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DQA Memo 26-001

To: Adult Family Homes
Community-Based Residential Facilities
Residential Care Apartment Complexes

From: Kenneth Brotheridge, Director
Bureau of Assisted Living

Via: Alfred C. Johnson, Administrator
Division of Quality Assurance

Bureau of Assisted Living-Surveyor Access to Records

Purpose

This memo outlines the Department's authority and expectations regarding record access during surveys. While providers may use paper or electronic systems, they must ensure all records are managed in compliance with state and federal integrity and confidentiality regulations to include the Health Insurance Portability and Accountability Act (HIPAA).

Unrestricted and timely access to records, whether paper or electronic, serves to streamline the survey process and can significantly decrease the time necessary to complete a survey.

Legal Authority

To maintain licensure in Wisconsin, providers must grant the Department full access to premises and records. Under Wis. Stat. § 50.07(1) "Prohibited Acts", no person may intentionally prevent, interfere with, or attempt to impede the work of a Department representative. This includes intentionally preventing or attempting to prevent a representative from examining any relevant books or records in the conduct of their official duties.

The Department is further authorized to access records under:

- **CBRFs & AFHs:** Wis. Stat. § 50.03(2)(c) and (d); Wis. Admin. Code DHS §§ 83.18(2) and 88.09(1)(b).
- **RCACs:** Wis. Admin. Code DHS § 89.55(1).
- **General Records Access:** Wis. Stat. §§ 146.82(2)(a)5., and 51.30(4)(b)1., and 5.

Surveyor Access Requirements

Surveyors require consistent and unrestricted access to all records (including closed records) regardless of format. To facilitate this, surveyors will begin by inquiring about the provider's record keeping system and will request documents accordingly. Records may be requested during the entrance conference or at any point throughout the survey.

When records are requested during the entrance conference, providers must ensure access within two hours as follows:

- Paper Records: Must be produced for review within two hours of the conclusion of the entrance conference. Surveyors may request copies of records.
- Electronic Records: Providers must furnish read only login credentials within two hours of the conclusion of the entrance conference. Clear instructions for navigating the software must also be provided to facilitate surveyors' access to essential documents. This may include, but is not limited to, assessments, individual service plans and medication administration records. Surveyors will make reasonable efforts to avoid requests for printed records. However, at times printed copies may be requested.

When records are requested after the entrance conference, providers will ensure surveyors receive requested records promptly, without unreasonable delay and in their entirety.

Provider Readiness and Planning Recommendations Regarding Electronic Records

To ensure an efficient survey, the Department recommends that providers develop a plan within their electronic record system to facilitate surveyor access. This plan should include:

- Preconfigured surveyor specific logins that are ready for immediate activation.
- Internal policies ensuring staff can quickly provide these credentials without technical delays.
- A designated staff member familiar with the software to assist surveyors as needed.

Surveyor Responsibilities Regarding Electronic Records

Surveyors will follow established processes to protect confidentiality of records and to verify records via interviews with the provider. In addition:

- Surveyors will only access electronic record software while onsite at the facility.
- Surveyors will only review electronic records within the scope of the survey or related to specific concerns identified during the survey.
- Surveyors will inform the provider of any records copied from the electronic system.