

Opening and Operating a Community Based Residential Facility (Part 1)



What is a Community Based Residential Facility (CBRF)?



- A place where 5 or more adults reside and receive care, treatment or services above the level of room and board
- Cannot receive more than 3 hours of nursing care per week
- Nursing care is defined as nursing procedures, other than personal care, that an LPN or RN performs directly on or to a resident.

Pre-Application Activities

- Market analysis of the community to determine need
 - Map showing CBRF locations:
<http://dhs.wisconsin.gov/bqaconsumer/AssistedLiving/AsLivDirs.htm#map>
- Contact funding agencies (county or Managed Care Organization)
- Ensure sufficient financial resources to operate the CBRF for 60 days



Pre-Application Activities (continued)

Determine class and size of facility:

Class A – limited to residents who are able to respond to emergencies and exit the facility without any help



Class C – may serve residents who are not capable of responding to emergencies and need help to exit the facility

- AA – Class A ambulatory
- AS – Class A semiambulatory
- ANA – Class A nonambulatory
- CA – Class C ambulatory
- CS – Class C semiambulatory
- CNA – Class C nonambulatory



Facility Size: Small – 5 to 8 beds
Medium – 9 to 20 beds
Large – 21 or more beds

Pre-Application Activities (continued)

Review regulations that apply to the operation of a CBRF:

- DHS 83 – Community Based Residential Facilities:
<http://www.legis.state.wi.us/rsb/code/dhs/dhs083.pdf>
- Chapter 50 Wisconsin Statutes:
<http://www.legis.state.wi.us/statutes/Stat0050.pdf>
- DHS 12 – Caregiver Background Checks:
<http://www.legis.state.wi.us/rsb/code/dhs/dhs012.pdf>
- DHS 13 – Reporting and Investigation of Caregiver Misconduct:
<http://www.legis.state.wi.us/rsb/code/dhs/dhs013.pdf>



Pre-Application Activities (continued)

Determine the client group you will be serving:

- Developmentally Disabled
- Advanced Age
- Irreversible Dementia/Alzheimer's
- Emotionally Disturbed/Mental Illness
- Alcohol/Drug Dependent
- Physically Disabled
- Persons with Traumatic Brain Injury
- Terminally Ill
- Corrections Clients
- Pregnant Women Who Need Counseling



If you intend to serve more than one client group, your program statement must explain how the groups are compatible and how their diverse needs will be met

Note: It is not acceptable to check all client groups on the application

Application Form

- CBRF Initial License Application:
<http://dhs.wisconsin.gov/forms1/F6/F60287.pdf>
- Licensee or designee signature is required
- Incomplete applications are not accepted



Materials to be Submitted

- License Fee (non-refundable)
- Program Statement
- Facility Floor Plan (indicate room size and use)
- Fire Inspection form (F-60795)
<http://dhs.wisconsin.gov/forms1/F6/F60795.pdf>
- Evidence of operating funds for 60 days
- Assisted Living Facility Model Balance Sheet (F-62674A)
<http://dhs.wisconsin.gov/forms1/F6/F62674A.pdf>



Additional Documents for Review

- Admission Agreement
- Community Advisory Committee
<http://dhs.wisconsin.gov/forms1/F6/F60367.pdf>
See DSL Memo Series 99-11 - Community Advisory Committee:
http://dhs.wisconsin.gov/dsl_info/NumberedMemo/DSL/CY_1999/NMemo99-11.htm
- Site approval if zoned for commercial, industrial or manufacturing use
- Approval of the well (if applicable) by the Department of Natural Resources
- Emergency Plan
- Resident Rights, House Rules and Grievance Procedure



Licensing Fees and Process

- \$389.00 + \$50.25 per resident (based on capacity)
- LICENSING FEES ARE NOT REFUNDABLE**
- Review of application materials
 - Background check completed on applicant
 - Licensing visit scheduled and completed

*Notification of approval or denial of licensure will be issued within 70 days of receipt of a complete application and the onsite visit

