
MEDICAID WAIVER STANDARDS FOR WISCONSIN ADULT FAMILY HOMES UNDER SPC 202.01

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202.01 INTRODUCTION

- (1) **AUTHORITY AND PURPOSE.** These standards are promulgated under the authority of ss. 46.031 and 46.036, Stats., which give the department authority to establish standards for the operation of one and two bed adult family homes, in order to protect and promote the health, safety and welfare of persons residing in and receiving care and maintenance in these homes.
- (2) **APPLICABILITY.** These standards apply to the department, county certifying and placing agencies, contracted certifying and placing agencies, adult family home sponsors and substitute providers. No person may receive Medicaid Home and Community Based Waiver funds for care and service in an adult family home unless a certifying agency certifies that the home and the sponsor are in compliance with all requirements of 46.031 and 46.036, Stats., and these standards.
- (3) **COUNTY RESPONSIBILITY.** Each agency that administers a Medicaid Home and Community Based Waiver program shall accept applications for the certification of one or two person adult family homes and provide or arrange for the certification of qualified applicants.
- (4) **OUT OF COUNTY CERTIFICATION AND PLACEMENT AGREEMENT.** In order to certify a home located in another county, and/or place an individual in a certified home that is located in another county, there must be a written agreement between the county where the home is located, herein referred to as the “home county,” and the county seeking to certify a home in the county outside of its geographic borders, herein referred to as the “requesting county.” The agreement shall be established prior to the certification of the home, or at the time of renewal of certification if the home was certified prior to the date of these standards.
 - (a) **CERTIFICATION.** The agreement shall specify which of the two county certifying agencies will be responsible for the certification of the home. The home county agency may choose to certify the home or may delegate this responsibility by the agreement to the requesting county agency. Whichever county agency certifies the home shall be fully responsible for the initial certification, all renewals and for monitoring the home, unless agreed to by both parties. The standards of the certifying agency that is responsible for the certification apply. If the certifying agency is the requesting county, copies of the certification shall be distributed to the home county agency.
 - (b) **PLACEMENT.** The agreement shall identify whether or not any county, certifying, or placing agency other than the agency identified in sub. (a) may place people in the home. The agreement shall also determine which agency will establish rates and other placement requirements. The agreement shall indicate whether or not the requesting county intends to pursue a change of residency, a change in venue to the home county, and shall define which agency will be responsible for care management.

- (5) **EXCEPTION TO A REQUIREMENT.** A certifying agency may grant an exception to a requirement in sections 202.04 or 202.05 in these standards for a period of 90 days if the certifying agency determines that the exception will not jeopardize the health, safety or welfare of the participant, residents or household members. The standards herein are considered minimum standards, therefore no exceptions shall be granted for more than 90 days for sections 202.04 or 202.05, and no exceptions may be granted for any other section of these standards. If it is determined that a certifying agency engages in a pattern of inappropriate use of this section, the department reserves the right to overturn the exception.

202.02 DEFINITIONS

- (1) “Activities of daily living (ADLs)” means activities relating to the performance of self care and engaging in leisure or recreational activities. “Self care” includes dressing, eating, bathing, grooming, toileting, mobility, object manipulation, ambulation and rest.
- (2) “Adult family home” or “home” means:
- (a) a sponsor’s residence in which care above the level of room and board is provided primarily by the sponsor to one or two adult residents, and in some counties may also mean:
 - (b) a “community care home” as defined under sub. (7).

Note: These standards are intended to be the interim standards for the certification of “community care homes” for counties that allow for such certification. The intent is to pursue statutory language that will establish a separate definition for such homes and designate quality assurance responsibility to the Department.

- (3) “Applicant” means any person who applies for certification as an adult family home.
- (4) “Care Management Organization (CMO)” means an agency certified under 46.284 Stats. to provide the Family Care benefit as defined in 46.286 Stats.
- (5) “Care manager” means the person who has primary responsibility for arranging, coordinating, managing and monitoring the care and services needed by a resident including services provided outside of the adult family home. (Note: A care manager may also be referred to as a support and service coordinator, or case manager.)
- (6) “Certifying agency” means a county agency that operates one or more of the Medicaid Home and Community-based Waiver programs, a Care Management Organization, the department or a sub-contract thereof that certifies adult family homes.
- (7) “Community Care Home” means a residence where one or two adult residents reside and receive care, treatment, or services above the level of room and board. The certified provider owns, rents, or leases the residence and employs staff who provide care and service. The community care home is not the provider’s primary domicile.
- (8) “County agency” means a county department of social services established under s. 46.215 or 46.22, Stats., a county department of human services established under s. 46.23, Stats., a county department of community programs established under s. 51.42, Stats., a county department of developmental disabilities services established under s. 51.437, Stats., a county department of aging, or the tribal governing body of a federally recognized American Indian tribe or band under s. 56.075, Stats.
- (9) “Department” means the Wisconsin Department of Health and Family Services.

