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Date: July 15, 2009 DQA Memo 09-031
To: Community Based Residential Facilities CBRF 16
From: Kevin Coughlin, Director
Bureau of Assisted Living
Via: Otis Woods, Administrator
Division of Quality Assurance

**Statewide Waiver of Wisconsin Administrative Code
Chapter DHS 83.59(2)(e)**

****EFFECTIVE IMMEDIATELY****

The Bureau of Assisted Living is issuing a statewide waiver of § DHS 83.59(2)(e), Wisconsin Administrative Code, which states:

"Toilet room doors shall not swing into a toilet room unless equipped with 2-way hardware."

Background

Under the previous version of DHS 83, it was required that toilet room doors not swing into a toilet room and that toilet room doors be provided with 2-way hardware for new construction in Community Based Residential Facilities (CBRFs) with more than 20 residents. In the revised DHS 83, effective April 1, 2009, § DHS 83.59(2)(e) extended this requirement to all CBRFs.

Although the intent of § DHS 83.59(2)(e) was to prevent a person from being accidentally or intentionally trapped in a toilet room, further discussion with department engineers and life safety code experts indicates that the cost of implementing this requirement outweighs the potential for negative outcome. The Bureau of Assisted Living is therefore requesting a technical change to the rule to eliminate this requirement for **ALL CBRFs**.

Action

EFFECTIVE IMMEDIATELY, a statewide waiver of § DHS 83.59(2)(e) is granted for all CBRFs until a revision to DHS 83 can be enacted.

If you have any questions, please contact the Assisted Living Regional Director for the county in which your facility is located.