospective resident(s) and the prospective residents' guardian;

iii. Collaborate with the care manager on the management of the conflict.

b. Management of Conflict of Interest

If the prospective home is selected, despite the existence of the conflict of interest, the care manager shall:

i. Identify efforts to address or mitigate the possible effects of the conflict of interest;

ii. Support the resident's or the resident's guardian, if any, in efforts to address the conflict;

iii. If resolving or mitigating the conflict is not feasible, take actions to minimize the effects of the conflict.

c. Documentation by care manager and sponsor

Document in the resident's file the conflict(s) of interest identified, the content of the discussion about the conflict of interest with the resident and the resident's guardian, if any, the certification entity, and the effort taken to address, mitigate or minimize the conflict of interest.

6. *Transportation Services*

An applicant, sponsor, or operator who plans to provide transportation services for residents in his or her vehicle or that of any other staff person shall ensure that any staff performing this function has a valid driver's license. Additionally, they shall meet the requirements for providers of the transportation service in the waiver or other program that funds the Adult Family Home, including but not limited to adequate automobile insurance.

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[2] **See DHS 55.03 Status of guardian.** No agency acting as a guardian appointed under ch. 880, 2003 stats., or ch. 54 may be a provider of protective services or protective placement for its ward under this Article.

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7. *Liability Insurance*

The applicant or sponsor may be required to present documentation of having, or in the process of obtaining, sufficient insurance coverage to provide liability protections to the certifying agency.

8. *Training*

a. Initial Training

Except as provided in Article VI.A.8.b., the operator, substitute provider and all staff who regularly provide services in the home and who meet the definition of caregiver shall have completed not less than ten (10) hours of up-to-date, certifying agency-approved training related to the health, safety, welfare, rights, community integration and service provision to residents during the first year of certification. For applicants with no prior experience in providing this service, this training shall also include training in fire safety and first aid. The certifying agency may require the sponsor to obtain training in amounts that exceed the minimum ten (10) hours if additional training is required to assure the health, safety or welfare of all residents or to address the individual service needs of a specific individual who will be placed in the Adult Family Home who has specialized service needs. The certifying agency may require an applicant to complete some or all of this training prior to certification.

b. Waiver or Substitution of Initial Training

The certifying agency may approve alternatives to the training requirements in Article VI.A.8.a. if applicant requests approval of such alternatives and the certifying agency determines that:

i. The person has successfully completed substantially similar or related training;

ii. The person has successfully completed course work or an academic degree program related to the care and support of elders, people with disabilities or other persons in need of care or treatment; or

iii. The person has acquired substantial and up-to-date knowledge concerning care and treatment and health, safety, welfare and rights of people who are elderly or have disabilities through prior experience as a care provider in licensed or certified programs which are substantially similar to Adult Family Homes.

c. On-Going Training

Annually, the sponsor, operator, substitute provider and all staff who regularly provide services in the Adult Family Home and who meet the definition of caregiver shall complete eight (8) hours of training approved by the certifying agency related to the health, safety, welfare, rights, community integration and treatment of residents. The certifying agency may require the sponsor to obtain training in amounts that exceed the

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minimum eight (8) hours to ensure that resident health, safety and welfare are protected and promoted or for any reason. This may include training in the use, avoidance, and approval process involved when restrictive measures may be needed under emergency or non-emergency conditions for residents with either current or a history of challenging or dangerous behavior.

d. Training in Excess of Required Training

The certifying agency or placing agency may require the sponsor, operator and any/all staff who are caregivers who provide services to residents to obtain additional training in amounts that exceed the minimum requirements in these standards. This may be done at the time of initial certification, as part of the on-going training expectation or in response to the unique needs of a new prospective resident. Such additional training must be deemed to be needed to serve the residents to be placed in the Adult Family Home, to assure resident health, safety and welfare and to ensure that services effectively meet the current or prospective resident's assessed needs. The additional training may be about topics related to:

i. The program statement of the Adult Family Home, if required;

ii. The support and service needs of any resident currently served in the Adult Family Home;

iii. The support and service needs of a prospective resident who is proposed to be placed in the Adult Family Home;

iv. Medication administration and oversight.

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VII. Certification of Relatives/Guardians of Residents

A. Applicability

This section applies to applicants seeking certification, sponsors or operators of currently certified Adult Family Home, and any staff who work in any Adult Family Home in situations when a prospective resident or current resident is a relative of the applicant, sponsor, operator or any staff in the Adult Family Home and/or is that resident's guardian. A relative or guardian seeking certification shall complete the certification process described in Article IV.

B. Responsibility for Preventing or Monitoring Adverse Impacts of Conflicts of Interest

The primary responsibility for ensuring that any conflict barred by law is prevented or monitoring adverse impact of a permissible conflict of interest resides with the placing agency and support and service coordinator/care manager, if any. The role of the certifying agency is to ensure that the placing agency is performing this role and, if there is no placing agency, to perform this role itself. If a conflict of interest is identified, it is the responsibility of the placing agency or, if there is no placing agency, the certifying agency, to ensure that affected residents and their guardians, if any are notified about the existence and nature of the conflict.

C. Monitoring

The agency conducting the monitoring should focus on all of the following:

1. The placing and certifying agency shall ensure that placement in the Adult Family Home of the guardian or in the home of a relative is in the best interest of the resident and, to the extent it can be known, the Adult Family Home is the resident's choice;
2. The adequacy of the person's service plan in light of the person's assessed needs and personal outcomes, if any;
3. The extent to which the service plan is being implemented as specified and intended;
4. How and by whom the resident's personal funds are being managed and whether all funds are being used for the benefit of the resident and not the provider/guardian/family member;
5. That the resident's plan provides for and the resident is experiencing appropriate and ample opportunities to interact in and with other members of the community; and
6. Any issues that the agency has identified as putting the resident at higher risk for mistreatment.