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- (10) “Frail elderly” means people who are age 65 or older as defined in Chapter 46 or Chapter 55 Stats.
- (11) “Guardian” means one defined under s. 880.01(3), Stats., as being appointed by a court to have care, custody, and control of the person of a minor or a person who is incompetent or the management of the estate of a minor, or a person who is incompetent.
- (12) “Household member” means any person living in an adult family home.
- (13) “Instrumental activities of daily living (IADLs)” means:
- (a) Activities relating to home and household management, including preparing meals, shopping and chores, personal housekeeping, using the telephone, managing one’s personal finances, and health care activities including taking medicine, applying or changing dressings and using a medical device; or
 - (b) Activities involving moving about in one’s community, for purposes that include accessing and participating in vocational, recreational and social activities in the community with other members of the community.
- (14) “Nonambulatory” means an inability to walk with or without the use of a wheelchair.
- (15) “Nursing care” means services and procedures provided by a registered nurse licensed under ch. 441, Stats., or which require the direct supervision of a registered nurse licensed under ch. 441, Stats.
- (16) “People with disabilities” includes people with severe and persistent mental illness, people with long term care needs as a result of alcohol and other drug abuse, people with a developmental disability defined in s. 51.01 or s. 55.01, Stats.; people with a physical disability under ch. 47, Stats.; or persons with Alzheimer’s disease under s. 46.87(1)(a), Stats or other forms of irreversible dementia.
- (17) “Placing agency” means the agency responsible for facilitating the placement of a resident in an adult family home.
- (18) “Relative” means an adult who is a parent, step-parent, child, step-child, sibling, grandchild, grandparent, aunt, uncle, niece, or nephew.
- (19) “Residence” means a house or apartment rented or owned and lived in and controlled by the sponsor and not used for any business purpose which regularly brings customers to the home adversely affecting the resident’s privacy or use of the home.
- (20) “Resident” means a person who resides in the home and receives services above the level of room and board provided by the sponsor or substitute provider and who has no financial or other interest in the home.
- (21) “Sponsor” means a person or persons who operate an adult family home.
- (22) “Substitute provider” means a person designated by the sponsor to take full responsibility for the operations of the adult family home when the sponsor is temporarily unable to provide services, supports and care.
- (23) “Ward” means a subject for whom a guardian under s.880.01(3) Stats. has been appointed.

202.03 CERTIFICATION PROCESS

(1) APPLICATION FOR CERTIFICATION.

- (a) **PROCESS.** Application for certification shall be made on a form provided by the certifying agency. The application form shall be signed by the applicant.
- (b) **PREVIOUS DENIAL DISCLOSURE.** Any applicant applying for certification must disclose any previous denials or revocations of licensure or certification. No applicant previously denied certification or licensure or whose certificate or license was revoked may reapply for certification in Wisconsin within two (2) years after the effective date of the denial or revocation unless the applicant documents to the satisfaction of the certifying agency that the condition which caused the denial or revocation has been corrected.
- (c) **REQUIRED DOCUMENTATION.** Before an applicant for an initial certificate may be certified to operate an adult family home, the applicant shall submit an application and any other documentation required by these standards or requested by the certifying agency to determine whether the applicant complies with these standards.
- (d) **PROGRAM STATEMENT.** Before an applicant may be certified, the applicant shall submit a program statement to the certifying agency. The program statement shall describe all of the following:
 - 1. The target group(s) and number of individuals the applicant is willing and able to accept into the home;
 - 2. Whether the home is accessible to individuals who require assistance with mobility;
 - 3. A description of the home and community resources available to residents who live in the home.

(2) INITIAL CERTIFICATION PROCESS.