DENIED

APPROVED

Probationary License

- Applicants not previously licensed by the Department will be issued a probationary license
- Valid for 12 months
- Submit ½ of the required fees
 - Example: 8-bed CBRF
 - $\$389 + \$402 (8 \times \$50.25) = \791
 - $\$791 \div 2 = \395.50



DHS 83.06 – Program Statement Content

- Name of the licensee, the administrator, staff position in charge
- 24 hour staffing pattern, including whether or not a licensed nurse is available
- Capacity
- Class of CBRF
- Client group served
- Description of the program goals and services
- Limitations of services – criteria for determining who may be admitted
- Availability of respite care services



Background Check



The Office of Caregiver Quality (OCQ) completes a background check on the following persons prior to initial licensure:

- Any individual applicant
 - Submit a Background Information Disclosure (BID) form and Background Information Disclosure Appendix (BID Appendix)
- Any principal officers or board members of a corporation applying for licensure who has regular, direct contact with residents
 - Submit a BID and BID Appendix
- Any non-client resident (individuals age 10 and older who are not residents but live at the CBRF)
 - Submit a BID and BID Appendix

Information, forms, and mailing address for the BID and BID Appendix can be found at:

<http://dhs.wisconsin.gov/caregiver/NewApplicants.htm>

Site and Building Approvals for New Construction



Prior to Starting Construction:

- Obtain plan approval from the Department of Commerce (for 9 or more beds)
- Obtain plan approval from the Department of Health Services (for any size facility)
 - Plan Approval Application (F-62333)
<http://dhs.wisconsin.gov/forms1/F6/F62333.pdf>
 - Free Standing CBRF Plan Approval Application (F62496)
<http://dhs.wisconsin.gov/forms1/F6/F62496.pdf>

Site and Building Approvals for New Construction (continued)

- Compliance Statements (F-62495) required by COMM 61.50:
 - <http://dhs.wisconsin.gov/forms1/F6/F62495.pdf>
- Letters of completion from:
 - Fire safety systems installers
 - Architect
- Well approval from Department of Natural Resources
- Water test results (if applicable)
- Certificate of Occupancy from local municipality or Department of Commerce
- Inspection by the local fire authority or a certified fire inspector (Form F-60795 may be used to document this inspection):
<http://dhs.wisconsin.gov/forms1/F6/F60795.pdf>





Conversion of Existing Buildings:

- Obtain a Certificate of Occupancy from the local municipality or Department of Commerce
- Submit architect's construction and smoke and heat detection and sprinkler plans to the Department of Health Services for approval

Change of Ownership:



- New licensee must apply for licensure
- Licenses are not transferable
- Previous licensee will be responsible for operation of the facility until the new license is issued

DHS 83.12 – Investigation, Notification, and Reporting Requirements

Death Reporting:

- Death related to physical restraint, psychotropic medication or suicide (report within 24 hours)
- Death related to an accident or injury (report within 3 days)
- Death due to natural causes is not reportable

Investigating and Reporting of Abuse, Neglect or Misappropriation:

- Caregiver
 - Investigate any allegation of abuse or neglect, or misappropriation of property by a caregiver (immediately)
 - Report incidents of caregiver misconduct within 7 days to the Office of Caregiver Quality <http://dhs.wisconsin.gov/caregiver/index.htm>
- Non-caregiver or resident
 - Follow the elder abuse reporting requirements

Investigation, Notification, and Reporting Requirements (continued)

Investigation of Injuries of Unknown Source:



- Any injury that was not observed
- Any injury that cannot be explained by the resident
- An injury that appears suspicious because of the extent or location of the injury

*The CBRF shall maintain documentation of the investigation and report the incident as required in accordance with Caregiver Reporting Requirements

Investigation, Notification, and Reporting Requirements (continued)

Send a written report to the department within 3 working days after:

- Elopement of a resident
- Law enforcement is called to the facility
- Any incident resulting in serious injury requiring hospital admission or emergency room treatment
- A catastrophe resulting in damage to the property
- A fire
- Any time the CBRF must evacuate and temporarily relocate residents for reasons other than a fire drill