D. Placing Agency Response

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If the placing or certifying agency has cause for concern about any of the findings in Article VII.C., the agency may:

1. Consider and take action to change the resident's placement;
2. Make appropriate reports to the resident's county protective service agency, law enforcement agency or court depending on the nature of the concern (these reports may include a request for a change in guardianship);
3. Initiate a process to revise the person's service plans to better address resident needs, desired life experiences and individual outcomes if these are not being adequately addressed by the current situation; and
4. Take other action consistent with the terms of its contract with DHS or other statutory or administrative rule authorities.

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VIII. Sponsor or Operator Responsibilities

A. Supervisory Responsibility

1. *Community Care Homes*

   a. The sponsoring agency shall employ a person who serves as the operator of the Community Care Home. The operator may reside in the home as a condition of employment or may come to the Community Care Home to work. The operator must be assigned to be in the Community Care Home, with its residents anywhere in the community or performing a function directly related to the day to day operations of the home to which s/he is assigned. No operator of any Community Care Home may spend more than eight (8) hours in any week or sixteen (16) hours in any month performing any tasks associated with any other facility.

   b. The operator is responsible for the day to day operations of the Community Care Home.

   c. The operator may not perform the functions described in this section or perform more than a nominal amount of work in any other Home or for/in any other provider setting that the certificate holder or any other agency may operate. This includes coverage of the staffing of a different Home or other setting if acting as the primary responder to back up needs in this setting.

   d. If the operator leaves the premise for a legitimate work and home-related reason, the operator must ensure that he or she has designated a qualified person to be in charge and remain there to supervise any other resident who may be in the Community Care Home.

2. *Traditional Adult Family Homes*

   The sponsor is responsible for the day to day operations of the Adult Family Home and for designating a qualified substitute provider if the sponsor is absent for any amount of time.

B. Provision of Services

The sponsor or operator shall ensure that all services identified to provide and that are specified in each resident's Adult Family Home service plan are provided in the amount and manner described in the plan. The operator shall also facilitate the provision of all other services specified in each resident's Adult Family Home service plan that are the responsibility of other providers when these services are to occur in the Adult Family Home by allowing access to the home by the other providers. The sponsor or operator shall report any failure of a provider to deliver a planned service to the placing agency, if any in a timely fashion or as specified by the placing agency.

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C. Coverage For Absence

1. *Community Care Homes*

The sponsoring agency or operator shall have a written, functional back-up plan that ensures a qualified substitute provider will be available for any period of time when the operator or any required staff are unexpectedly absent from the Community Care Home or unavailable to provide required services. Required staff in this section means a staff person who works for or in the Community Care Home and who must be present to provide a service for a resident that is time or schedule sensitive. This does not apply to short-term absences by the operator for routine errands, or other appointments if the resident does not require full-time supervision or if other qualified staff members are present to provide supervision.

2. *Traditional Adult Family Homes*

The sponsor of an Adult Family Home shall have a written, functional back-up plan if the sponsor is absent from the Adult Family Home or is unable to serve as the primary service provider for its resident(s). Such a plan may include another household member so long as that member is qualified to provide all services needed and required by the residents. This does not apply to short-term absences by the operator for routine errands, or other appointments if the resident(s) does not require full-time supervision or if other qualified staff members are present to provide supervision.

D. Required Reporting of Harm to a Resident or the Home

1. *Requirements*

If the sponsor or operator knows or has reasonable cause to suspect, has received reports from other household members or staff, and/or has observed any of the following, the sponsor or operator shall notify the persons and agencies listed in Article VIII.D.2. within twenty-four (24) hours of discovering or receiving a report about the matter:

a. Any significant changes in a resident's health status or medical condition, including any life threatening, disabling or serious illness or injury, any illness lasting more than three (3) days, any injury sustained by the resident, unplanned or unexpected hospitalization or medical treatment needed and/or received by the resident;

b. Any unplanned absence of a resident from the Home. This shall be reported immediately if the resident's whereabouts are unknown and the resident does not or may not have adequate supervision, or within the first twenty-four (24) hours if the nature of the absence has not yet been determined;

c. Abuse, neglect or mistreatment of a resident due to any cause. An operator, sponsor or any staff who knows or has reasonable cause to suspect that a resident has been abused or neglected as defined in s. 46.90 or 55.043, Wis. Stats. shall immediately contact the certifying agency and follow up the notification with a report on a form prescribed by the

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certifying agency. Providing notice under this subsection does not relieve the operator or other staff person of the obligation to report an incident to law enforcement authorities. If the operator has reason to believe that a crime has been committed, the incident shall immediately be reported to law enforcement authorities, as required reporters of Adults at Risk and Elder Adults at Risk under s. 55.043 and 49.90, Wis. Stats. If the certifying agency has additional incident reporting requirements that are embedded in their approved Waiver renewal, then said agency shall follow that process as outlined per the waiver requirements;

d. The commission of a crime by a resident or upon learning the resident is a victim of a crime, or the arrest of any resident, household member or staff;

e. Significant damage to the Home or a resident's property from fire;

f. The use or misuse of a restrictive measure without following the Departments prescribed procedures (see DHS restrictive measure review process via the following link: www.dhs.wisconsin.gov/bdds/waivermanual/app_r.htm).

2. *Who Must Receive Reports and Deadlines*

a. If the abuse, neglect or mistreatment or any of the other events listed in Article VIII.D.1. are confirmed, to the resident's guardian, if any, shall be informed within twenty-four (24) hours.

b. If the abuse, neglect or mistreatment and any of the other events in Article VIII.D.1. are either alleged or confirmed, the sponsor shall notify and then report to:

i. The certifying agency. Notification shall be followed by a report on a form prescribed by the certifying agency within twenty-four (24) hours. Providing a report under this subsection does not relieve the sponsor or operator or other staff of the obligation to report an incident to law enforcement authorities;

ii. The placing agency, if any, including the person's care manager or IRIS Program Representative within twenty-four (24) hours;

iii. The designated elder abuse or adults at risk reporting agency and system that covers the location of this home; and

iv. Law enforcement agencies as appropriate.