- (a) **DOCUMENT REVIEW AND ON-SITE INSPECTION.** The certifying agency shall review the application and supporting documents, including the caregiver background check under 202.04(2), interview the applicant and conduct an on-site inspection of the home to determine if the requirements for certification set out in these standards are met.
- (b) **PROFESSIONAL INSPECTION.** The certifying agency may request fire, health, sanitation or safety officials to inspect the home and premises to assist in evaluating the safety of the home.
- (c) **CERTIFICATION FEE.** A fee determined by the certifying agency may be assessed for no more than the actual cost to the certifying agency of performing the required actions involved in certification.
- (d) **APPROVAL OF CERTIFICATION.** The certifying agency shall issue an Adult Family Home Certificate if the requirements for certification set forth in these standards are met. The certifying agency has 30 days to issue the adult family home certificate after all of the following has been completed: receipt and review of a complete application, all supporting documents and following the on-site visit. The certification approval will be valid for up to one (1) year. At a minimum, the Adult Family Home Certificate shall include the following:
 - 1. The number of residents the home is certified for;
 - 2. The date the certification expires;
 - 3. The address of the home;
 - 4. The target group(s) the home is certified to serve;
 - 5. Any special circumstances or conditions of approval;
 - 6. The signature of a representative of the certifying agency.

- (e) **DENIAL OF CERTIFICATION.** If the requirements for certification are not met and, therefore, the certifying agency does not issue an Adult Family Home Certificate, the applicant shall be given written notice of the decision not to certify the home. The notice shall clearly and concisely state the reasons for not approving the application and shall inform the applicant of the opportunity for an administrative review of the non-approval decision under sub. (5). The notice shall state that the applicant or sponsor has fifteen (15) days after the date of the notice to file a request for this review. The certifying agency has 30 days to issue the notice of denial after all of the following has been completed: receipt and review of a complete application, all supporting documents and following the on-site visit.
- (f) **NON-TRANSFERRABILITY.** Certification is not transferable to another sponsor, address, or to another private residence.

(3) RENEWAL OF CERTIFICATION.

- (a) **REQUIRED RENEWAL.** Certification shall be renewed annually. In addition, the certifying agency may require an update or full application for renewal when there is:
 - 1. A change in the type or amount of services the sponsor offers to provide if the change adversely affects any resident who needs the service;
 - 2. A change in household members;
 - 3. A change in the sponsor's legal status, including being charged with or convicted of any crime which is substantially related to caring for dependent persons.
- (b) **PROCESS.** Application for renewal of certification shall be made on a form provided by the certifying agency. Before renewal is approved, the sponsor may be required to submit a copy of the program statement, and any other documentation required by these standards or requested by the certifying agency. The sponsor shall submit an application for renewal at least 30 days before the expiration of certification.
- (c) **ON-SITE INSPECTION.** The certifying agency shall conduct an on-site inspection as a part of the renewal of certification process.
- (d) **CAREGIVER BACKGROUND CHECK.** The certifying agency shall conduct a caregiver background check under 202.04(2) of these standards every four years.
- (e) **RENEWAL APPROVAL.** If certification is renewed, the certifying agency shall issue a certificate of renewal. The certification must conform to the requirements in section 2(d) above.
- (f) **RENEWAL DENIAL.** If certification is not renewed, the sponsor shall be given written notice before expiration of the current certification. The notice shall clearly and concisely state the reasons for not approving the renewal of certification and shall inform the sponsor of the opportunity for an administrative review of the non-renewal decision under sub. (5). The notice shall state that the applicant or sponsor has 15 days after the date of the notice to file a request for this review.

(4) REVOCATION.

- (a) **ABILITY TO REVOKE.** The certifying agency, after giving written notice to the sponsor, may revoke an adult family home certification at any time if the certifying agency finds that the sponsor has violated or does not comply with any provision of these or any other applicable standards.
- (b) **NOTICE OF REVOCATION.** The notice under par. (a) shall include a clear and concise statement of the basis for revocation, including the specific requirements that have not been met or which have been violated and a notice of the opportunity for an administrative review under sub. (5) of the revocation decision. The notice shall state that the sponsor has fifteen (15) days after the date of the notice to file a request for this review.

(5) ADMINISTRATIVE REVIEW.

