



REGULATORY REQUIREMENTS RELATED TO MISAPPROPRIATION OF MEDICATIONS IN ASSISTED LIVING

Division of Quality Assurance

P-00426 (11/2012)

COMMUNITY BASED RESIDENTIAL FACILITY (CBRF)

- **DHS 83.12 INVESTIGATION, NOTIFICATION, AND REPORTING REQUIREMENTS**

DHS 83.12(2)(a) Caregiver: 1. When a CBRF receives a report of an allegation of abuse or neglect of a resident or misappropriation of property, the CBRF shall take immediate steps to ensure the safety of all residents.

DHS 83.12(2)(a) Caregiver: 2. The CBRF shall investigate and document any allegation of abuse or neglect of a resident or misappropriation of property by a caregiver. If the CBRF's investigation concludes that the alleged abuse or neglect of a resident or misappropriation of property meets the definition of abuse or neglect of a resident or of misappropriation of property, the CBRF shall report the incident to the department on a form provided by the department, within seven (7) calendar days from the date the CBRF knew or should have known about the abuse, neglect, or misappropriation of property. The CBRF shall maintain documentation of any investigation.

DHS 83.12(2)(b) Non-caregiver or resident. When there is an allegation of abuse or neglect of a resident or misappropriation of property by a non-caregiver or resident, the CBRF shall follow the elder abuse reporting requirements under s. 46.90, Wis. Stats., or the adult at risk requirements under s. 55.043, Wis. Stats., whichever is applicable.

DHS 83.12(2)(c) Other reporting. Filing reports with the department does not relieve the licensee or other person of any obligation to report the incident to any other authority, including law enforcement and the coroner.

- **DHS 83 RIGHTS OF RESIDENTS**

DHS 83.32(3)(d) Freedom from mistreatment. Be free from physical, sexual, and mental abuse and neglect, and from financial exploitation and misappropriation of property.

DHS 83.32(3)(h) Receive medication. Receive all prescribed medications in the dosage and at intervals prescribed by a practitioner. The resident has the right to refuse medication unless the medication is court ordered.

ADULT FAMILY HOME (AFH)

- **DHS 88.10 RESIDENT RIGHTS**

DHS 88.10(3)(m) Freedom from abuse. To be free from physical, sexual, and mental abuse and neglect, and from financial exploitation or misappropriation of property.

DHS 88.10(3)(q) Medication. 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), Wis. Stats., with a court finding of incompetency.

RESIDENTIAL CARE APARTMENT COMPLEX (RCAC)

- **DHS 89.34 RIGHTS OF TENANTS**

DHS 89.34(16) Medication. Except as provided for in the service agreement or risk agreement, to have the facility not interfere with the tenant's ability to manage his or her own medications or, when the facility is managing the medications, to receive all prescribed medications in the dosage and at the intervals prescribed by the tenant's physician and to refuse a medication unless there is a court order.

DHS 89.34(18) Freedom from abuse. To be free from physical, sexual, or emotional abuse and neglect, or financial exploitation or misappropriation of property by the facility, its staff, or any service provider under contract with facility.