3. *Other Reports and Information Requested*

The sponsor or operator shall affirmatively respond to the Department, placing agency, and certifying agency requests for information about residents, services or operation of the Adult Family Home. Reporting in this context is defined as communicating to the requestor in a manner prescribed by that requestor. These agencies may require the sponsor, operator or staff to follow such immediate notification with a report on a form prescribed by that agency. Failure to notify or report as prescribed in this section may be grounds for action by the certifying

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agency that may include revocation or non-renewal of certification. Such reporting does not relieve the operator, sponsor or staff from any other reports required by the Department by law or rule.

E. Notification of Status Change

The operator or sponsor shall report any of the following to the certifying agency within seven (7) days after occurrence unless a different reporting expectation is noted. Failure to report any of these required events may result in revocation of certification:

1. A substantive change in the type or amount of services the sponsor offers or is capable of offering to provide or actually provides; any significant change in the capability of the Home caused by a person with specific skills leaving their employment, or reducing his or her availability to the Home for service provision. These changes must be reported at least thirty (30) days prior to the effective date of the change or as soon as possible if the sponsor had less or no notice of the change. The report shall state if a substitute provider of the dropped service must be arranged to address needs in a resident's Adult Family Home service plan;
2. A change in household members including changes in staff who work in the Home, new individuals who intend to stay in the Home on a permanent basis, or people who have not expressed such an intent but who have resided in the Home for more than thirty (30) days;
3. A significant change in the physical environment of the residence at the time of the change or when the change is approved or permitted, whichever occurs first;
4. Any change in sponsor or operator's employment status;
5. Any significant change in the sponsor's financial status if it impacts on the financial security requirements in these standards;
6. A change in the operator/sponsor's and all household members' legal status, including being arrested, charged, or convicted of any crime;
7. Within one (1) business day, a substantial change in the health status of the operator/sponsor if that change affects the operator/sponsor's ability to provide the services and supports needed by all residents in a manner called for in the resident's Adult Family Home service plan;
8. Within one (1) business day, a change in the health status of any household member if the change places participants at a health or safety risk; and
9. A significant change in the Home program statement, if a program statement is required.

F. Provide Access to the Home

The sponsor/operator shall provide the certifying agency, the placing agency and the Department immediate access to the Home upon request for any purpose related to the granting or renewal of certification, for monitoring of the Home or for any purpose related to certification or resident service. Access shall be granted at any time without delay to evaluate the status of resident health, safety or welfare. This may include

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unannounced visits. Failure of a sponsor or operator to grant access under this section may result in the commencement of immediate action to revoke the certification and/or termination of all placements in the Home.

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IX. Requirements for Resident Supports and Services

A. Introduction

The sponsor or operator shall provide a safe, emotionally stable, homelike and humane environment which encourages maximum resident self-direction, independence and autonomy. In publicly funded programs, a care manager will typically execute the roles described in this section related to placement. Responsibilities of the care manager are defined in statute, administrative rule, and the contractual requirements of that program.

B. Pre-Placement: General Requirements

1. *Pre-Placement Assessment*

   Prior to the placement of the individual, an assessment must be conducted to determine whether the Adult Family Home is suitable to meet the prospective resident's needs and preferences. This assessment is performed in accordance to the statutory, administrative rule, or contractual requirements. At minimum, the assessment shall identify the person's needs, abilities, and preferences. Placement decisions should consider the Adult Family Home's ability to adequately support the individual's needs in the following areas:

   a. Identification of how the home will provide opportunities for the prospective resident to be in contact with and interact with community friends and associates;

   b. Identification of the resident's needs for assistance with performance of activities of daily living and instrumental activities of daily living (including providing medications and medication management) and how to provide that assistance;

   c. Assessment of current health status and identification of how the home will coordinate with the resident's health care providers to assure that health maintenance needs are met;

   d. Identification of the amount, frequency and intensity of supervision required by the person to ensure safety in the home and/or community;

   e. Identification of behavior support needs, if any;

   f. Identification of how the home will accommodate and support access to and participation in work, vocational program or other structured day time activities;

   g. Identification of how the home will provide recreational/social opportunities and activities; and

   h. Identification of whether or not the home will provide or arrange of transportation services needed to implement the person's overall service plan including transportation services that support other services and providers. If the home will provide transportation, the home shall also identify how this will be accomplished.

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2. *Provision of Information to Prospective Residents Prior to Placement*

a. A written informed consent to permit the sharing of information obtained in the individual's assessment with the prospective Adult Family Home shall be in place;

b. Prior to placement, the following information about the home shall be shared, either verbally or in writing, to prospective residents and their guardians, if any:

i. A list of all household members identifying any that are related to the sponsor and a description of the roles, responsibility and expectations of the household members or staff;

ii. A description of any personal housekeeping the resident is expected to and will be requested to perform;

iii. The names and contact information of all parties involved in placement and oversight of this home including the contact person from both the certifying and placement agencies;

iv. The home's program statement;

v. A written summary of the amount, possible sources and acceptable methods of payment for providing care and maintenance to a resident of the home, specifying any costs for which the resident will be liable;

vi. Information regarding significant past violations by the prospective adult family home of any of these standards.

This information must be offered in writing and must be provided if the offer is accepted. If the prospective applicant declines to receive the information in writing, the placing agency shall note this in some way and retain this record. When written information is provided, a verbal explanation of the written materials must also be provided. The resident and/or the resident's guardian may request written information about the information described above at any time.

3. *Pre-Placement Visit and Interview with Prospective Sponsor*

A pre-placement visit may be arranged to the home for the prospective resident and the resident's guardian, if any. This visit may include:

a. An opportunity for the prospective resident to meet the other current resident, if any, and other household members and staff who work in the home;

b. An opportunity to spend time in the house and observe the household and its routines;

c. The visit may include an overnight stay;

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d. A discussion of the sponsor's, prospective resident's and other household member's religious and cultural beliefs, religious or cultural practices and religious institution affiliation.