**See DQA Memo 07-018 Self-Report/Facility Reporting Requirements, Including Adult-at-Risk Reporting Requirements:

http://dhs.wisconsin.gov/rl_DSL/Publications/07-018.htm

Investigation, Notification, and Reporting Requirements (continued)

- Notify the resident's legal representative and physician immediately when there is an incident or injury or a significant change in the resident's condition
- Notify the resident's legal representative immediately when there is any allegation of physical, sexual or mental abuse, or neglect
- Notify the resident's legal representative within 72 hours when there is an allegation of misappropriation
- Give a 30-day written notice of any change in services or charges for services



DHS 83.13 – General Records, Retention and Posting

Records Retention

Maintain all records for 2 years, except:

- Resident records – 7 years
- Employee records – 3 years
- Menus – 60 days



Examples of records that must be maintained for 2 years are fire inspections, employee schedules, fire drills, and maintenance records. For a complete list see 83.13(1).

Posting Requirements

- License
- Statements of deficiency
- Any notice of enforcement action
- House rules, resident rights and grievance procedure
- Ombudsman poster
- Activity schedule
- Exit diagram and emergency phone numbers



DHS 83.14 – Licensee Qualifications

- 21 years of age
- Meet caregiver background requirements
- Fit and qualified review:
 - Criminal background check
 - Financial information
 - Credit report
 - Wisconsin Circuit Court Access
 - Wisconsin Department of Revenue
 - Sex offender registry
 - Wisconsin Department of Regulation & Licensing



DHS 83.14 – Licensee Responsibilities

- Comply with all laws
- Report changes in client group, capacity or class to department
- Notify department within 7 days of an administrator change
- Ensure a copy of DHS 83 is available
- Not permit any condition creating a risk to residents' health, safety or welfare
- Ensure that the presence of other occupants does not adversely affect residents' health, safety or welfare



DHS 83.15 – Administrator Qualifications

- Capacity to respond to needs of residents and manage the CBRF
- Must meet one of the following:
 - Associate degree or higher in a health care related field; or
 - Bachelor's degree in a field other than in health care and one year experience working in a health care related field; or
 - Bachelor's degree in a field other than in health care and successful completion of a department-approved assisted living administrator's training course; or
 - Minimum of 2 years experience in a health care related field and successful completion of a department-approved assisted living administrator's training course; or
 - A valid nursing home administrator's license



Information regarding a department approved administrator training course can be found at:
http://www.dhs.wisconsin.gov/rl_dsl/CBRF/asstdLvgAdminTrq.htm

DHS 83.15 Administrator Responsibilities

- Supervise daily operations
- Provide supervision of staff
- Ensure training and competency of employees
- Ensure a qualified staff is designated in charge in the absence of the administrator



DHS 83.16 – Staff Qualifications

- All employees must have the skills, education, experience and ability to fulfill the employee's job requirements
- Must be at least 18 years old



Background Checks for Employees

Three forms must be completed/obtained for each employee:

- Completed DHS-64 Background Information Disclosure (BID) form
- Response from the Department of Justice (DOJ) Wisconsin Criminal History Record Request
- "Response to Caregiver Background Check" letter from the Department of Health Services' Integrated Background Information System (IBIS)
- Out-of-state background check
- Military service record check



Employee Health Documentation

Within 90 days before the start of employment, employees must be screened for clinically apparent communicable disease, including tuberculosis

Persons with a communicable disease cannot be permitted to work or be present in the facility if the disease would present a risk to the health or safety of residents



DHS 83.19 - Employee Orientation

Before an employee performs any job duties, orientation must be provided to include the following:

- Job responsibilities
- Prevention and reporting of resident abuse, neglect and misappropriation of resident property
- Information regarding assessed needs and individual services for each resident
- Emergency and disaster plan and evacuation procedures
- Policies and procedures
- Recognizing and responding to resident changes of condition



DHS 83.20 Department-Approved Training

All employees must complete department-approved training provided by department-approved trainers:

- Standard Precautions
- Fire Safety
- First Aid and Choking
- Medication Administration and Management



For information, refer to the following website:

<http://www.uwosh.edu/ccdet/CBRF/index.htm>

*Documentation of training must be maintained

DHS 83.21 – All Employee Training

Within 90 days after starting employment all employees must complete training in:

- Resident Rights
- Client Group (if serving more than one client group, employees must receive training for each client group)
- Recognizing, Preventing, Managing and Responding to Challenging Behaviors



DHS 83.22 – Task Specific Training

For employees performing the following job duties:

- Assessment of Residents
- Individual Service Plan Development
- Provision of Personal Care
- Dietary Duties



DHS 83.23 – Employee Supervision

- **All employees must be directly supervised by the administrator or by a qualified resident care staff until the employee has completed all required training**
- **“Qualified resident care staff” means an employee who has successfully completed all of the applicable training and orientation”**



DHS 83.24 – Training Exemptions

A practitioner, pharmacist, RN or LPN is exempt from training in 83.20(a), (c) and (d), 83.21 and 83.22

Other Training Exemptions:

- Standard Precautions
- Fire Safety
- First Aid and Choking
- Medication Administration and Management
- Client Group, Resident Rights and Challenging Behaviors
- Provision of Personal Care
- Assessment and ISP Development
- Dietary



DHS 83.25 - Continuing Education

15 hours per calendar year

Must include, at a minimum:

- Standard precautions
- Client group related training
- Medications
- Resident rights
- Prevention and reporting of abuse, neglect and misappropriation
- Fire safety and emergency procedures, including first aid



DHS 83.27 – Limitations on Admissions and Retentions

- Cannot exceed licensed capacity, including respite care residents
- May not admit or retain:
 - A person not compatible with license classification
 - A person destructive of property or self, or physically or mentally abusive to others
 - A person who needs more than 3 hours of nursing care per week except for a temporary condition lasting no more than 30 days
 - A person who requires 24-hour supervision by an RN or LPN
 - A person who is incapacitated, unless they have an activated power of attorney for health care or a guardian
 - A person who has been found incompetent and does not have a court-ordered protective placement may not reside in a CBRF licensed for 16 or more residents
 - A person under 18 years of age unless approved by the department

DHS 83.28 – Admission Procedures

- Assessment of resident prior to admission
- Provide written information regarding services available and charges for those services
- Provide admission agreement
- Health screening for communicable disease, including tuberculosis
- Develop temporary service plan
- Explain resident rights, house rules and grievance procedure
- Advanced directive determination



DHS 83.29 – Admission Agreement

Must include:

- Description of basic services, rates, and method of payment
- Additional services offered and fees charged
- Method for notifying residents of a change in charges
- Terms for resident to notify the CBRF of voluntary discharge
- Policy on refunds
- Terms for holding a resident's room during temporary absence
- Reasons and notice requirements for involuntary discharge or transfer



DHS 83.29(3) – Refunds

- Refunds due within 30 days after discharge
- During the first 6 months after admission, the entire entrance fee must be refunded if the resident is discharged



Family Care Information and Referral

The CBRF must provide information to prospective residents and refer residents and prospective residents to an Aging and Disability Resource Center (ADRC)

See DQA Memo 09-023:

http://dhs.wisconsin.gov/ri_DSL/Publications/09-023.htm



DHS 83.31 – Discharge or Transfer

- A resident may not be involuntarily discharged unless 30 day written notice of discharge is given
- Emergency discharges are not allowed
- Discharge notice must explain the reason for discharge
- The CBRF must provide assistance in relocating the resident
- Discharge may not occur until a suitable placement is found

Notice of Discharge

DHS 83.31 – Discharge or Transfer (continued)

Information to be made available to the resident and the new place of residence upon transfer:

- Facility information
- Medical provider information
- Emergency contacts
- Other contacts
- Assessment and individual service plan
- Medical needs
- Reason for discharge or transfer



DHS 83.32 – Rights of Residents

- Provide a copy of and explain resident rights, grievance procedure and house rules
- Copies of resident rights, grievance procedure and house rules must be posted in a prominent public place