- (a) **CERTIFYING AGENCY REVIEW.** An applicant or sponsor may contest a decision not to certify a home under sub. (2), not to renew a certification under sub. (3) or to revoke a certification under sub. (4). To do so, the applicant or sponsor shall, within 15 days after the date of the notice of the decision, submit to the director of the certifying agency or his/her designee, a written request for an administrative review of the decision. The request shall include the applicant's or sponsor's reason why he or she disagrees with the action. The director of the certifying agency or his or her designee shall review the facts and send a written decision to the applicant or sponsor within 30 days after receipt of the request for review. The certifying agency shall inform the applicant or sponsor that they may, within 15 days after the date of the certifying agency's decision, submit a request for review by the Department.
- (b) **DEPARTMENT REVIEW.** An applicant or sponsor may contest the certifying agency's decision. To do so, the applicant or sponsor shall, within 15 days after the date of the certifying agency's decision, submit to the Administrator of the Department of Health and Family Services, Division of Disability and Elder Services, a written request for an administrative review of the applicant or sponsor's original request and the certifying agency's decision. The Department shall review the facts and send a written decision to the applicant or sponsor and to the certifying agency within 45 days after the receipt of the request for review. The Department's decision shall be final.

202.04 SPONSOR QUALIFICATIONS. The standards under this section shall be met at the time of certification and reviewed at the renewal of certification.

- (1) **PERSONAL QUALIFICATIONS.** The sponsor, and every substitute provider, shall be at least 18 years of age and shall be physically, emotionally and mentally capable of providing adult family home care. The sponsor and all substitute providers shall be persons who are responsible, mature and of reputable character, who exercise sound judgement and display the capacity to successfully care for people with disabilities or frail elderly. An applicant for certification or a sponsor requesting renewal of certification shall provide relevant information requested by the certifying agency to assist in evaluating the applicant's, sponsor's, or substitute provider's character, or qualifications. The certifying agency may deny or revoke certification based on information received during the certification or renewal process.
- (2) **CAREGIVER BACKGROUND CHECK.** Prior to issuing a certification and every four (4) years thereafter, the certifying agency shall conduct a caregiver background check on the applicant and on any other adult household member. Information obtained from the caregiver background checks will be evaluated utilizing the guidelines of HFS 12 or any other relevant rule. The certifying agency may deny or revoke certification based on information received in the caregiver background checks. The applicant or sponsor shall arrange for a caregiver background check of all substitute providers. Background checks shall be maintained with the application. No exceptions under 202.01(5) of these standards may be granted for this requirement. The caregiver background check includes:
 - (a) A criminal history search from the records of the Wisconsin Department of Justice; and
 - (b) A search of the Caregiver Registry maintained by the Department of Health and Family Services; and
 - (c) A search of the status of credentials and licensing from the records of the Wisconsin Department of Regulation and Licensing, if applicable.

Note: All three of these areas will be provided by checking the caregiver option on the Department of Justice form manually or electronically via internet.

(3) **FINANCIAL SECURITY.** The sponsor may be requested to present evidence of having or having access to sufficient financial reserves to meet the needs of all residents and of all members of the household for whom the sponsor is financially responsible and to ensure the adequate functioning of the home for a period of at least 30 days without receiving payment for the care of any resident.

(4) **HEALTH.**

(a) **PHYSICAL EXAMINATION.** The applicant for an initial certification and all members of the household shall submit a statement from a physician, physician's assistant or nurse practitioner certifying that a physical examination was completed and that the applicant or any household member does not have an illness or condition that would threaten the health, safety or welfare of residents or interfere with the person's capacity to provide care. The statement may not be dated more than one (1) year prior to the date of the application.

(b) **COMMUNICABLE DISEASE CONTROL.** The sponsor shall obtain documentation from a physician, physician's assistant, a clinical nurse practitioner, or a licensed registered nurse indicating that the sponsor and any adult household member have been screened for clinically apparent communicable diseases and tuberculosis (TB). The statement may not be dated more than 90 days prior to the date of the application. Screening for communicable diseases should be conducted using Center for Disease Control standards. Any juvenile household member with symptoms of a communicable disease which present a safety or health risk may not be in contact with the resident. The certifying agency may require a screen for communicable diseases for any juvenile household member.

(c) **OTHER HEALTH EXAMINATIONS.** If, at any time, the certifying agency suspects or has reason to believe that the applicant, sponsor, substitute provider or other household member has been exposed to a potentially dangerous disease or infection, or may pose a threat to the health, safety or welfare of residents, the certifying agency may require a physical exam, a screen for communicable disease, including TB, an alcohol or drug abuse assessment or a mental health evaluation of the person.