C. Placement into the Adult Family Home

If the prospective resident, and the resident's guardian, if any, select an Adult Family Home, the care manager shall do the following:

1. *Develop the Adult Family Home Service Plan*

a. Plan Required

Each resident of an Adult Family Home shall have an Adult Family Home service plan. The plan shall be developed prior to or at the time of the resident's placement in the home except in urgent situations when the resident requires placement immediately. In this case, the Adult Family Home service plan shall be developed within seven (7) days after placement.

b. Basis of Plan

The Adult Family Home service plan shall be based on and address needs and desired outcomes of the prospective resident learned during an assessment of the prospective resident performed by the placement agency.

c. Involved Parties

At a minimum, the Adult Family Home service plan shall be developed jointly with the full participation of:

i. the resident, the resident's guardian, if any;

ii. Anyone else desired by the prospective resident or the prospective resident's guardian;

iii. The home's sponsor or operator;

iv. The placement agency, if any; and

v. Other Adult Family Home staff as appropriate;

The prospective resident, the prospective resident's guardian, if any, the sponsor or operator and the placement agency if any, shall sign the plan and receive a copy.

d. Goal of Service Plan

The service plan shall describe how the Adult Family Home will assist the resident to achieve his or her highest level of functioning in all areas of life, including but not limited to performance of activities of daily living and instrumental activities of daily living, cognitive functioning, psychosocial functioning and social participation and functioning.

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e. Contents

The Adult Family Home service plan shall contain the following:

i. A description of the services that will be provided by the sponsor, any staff in or agents of the home and any other providers who come to the home to provide services and supports to residents and how these services relate to all of the needs and long term care outcomes identified in the pre-placement assessment.

ii. A description of how the resident will obtain access to places in the community, to community activities, resources, and other planned services.

iii. A list and brief description of the services provided by other service providers that interact with the Adult Family Home and how the services will be coordinated for the resident.

iv. A description of any personal housekeeping the resident agrees to perform or, if applicable, any compensated work the resident has agreed to do for the sponsor, including the terms of compensation.

f. Adult Family Home Service Plan Update

The Adult Family Home service plan shall be reviewed at least once every six (6) months to determine whether it continues to respond to current needs of the resident. The review should be conducted by the resident, resident's guardian if any, others as identified by the resident or guardian, the placement agency, and the sponsor. The plan shall also be updated whenever the resident's needs or preferences substantially change or when requested by the resident or the resident's guardian. The updated plan shall be signed by and a copy provided to the parties who were involved in the update. The Adult Family Home Service Plan Update may be conducted in a face to face meeting, based on the needs of the resident.

2. *Develop the Agreement for Services.*

a. Introduction

An Adult Family Home shall have an agreement for services with each resident of the home. The agreement for services should be completed prior to and by the time of the resident's placement unless there is an urgent need for immediate placement. In urgent situations when the resident requires immediate placement, the agreement for services must be completed within seven (7) days after placement. The term of the agreement shall be for not more than one calendar year.

b. Involved Parties

At a minimum, the parties to the agreement shall include the resident, the resident's guardian, if any, the sponsor or operator and the placement agency. The agreement shall be signed by each of these parties and a

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copy given to all parties. The agreement shall be updated annually, and shall take place in person.

c. Contents

An agreement for services shall include:

i. The Adult Family Home service plan developed pursuant to 1. above shall be incorporated by reference into the service agreement.

ii. The agreed-upon rate of payment and method used for billing by the placing agency and the agency's process for paying the sponsor for the services and room and board provided to each resident and the source of these funds. The method, frequency, and anticipated payment dates shall also be specified in the agreement

iii. A description of the space to be provided to the resident for sleeping, storage and any other uses along with a description of the typical number and times meals and snacks will be provided.

iv. Any costs for which the resident will be liable and will be expected to pay including the rate and cost per unit or procedure for any service not covered by the placing agency.

v. A statement of the resident's rights and the grievance process under Wis. Admin. Code ch. DHS 94 and Article X of these standards and of the program funding of the placement agency.

vi. The agreement for services shall also include:

a) The agreement shall conform to any conflict of interest policies in these standards or in other rules imposed by placing agencies;

b) The agreement shall identify who controls all resident funds and who will exercise control over the monthly discretionary funds available to the resident for personal spending. Control of funds shall be a decision of the resident or the resident's guardian, consistent with protective payee and guardianship authorities;

c) The agreement shall bar the sponsor and all staff from handling more than two hundred ($200) dollars of resident discretionary funds at any one time. If resident discretionary funds exceed $200, the sponsor shall notify a person or entity designated by the placing agency that shall make arrangements for the disposition of excess funds;

d) Resident discretionary funds shall not be comingled with any other person's funds including those of the sponsor and shall be kept separately.

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e) If, by agreement, the sponsor is given control of any resident's funds, a methodology for monitoring and separately accounting for the expenditure of these funds for each resident shall be established.

f) A written explanation indicating the placement agencies requirements regarding termination, including who may initiate the process; required timeframes for termination notice, if any; reason for termination; and any other additional requirements.

g) The agreement shall be updated at least annually or whenever a change in any provision occurs.

3. *Assure that the prospective resident has received the health screening*

a. Any new resident of an Adult Family Home must receive a health examination to identify health problems and is screened for communicable disease, including tuberculosis. The examination or health screening for communicable disease may be provided by a primary care provider. The health examination and screening shall take place within 90 days prior to admission to the home or within 14 days after admission.

b. No examination is required for a person admitted for respite care unless the respite resident is expected to stay in the home for more than twenty-eight (28) consecutive days during any calendar year, in which case the requirements under (a) in this section apply.

4. *Identify and facilitate provision of any resident-specific training for the sponsor, operator or staff of the home.*

5. *Give the resident and the resident's guardian, if any, the following information.*

a. A copy of these standards; and

b. Information regarding how to file a complaint when the home or a service provider does not comply with these standards.