Rights of Residents

- Rights of residents living in CBRFs are specified in:
 - Chapter 50.09, Wisconsin Statutes
 - DHS 83.32(3)
 - DHS 94
 - Chapter 51.61, Wisconsin Statutes
 - Chapter 54, 55, 155 and 304, Wisconsin Statutes



DHS 83.33 – Grievance Procedure

- Include name, address and phone number of advocacy groups
- Include name, address and phone number of department's regional office:
http://dhs.wisconsin.gov/rl_dsl/Contacts/ALStreglmap.htm
- Establish a grievance procedure in accordance with s. DHS 94.40
- Assist residents with grievance procedures
- Coercion to discourage an individual from filing a grievance is prohibited
- Maintain a copy of any investigation



DHS 83.34 – Resident Funds

- Written authorization from the resident is required
- No more than \$200 cash may be held by the CBRF
- Residents funds cannot be commingled with any other funds
- Accurate accounting must be maintained
- Written accounting to the resident required at least every 6 months
- Deposit funds in excess of \$200 in an interest-bearing account
- Final written accounting and refund within 14 days after a resident is discharged
- No licensee, administrator or employee may:
 - Sell to or purchase from a resident real or personal property
 - Accept or borrow money
 - Be appointed as power of attorney for any resident
 - Accept gifts from a resident except of nominal value



DHS 83.34(6) – Security Deposits

- Must be deposited in an interest-bearing account
- Shall not exceed 1 month's fee for services
- Must be separate from other funds
- Security deposit and any interest earned must be refunded within 30 days after discharge



DHS 83.35 – Resident Assessment

- Completed prior to admission, when there is a change in needs, abilities and condition, and at least annually
- Must include all of the following areas:
 - Physical health
 - Medications
 - Presence and intensity of pain
 - Nursing procedures
 - Mental and emotional health
 - Behavior patterns
 - Risks, including choking, falling and elopement
 - Capacity for self-care
 - Capacity for self-direction
 - Social Participation
- Based on the current diagnostic, medical and social history
- Face-to-face interview with the person and family members
- Written report of the assessment retained in the resident's record



DHS 83.35 – Individual Service Plan (ISP)

- Temporary service plan must be developed on admission
- ISP must be developed within 30 days based on the assessment
- Must include all of the following:
 - Resident's needs and desired outcomes
 - Program services, frequency and approaches
 - Measurable goals with specific time limits for attainment
 - Specified methods for delivering needed care and who is responsible
- Developed with participation by the resident, resident's guardian or designated representative, placing agency and service coordinator
- Dated and signed by the resident or designated representative
- Reviewed annually and with any significant change in the resident's condition or preferences
- Resident care staff shall have continual access to the ISP

Satisfaction Evaluation

- An evaluation of the resident's level of satisfaction with services must be offered at least annually
- Department approved form:
<http://dhs.wisconsin.gov/forms1/F6/F62372.pdf>



Evaluation of Resident Evacuation Limits

- Evaluate resident within 3 days to determine evacuation capabilities
- Retain each evaluation in the resident's record
- Evaluate resident's mental or physical capability to respond to a fire alarm annually or when there is a change in the resident's capability
- Notify staff of each resident who needs more than 2 minutes to evacuate and the type of assistance needed
- Required form:
<http://dhs.wisconsin.gov/forms1/OQA/oqa2373.pdf>



DHS 83.36 – Staffing Requirements

- Provide sufficient staff to meet the needs of the residents
- The administrator or other designated qualified resident care staff in charge must be on the premises daily
- At least one qualified resident care staff is present when one or more residents are present
- At least one qualified resident care staff is on duty and awake if at least one resident is in need of supervision, intervention or services on a 24-hour basis

DHS 83.36 – Staffing Requirements
(continued)

- At least one qualified resident care staff is on duty and awake if the evacuation capability of at least one resident is 4 minutes or more
- At least one qualified resident care staff shall be on call when residents are away from the CBRF
- Maintain a current written schedule for staffing





This concludes Part 1 of “Opening and
Operating a Community Based Residential
Facility”
Please continue with Part 2
