

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: WISCONSIN

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

Transfer of residents; Transfer of residents with closure of facility: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

(Will use the criteria and notice requirements specified in the regulation.)

Alternative Remedy

(Describe the criteria and demonstrate that the alternative remedy is as effective in deterring non-compliance. Notice requirements are as specified in the regulations.)

Transfer of Facility Residents. (Authority to transfer facility residents is found in Chapters 49 and 50, Wis. Stats., and 42 CFR 488.406 and 488.426.)

The state may transfer facility residents whenever deficiencies are cited for conditions that immediately or non-immediately jeopardize resident health or safety if, in addition, it determines that one of the following conditions exists:

- an emergency (i.e., a situation, practice, method of operation, or physical condition exists that presents imminent danger of death or serious physical or mental harm to a resident) exists and requires immediate removal of the resident from the facility to assure the resident's health, safety, or welfare;
- the state has initiated termination of the provider agreement and has determined that the life, health, safety, or welfare of a resident cannot be adequately assured pending a full hearing; or
- the state has suspended, revoked or refused to renew the existing license of the facility.

TN No. 95-016
Supersedes
TN No. 91-013

Approval Date: 12/18/95

Effective Date: 7/1/95