D. Supporting Resident Needs and Preferences

The sponsor or operator shall implement the service plan and assist each resident to plan and execute activities that address individual needs and preference. The sponsor or operator shall also provide residents opportunities for community presence and participation consistent with the resident's overall service plan developed by the placement agency. These may include participation in cultural, religious, political, social and intellectual activities of the resident's choice within the Adult Family Home and in the community. The sponsor or operator shall allow a resident to participate in any activities that the resident selects unless the activity involves an unacceptable risk of harm or is contrary to the resident's Adult Family Home service plan. Residents shall not be required or coerced to participate in any religious or other activities.

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E. Services

The services provided by the sponsor, operator and any staff in the Adult Family Home shall be those specified and described in each resident's service plan as the sponsor's, operator's or staff person's responsibility. The services which the home is capable of providing, if needed, may be specified in the home's program statement and may include but are not limited to:

1. Supervising or accompanying residents within the Adult Family Home or in the community when supervision is required;
2. Assisting a resident with or teaching a resident how to perform activities of daily living and/or instrumental activities of daily living;
3. Providing, arranging transportation or transporting a resident to and from leisure and recreational activities, employment, medical and dental appointments and other activities identified in the resident's individual Adult Family Home service plan;
4. Maintaining a log of all medical visits, written reports and recommendations received at such visits about the resident in a manner consistent with state and federal legal requirements;
5. Monitoring resident health by observing and documenting resident health status, any changes in each resident's health and contacting health care providers when indicated as well as or taking a resident to health care providers when asked to by medical staff, when it appears necessary or in emergency situations;
6. Notifying the placing agency, if any, and the resident's guardian, if any, of any significant changes in a resident's health status, any change in an existing medical condition or any non-routine medical treatment needed or received by the resident. Such reports shall include any life threatening, disabling condition, serious illness, any illness lasting more than three (3) days, any injury sustained by the resident that significantly impacts functioning after more than three (3) days or any additional situations as required by the placing agency;
7. Reporting a resident's absence from the Adult Family Home to the placing agency, and the resident's guardian, if any, immediately from the time the resident was first known to have been unaccounted for by the sponsor, operator or staff of the residence;
8. Monitoring residents for signs of abuse or neglect which have occurred while substitute providers or other providers were serving the resident. The sponsor or operator shall report suspected abuse or neglect to the adult protective service or adults at risk agency in the county where the Adult Family Home is located immediately and to the certifying agency within twenty-four (24) hours, or as required by the placement agency;
9. Assistance with administration or management of prescription medications;
10. Providing nutritious meals as specified in the resident's Adult Family Home service plan;

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11. Coordinating with services that are brought to the Adult Family Home by other providers including nursing care. A sponsor may arrange for or, if qualified, personally provide nursing care to residents if the care is needed and it is specified in the Adult Family Home service plan. A physician's written authorization shall be obtained if required;

12. Implementing behavioral support measures and/or behavior intervention plans as part of the implementation of a DHS-approved restrictive measures plan; and

13. Providing services to temporary, respite residents of Community Care Homes in accordance with these standards.

F. Refusal of Services

The resident may refuse any service at any time unless it is a currently active court ordered service.

G. Prescription Medications

If the Adult Family Home provides assistance with prescription medications, the sponsor, operator or any staff involved in the provision of this assistance shall observe the requirements of this section.

1. *Storage*

   Every prescription medication shall be securely stored, shall remain in the original container received from the pharmacy with a label permanently attached to the outside which lists the name of the person for whom the medication is prescribed, the physician's name, the prescription number, the name and dosage of the medication, directions for use, the date the medication was issued, an expiration date of all time-dated medication, and the name, address, and telephone number of the pharmacy from which the medication was obtained. All prescription medication shall be stored as specified by the pharmacist on the label or with the instructions that came with the medication.

2. *Control and Administration*

   a. A resident shall be permitted to refuse medication unless there has been a court order under s. 51.20 or 55.14, Wis. Stats.;

   b. A resident shall control and administer his or her own medications except when the resident is not able to do so, as determined by the resident's physician, a court of law, when the resident or resident's guardian, if any, requests the sponsor's assistance or when such assistance is part of the Adult Family Home service plan;

   c. For the sponsor, operator or staff to administer or assist a resident in administering any prescription medication, there shall be a written order from the physician who prescribed the medication. The written order shall specify under what conditions and what dosages medication may be administered;

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d. If the sponsor, operator or staff provides assistance with medications, the sponsor shall safely store the medication, help the resident take the correct dosage at the correct time, obtain refills as necessary and communicate effectively with the resident's physician or pharmacist.

3. *Medication Records*

Records shall be kept by the sponsor, operator or staff of all prescription medication controlled or administered by the sponsor, operator or staff, which shall document the following:

a. The name of the resident;

b. The name of the medication;

c. The date and time the medication was given;

d. The dose taken;

e. The initials of the sponsor, operator or staff that indicate that the medication was given;

f. Any refusal by the resident to take any medication.

H. Meals and Nutrition

1. *Quantity and Variety*

The sponsor shall provide each resident with a quantity and variety of foods sufficient to meet the resident's nutritional needs and preferences and to maintain his or her health.

2. *Frequency*

The sponsor shall provide or assure that each resident receives three (3) nutritious meals each day. Residents will have access to all foods and liquids unless otherwise specified in a behavior support plan or an approved DHS restrictive measures plan. The sponsor shall accommodate the dietary needs of those residents with a physical/medical condition requiring more or less frequent meals. Some of the meals the resident receives by may be provided through other programs (e.g. Adult Day Care) in which the resident is participating.

3. *Sanitary Preparation and Storage of Food*

Food shall be prepared and stored in a sanitary manner.

4. *Dining Area*

Residents shall be given the opportunity, if they choose, to routinely be served their meals in a dining area with other household members who choose this option.

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5. *Special Dietary Needs*

Meals prepared by the sponsor or other household members shall take into account resident's special physical and religious dietary needs. The sponsor or operator shall follow any primary care provider ordered special diets.

