STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: WISCONSIN

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

The State uses other factors described below to determine the seriousness of deficiencies in addition to those described at §488.404(b)(1):

In addition, Wisconsin may consider other factors in determining the seriousness of deficiencies and in choosing a remedy within a remedy category. These factors include, but are not limited to, those specified in 42 CFR 488.404(c). These are:

1. the relationship of one deficiency to other deficiencies resulting in noncompliance, and

2. the facility's prior history of noncompliance in general and specifically with regard to the cited deficiencies.

The selection of remedy will be based on 42 CFR 488.408 as illustrated and identified in the remedy selection grid (attached) developed by HCFA.

	ISOLATED	PATTERN	WIDESPREAD
(Harm 4) IMMEDIATE JEOPARDY TO RESIDENT HEALTH OR SAFETY	J Plan of Correction Required: Category 3 Temporary Management and/or Termination Optional: Civil Money Penalties ($3,050 - $10,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training Optional: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day)	K Plan of Correction Required: Category 3 Temporary Management and/or Termination Optional: Civil Money Penalties ($3,050 - $10,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training Optional: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day)	L Plan of Correction Required: Category 3 Temporary Management and/or Termination Optional: Civil Money Penalties ($3,050 - $10,000/day) Optional: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training
(Harm 3) ACTUAL HARM THAT IS NOT IMMEDIATE JEOPARDY	G Plan of Correction *Required: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training	H Plan of Correction *Required: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training	I Plan of Correction *Required: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training Optional: Temporary Management
(Harm 2) NO ACTUAL HARM WITH POTENTIAL FOR MORE THAN MINIMAL HARM THAT IS NOT IMMEDIATE JEOPARDY	D Plan of Correction *Required: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training Optional: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day)	E Plan of Correction *Required: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training Optional: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day)	F Plan of Correction *Required: Category 2 Denial of Payment for New Admissions Denial of Payment for All Individuals (imposed by HCFA) and/or Civil Money Penalties ($50 - $3,000/day) Optional: Category 1 Directed Plan of Correction State Monitor and/or Directed In-Service Training
(Harm 1) NO ACTUAL HARM WITH POTENTIAL FOR MINIMAL HARM	A No Remedies Commitment to correct by facility Separate documentation form to be issued	B Plan of Correction No Remedies	C Plan of Correction No Remedies

*Required only when decision is made to impose alternative remedies instead of or in addition to termination.

☐ Substandard Quality of Care (SQC): Any deficiency in s. 483.13 Resident Behavior and Facility Practices (F221-F225), s. 483.15 Quality of Life (F240-F253), or s. 483.25 Quality of Care (F309-F333), that constitutes immediate jeopardy to resident health or safety; or a pattern of or widespread actual harm that is not immediate jeopardy; or a widespread potential for more than minimal harm that is not immediate jeopardy, with no actual harm.

☐ Substantial Compliance

Denial of Payment for New Admissions must be imposed when a facility is not in substantial compliance within 3 months after being found out of compliance.

Denial of Payment and State Monitoring must be imposed when a facility has been found to have provided Substandard Quality of Care on 3 consecutive standard surveys. (Since October 1990 - use the definitions of substandard quality of care that were in effect prior to June 30, 1995 for the time period 10/1/90 - 6/30/95.)

SQC also results in the loss of the facility's nurse aide training and competency evaluation programs for 2 years, the State notifying the State board for licensing nursing home administrators, and the State notifying the attending physicians of the facility's residents.

SCOPE / SEVERITY/HARM	ISOLATED *(One or a very limited number of residents affected and/or one or a very limited number of staff involved, and/or the situation occurred only occasionally or in a very limited number of locations.)*	PATTERN *(More than a limited number of residents affected, and/or more than a limited number of staff involved, and/or the situation occurred in several locations, and/or the same resident(s) have been affected by repeated occurrences of the same practice.)*	WIDESPREAD *(Situation was pervasive throughout the facility or represented a systemic failure that affected or had the potential to affect a large portion or all of the facility's residents.)*
(4) Immediate jeopardy to resident health or safety *(Deficient practice caused or is likely to cause serious injury, serious harm, serious impairment or death AND there is a reasonable degree of predictability of a similar situation occurring in the future. Immediate corrective action is needed.)*	J	K	L
(3) Actual harm that is not immediate jeopardy *(Deficient practice led to a negative outcome that has compromised the resident's ability to maintain and/or reach his/her highest practicable physical, mental, and/or psychosocial well-being...)*	G	H	I
(2) No actual harm with potential for more than minimal harm that is not immediate jeopardy *(Deficient practice has led to minimal physical, mental, and/or psychosocial discomfort to the resident and/or a yet unrealized potential for compromising the resident's ability to maintain and/or reach his/her highest practicable level of physical, mental, and/or psychosocial well-being...)*	D	E	F
(1) No actual harm with potential for no more than minimal harm *(Deficient practice has the potential for causing no more than minor negative impact on residents.)*	SUBSTANTIAL COMPLIANCE A	SUBSTANTIAL COMPLIANCE B	SUBSTANTIAL COMPLIANCE C

SHADED AREAS = SUBSTANDARD QUALITY OF CARE for any deficiency in s. 483.13 Resident Behavior and Facility Practices (F221-F225), s. 483.15, Quality of Life (F240-F258), and s. 483.25 Quality of Care (F309-F333).

*** If the examples under one tag are at different levels of harm, choose the HIGHEST harm level and the scope associated with that particular level of harm.