I. Use of an Adult Family Home for Respite Care

Community Care Homes certified under these standards may provide respite care if, at the time of certification, the certifying agency determines that the home meets all of the conditions related to the physical home space and staffing needs provided in this section. The use of the home for respite care shall be reflected in the Community Care Home's program statement. If a Community Care Home seeks to add respite care as a service after it has been operating and has residents, it shall abide by the provisions in this section.

Traditional Adult Family Homes certified under these standards may provide respite care if the home meets all of the conditions in this section and if the certifying agency approves the home for respite care via the exception process detailed in Article II of these standards. If obtained, the exception covers only that sponsor and that address. Exceptions may be granted with conditions.

1. *Number of Respite Residents and Persons Receiving Services from the Home*

There may be no more than two respite residents or more than a total of four (4) adults or children receiving services for compensation in and by the Adult Family Home's sponsor, operator and staff. If any of the residents are children, it must also be licensed as a children's foster home. Consideration must be made for the residents that live in the home permanently to ensure the health and safety of all residents.

2. *Notification of Residents*

If the Adult Family Home requests to provide respite care, it must have, revise or create a program statement that must include provisions describing the Adult Family Home's respite care program. Prior to a prospective resident's placement in the Adult Family Home, a prospective resident shall be informed that respite care to other individuals is a provided service. If the sponsor decides to provide respite care after current residents were placed, it must create or amend the Adult Family Home's program statement to accurately reflect this service and also give current residents ninety (90) days notice before respite care may be provided in the Adult Family Home.

3. *Adequate Space and Facilities Required*

If the sponsor chooses to propose the use of the Adult Family Home for one (1) or two (2) additional respite residents, there must be sufficient physical space including space in sleeping, living, bathroom, eating and storage areas to accommodate the additional respite residents in the Adult Family Home. No permanent resident may be required to share a room or to move to a different room to accommodate a respite resident. There must be sufficient furniture and other equipment to accommodate all residents including the respite residents.

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4. *Respite Care Service Plans for Respite Residents*

If the Adult Family Home is permitted to provide respite care, each respite resident shall have a respite care service plan that is based on a recent assessment of needs, that adequately addresses the person's needs for support, supervision and service in the Adult Family Home and that is consistent with the person's existing service plan. The respite care service plan is the plan specifically developed by and for the respite provider and shall adopt all relevant provisions of the person's ongoing service plan.

5. *Adequate Staff Support*

If the Adult Family Home is permitted to provide respite care, there shall be adequate number of staff at all times to assure the health, safety and welfare of each resident of the home, including respite residents, and to effectively implement each resident's Adult Family Home service plan and each respite resident's service plan.

6. *Privacy*

There must be no significant reduction in the privacy any permanent resident experiences with respect to his or her sleeping area or other private spaces within the Adult Family Home. Respite residents shall be afforded a level of privacy consistent with other residents and their needs.

7. *Duration of a Resident Stay*

Respite care stays in an Adult Family Home may not exceed twenty-eight (28) consecutive days. Respite care is a temporary situation and is not to be used as a permanent placement.

8. *Maximum Number of Days the Home May Be Used for Respite Care*

The maximum number of days per year when additional respite residents are staying in the Adult Family Home is not greater than ninety (90) days per calendar year. This provision may be waived in the event of an emergency need for someone to be placed due to others losing access to a safe home due to fires, floods, tornados or other natural disasters impacting the community or region.

9. *Exception Application Process for Respite Care by Adult Family Homes*

This section applies to Traditional Adult Family Homes and Community Care Homes. Community Care Homes shall only comply with subd. (c) of this subd.

a. Sponsor Request

If the sponsor wishes to provide respite care, the sponsor shall request the exception to the certifying agency to permit the Adult Family Home to provide respite care. Approval of this exception shall be obtained from the certifying agency before the sponsor accepts individuals into the home for respite care.

b. Certifying Agency Respite Care Policy

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The certifying agency shall have a policy specifying the circumstances under which it would or would not permit Adult Family Home to provide respite care. This policy shall be uniformly applied to all homes that are not Community Care Homes. The policy may also have criteria for granting of exceptions per Article II of these standards in addition to criteria imposed by the certifying agency. The policy shall contain a provision that requires an Adult Family Home that wishes to provide respite care to conform to all the provisions in these standards related to respite care.

c. Criteria for Approval of Requests

The certifying agency shall apply the following criteria to determine if the request to provide respite care shall be approved:

i. The size of the Adult Family Home and the common areas are large enough so that residents, household members, and the prospective respite residents will not be crowded or have significantly added difficulty in using any of the facilities.

ii. The sponsor, operator, any staff person, and substitute providers shall have the ability to respond to the needs of all residents with the additional respite residents under their care.

iii. The intent for the respite residents is to use this Adult Family Home on a recurring basis so the current residents can develop a relationship with the respite residents. Respite care in an Adult Family Home should not entail different respite residents each time respite care is provided.

iv. The number of days per year when additional respite residents are staying in the Adult Family Home is not greater than ninety (90) days per calendar year.

v. Any exception that is granted by the certifying agency must be reported to the Department using the process and reporting requirements stated in Article II of these standards.

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X. Resident Rights

A. Introduction

Residents of Adult Family Homes retain all of their civil, legal and human rights. This includes their right to be served by the same governmental services as others in the community such as police, fire, rescue, building inspection, public health, protective services and other services. Sponsors, placing agencies, certifying agencies, guardians, family members and others should use these services when appropriate. All residents of Adult Family Homes have the rights enumerated in this Article. Person's served in Adult Family Homes who meet the definition of "patient" in s. 51.01(1), Wis. Stats. are entitled to have the rights and processes enumerated in s. 51.61, Wis. Stats. and ch. DHS 94 Wis. Admin. Code. All persons served in Adult Family Homes, including those covered by s. 51.61, Wis. Stats., and ch. DHS 94 Wis. Admin. Code have all of the rights enumerated in this Article as well including the right to file grievances. This gives residents of Adult Family Homes the choice of which grievance process to use should they believe their rights were violated.

B. Notification of Rights

Before or upon placement in the home the resident shall be notified orally and given a written copy of his or her rights as detailed in this Article. Oral notification may be accomplished by showing the resident a video about these rights. Notification is not required before placement made under emergency conditions, but as soon as possible after placement. Residents shall be re-notified of their rights annually.

C. Assistance in the Exercise of Rights

1. The sponsor or operator and the placing agency shall assist residents in the exercise of all rights specified in this Article.
2. No person may be required to waive any rights specified in this Article as a condition of placement or receipt of any service.

D. Rights

A resident of an Adult Family Home shall have all of the following rights:

1. To be free from physical, sexual, verbal, or emotional abuse or neglect;
2. To be treated with courtesy, dignity, and respect in full recognition of the resident's individuality;
3. To have physical and personal privacy when receiving treatment and services, in the living arrangement, in caring for personal needs, including toileting, bathing and dressing and when he or she desires time alone. The resident, resident's room, any other area in which the resident has a reasonable expectation of privacy, and the personal belongings of a resident shall be free of being searched without the resident's permission or permission of the resident's guardian, if any, except when there is probable cause to believe that the resident possesses contraband or items that may be dangerous to the resident or others. The resident shall be

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present for the search and the probable cause shall be defined, explained to the resident, and documented in the resident's record;

4. To have his or her records kept confidential in accordance with s. 51.30, Wis. Stats. and ch. DHS 92 Wis. Admin. Code and any other applicable state or federal law, rule or program requirement;

5. To be treated as mentally competent unless there has been a court determination of incompetency under s. 54.10, Wis. Stats. A resident who has been adjudicated incompetent has a right to have his or her guardian fully informed and involved in all aspects of his or her support and service in the Adult Family Home. A resident who has been adjudicated incompetent shall be allowed participation in decision-making to the extent that the resident is capable;

6. To have the opportunity to make decisions relating to services, activities and other aspects of life in the Adult Family Home and community. No curfew, rule or other restrictions on a resident's self determination may be imposed unless specifically identified in the service agreement or the resident's Adult Family Home service plan;

7. To receive timely services from the Adult Family Home providers that fully respond to the resident's needs to the extent possible including providing timely access to health care services provided by appropriate health care professionals;

8. To manage his or her own personal finances or choose a separate service provider to perform this function; personal finances include any personal allowances under federal or state programs. A resident, if competent, or, if not competent, the resident's guardian or representative payee, may make a written delegation of responsibility for management of certain portions of resident's personal finances to someone of the resident's, payee's or guardian's choosing;

9. To retain and use personal clothing and other personal possessions in a reasonably secure manner;

10. To be provided access to a reasonable amount of individual secure storage space for his or her private use(s) for possessions and clothing;

11. To be permitted reasonable access to a telephone to make and receive a reasonable number of telephone calls. The number and duration of the calls may be limited for legitimate management reasons, but the Adult Family Home shall provide every resident the opportunity to make at least one private, personal telephone call per day;

12. To receive and send sealed, unopened mail, including packages. The sponsor or operator shall give mail to residents on the day it is received or as soon as possible thereafter, unless the operator has reasonable cause to believe that the mail being sent or received contains contraband. If the mail is believed to contain contraband, a resident's mail may be opened by the sponsor or operator but only in the presence of the resident. Staff shall not read mail in any case;

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13. To have private visitors and have adequate time and private space for visits and to meet with people of the resident's choosing and choose social and community activities in which to participate;

14. To participate or to decline to participate in religious activities of the resident's choosing. No resident shall be required to engage in any religious activity;

15. To receive prompt and adequate treatment;

16. To receive all treatments prescribed by the resident's physician and to refuse any form of treatment unless the treatment has been ordered by a court. The written informed consent of the resident or resident's guardian is required for any treatment administered by the operator or any staff of the Adult Family Home;

17. To have a safe environment in which to live. The Adult Family Home shall safeguard residents from environmental hazards including conditions which are hazardous to anyone and conditions hazardous to a particular resident;

18. To be free from financial exploitation and misappropriation of funds or property;

19. To be free from seclusion and restraints;

    a. To be free from seclusion, physical and chemical restraints, including the use of an as-necessary (PRN) order for controlling acute, episodic behavior and other restrictive measures;

    b. Emergency or non-emergency use of restrictive measures including restraints may be permitted only if approved by the Department pursuant to the guidelines governing the use of such measures published by the Department Guidelines/app_r.pdf . Use of restrictive measures under emergency conditions as defined in these guidelines shall be reported to the certifying agency by the next business day with a description of what happened, the actions taken by the Adult Family Home's operator or staff and the outcome if the incident;

20. Each resident shall be provided the least restrictive conditions which allow the maximum amount of personal and physical freedom;

21. All residents shall be provided prompt and adequate services, habilitation or rehabilitation, supports and community services consistent with the resident's assessed needs and Adult Family Home service plan;

22. No resident may be required by the operator to perform labor which is of any financial benefit to the Adult Family Home unless the resident is fairly compensated for this labor and the resident and the resident's guardian, if any, agree to this voluntarily. This does not apply to labor involving a fair share of routine, shared household chores;

23. To receive all prescribed medications in the dosage and at the intervals prescribed by the resident's physician, and to refuse medication unless there has been a court order under s. 51.61(1)(g) or 55.14, Wis. Stats.;

24. To be fully informed, verbally and in writing, of all services and charges for the services. This shall be done before or at the time of admission and thirty (30) days

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prior to any change in costs for any charge to the resident including charges for room and board;

25. The resident and the resident's guardian, if any, has the right to be informed of all of the rights enumerated in this Article and all other rights that apply to that resident under state and federal laws and rules. This includes the right to be informed of all grievance procedures available to a resident of the Adult Family Home;

26. To have access to a grievance procedure as described under Article XI.F., when a resident believes that the any rights listed in this Article have been violated;

27. In addition to rights under these standards, there may be other applicable rights of which the adult family sponsor is required to comply. Applicable statutes and rules relating to resident rights include, but are not limited to: s. 51.61, Wis. Stats., chs. 46, 49 and 55, Wis. Stats., and chs. DHS 10, 92, and 94 Wis. Admin. Code. The certifying agency is responsible for ensuring that these rights have been discussed with the Adult Family Home sponsor and that the resident or guardian, if any, has been informed of the provisions of those sections that apply.

E. Limitation or Denial of Rights

No resident right may be denied or limited except as provided in this section.

1. *Rights That Can Be Denied or Limited*

   The only rights in Article X.D. that may be denied or limited are 3 (privacy), 9 (clothing), 10 (storage), 11 (telephone), and 13 (visitors); see Article X. D..

2. *Reasons and Conditions for Rights Denial or Limitation*

   a. Good cause for denial or limitation of a right exists only when the sponsor or operator has reason to believe the exercise of the right would create a security problem, adversely affect the resident's services or seriously interfere with the rights or safety of others;

   b. Denial of a right may only be made when there are documented reasons to believe there is not a less restrictive way of protecting the threatened security, service or safety interests;

   c. No right may be denied when a limitation can accomplish the stated purpose and no limitation may be more stringent than necessary to accomplish the purpose;

   d. No right may be denied or limited without the approval and participation of the placement agency. If there is no placement agency, this function shall be performed by the certifying agency.

3. *Notice*

   At the time of the denial or limitation, written notice shall be provided to the resident and the resident's guardian, if any. A copy of that notice shall be placed in the resident's file. The written notice shall:

   a. State the specific denial or limitation of rights;

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b. State the expected duration of denial or limitation;

c. State the specific reason for the denial or limitation;

d. Inform the resident and the guardian, if any, that the sponsor or operator and the placement agency will provide an informal hearing or a meeting about limit or denial of the right at the resident's or guardian's request;

e. State the specific conditions required for restoring or granting the right at issue;

f. Inform a resident whose rights are limited or denied in accordance with this subsection that the resident may file a grievance concerning the limitation or denial.

4. *Hearing or Meeting*

The placement agency and sponsor or operator shall hold an informal hearing or a meeting within 3 days after receiving a request for a hearing or meeting about the limitation or denial or rights.

5. *Review Schedule*

Rights limitations or denials shall be reviewed on a reasonable schedule to decide if they are still necessary. Limits on telephone calls or visitors shall be reviewed weekly. All other limitations or denials shall be reviewed at least monthly. Exceptions to monthly review may be made where the limitation or denial is part of a resident's individualized service plan and there is a regular review schedule. The schedule for review shall be documented. Rare cases, such as a limitation on access to a possession, which may be deemed counter-therapeutic to the individual, may be reviewed annually. In no case shall a review schedule be longer than annually.

F. Right to File a Grievance

A resident, or the resident's guardian, if any, has the right to file a grievance or request a meeting if he or she believes that a right that applies to the resident or a provision of these standards has been violated. A resident or the resident's guardian, if any, may also have the right to file a grievance under any other applicable law or rule that applies to that resident. The resident and the resident's guardian, if any, may choose the procedure under which to file a grievance and is not restricted by that choice from accessing any other applicable grievance procedure under which that resident is covered. In addition to the rights described in this subsection, Adult Family Home residents who participate in publicly funded long term care programs have the right to grieve and appeal decisions made by the agency that administer the program in which they are enrolled.

G. Right to Be Free of Coercion

Any form of coercion to discourage or prevent a resident or the resident's guardian, if any, from exercising any of the rights under this section, including the right to file a grievance, is prohibited. Any form of coercion or retaliation by the sponsor, operator, staff, personal from the sponsoring agency or any other agent of the Adult Family Home

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against a resident or the resident's guardian for exercising any of the rights in this section is prohibited. This includes a prohibition against coercion or retaliation against a service provider who assists a resident or the resident's guardian in exercising any of the residents' rights in this section. Violation of this provision may be grounds for termination of certification of the adult Family Home or the contract with the certification/funding agency.

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XI. Records and Reports

A. Maintaining Resident Records

The sponsor or operator shall keep all resident records confidential and maintain a record for each resident and store it in secure location within the Adult Family Home. The record shall be kept confidential in accordance with all applicable state and federal laws, regulations and program requirements.

B. Medical Records

Within the limits of applicable confidentiality laws and rules, sponsors or operators shall keep a log of all medical, dental and other health care examinations and services obtained by each resident and any retain written reports received from the providers of these examinations in an appropriate storage file. The log of medical examination should include the date of the service, the name and contact information of the provider, the reason for the exam and the results, if any, given by the provider.

C. Access to Records

A resident or the resident's guardian, if any, shall be given access to the resident's record upon request.

D. Contents

Each record shall contain:

1. The resident's name and date of birth;
2. If the resident has a guardian or activated Power of Attorney (POA), the name, address, telephone numbers and e-mail address of the guardian;
3. Any other persons identified by the resident;
4. The name, address and telephone number of the resident's primary care provider and all other individuals who shall be notified in the event of an emergency;
5. The name, address and telephone number of the placing agency, if any and the resident's support and service coordinator or care manager;
6. Medical insurance and/or Medicare and Medicaid identification numbers and the name(s) of the resident's primary care provider, other health care staff used by the resident and the name and contact information of the pharmacy(ies) that the resident uses;
7. All available medical reports received during the past two (2) calendar years at any primary care professional, dentist or other professional health care provider visit during the period the resident has been placed in this Adult Family Home;
8. The resident's current Adult Family Home service plan;
9. The most current agreement for services between the resident and the Adult Family Home; and

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10. Documentation that the resident and the resident's guardian, if any, have been properly notified of rights and grievance procedure in accordance with ch. DHS 94.04 Wis. Admin. Code if that rule applies, the grievance procedure under ch. DHS 10.52 Wis. Admin. Code if that applies and the grievance procedure described in Article X of these standards.

E. Records Retention and Disposal

Record retention and disposal policy shall conform to the requirements of the placing agency program funding the placement. If this does not apply, records shall be maintained for not less than seven (7) years after a resident leaves the home or dies.

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