(5) **LIABILITY INSURANCE.**

(a) **VEHICLE.** An applicant or sponsor who plans to transport residents in his or her vehicle shall have a valid driver's license and shall provide the certifying agency with documentation of liability insurance coverage. If a substitute provider or household member transports residents under the direction of the sponsor, the substitute provider or household member shall have vehicle insurance and a valid driver's license.

(b) **HOME.** An applicant or sponsor shall provide the certifying agency with documentation of sufficient insurance coverage to provide liability protection.

(6) **TRAINING.**

(a) **INITIAL TRAINING.** Except as provided in par. (b), the sponsor shall have completed ten (10) hours of certifying agency-approved training related to the health, safety, welfare, rights and treatment of residents during the first year of certification. The certifying agency may require the sponsor to obtain training in amounts that exceed the minimum ten (10) hours. The certifying agency may require an applicant to complete training prior to certification.

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- (b) **WAIVER OF INITIAL TRAINING.** The certifying agency may approve alternatives to the training requirements in par. (a) if the certifying agency determines that:
 - 1. The person has successfully completed substantially similar or related training;
 - 2. The person has successfully completed course work or an academic degree program related to the care and support of elderly, people with disabilities or other persons in need of care or treatment; or
 - 3. The person has acquired substantial and up-to-date knowledge concerning care and treatment, and health, safety, welfare and rights of people who are elderly or have disabilities through prior experience as a care provider in licensed or certified programs which are substantially similar to adult family homes.
 - (c) **CONTINUING EDUCATION.** Annually, the sponsor shall complete eight (8) hours of training approved by the certifying agency related to the health, safety, welfare, rights and treatment of residents. The certifying agency may require the sponsor to obtain training in amounts that exceed the minimum eight (8) hours.
 - (d) **SUBSTITUTE PROVIDER/OTHER HOUSEHOLD MEMBER TRAINING.** The certifying agency may require a substitute provider and other household member(s) to obtain training to ensure that they are capable of protecting and promoting resident health, safety and welfare.

202.05 THE HOME. The standards under this section shall be met at the time of certification and reviewed at the renewal of certification.

- (1) **LOCATION AND ACCESS TO THE COMMUNITY.** Adult family homes shall be located so that residents can easily get to community activities and supportive services by walking or by means of convenient private or public transportation, or the sponsor shall ensure that residents receive the assistance necessary to enable them to get to these activities and services.
- (2) **RESIDENT ACCESS TO THE HOME AND WITHIN THE HOME.** The adult family home shall be physically accessible to all residents of the home. Residents shall be able to easily enter and exit the home, get to their bedrooms and to all common living areas and to easily move about in the home.
- (3) **HOME ENVIRONMENT.**
 - (a) **PRIVACY.** The home shall provide for physical and emotional privacy for the resident.
 - (b) **SAFETY AND CLEANLINESS.** The adult family home shall be safe, clean, well maintained, kept uncluttered, and shall provide a homelike environment. The home shall meet applicable local building codes, be free from hazards, and be free from dangerous substances, insects and rodents.
 - (c) **HOUSEHOLD ITEMS.** The home shall have clean, functioning and safe household items and furnishings.
 - (d) **SUFFICIENT SPACE.** The home shall have space to accommodate all household activities and members comfortably.
 - (e) **COMMON AREAS.** There shall be large enough common areas with sufficient furnishings so that all occupants of the home can comfortably share the space at the same time.
 - (f) **HABITABILITY.** The home shall have adequate, safe and functioning heating, hot and cold water, fire protection, electrical, plumbing, sewerage, and lighting systems. All systems shall be operated so the home is habitable at all times.
 - (g) **WELL WATER SAMPLES.** Where a public water supply is not available, water samples shall be taken from the well and tested at the state laboratory of hygiene or other laboratory approved under ch. HFS 165 at least annually.

- (h) **GARBAGE REMOVAL.** The home shall have adequate and functioning removal services, including refuse removal and recycling when possible or required.
- (i) **LAUNDRY.** The home shall have or arrange for access to laundry facilities for residents.
- (j) **WINDOWS.** The home shall have ventilation for health and comfort. There shall be at least one window that is capable of being opened to the outside in each resident sleeping room and each common room used by residents. Windows used for ventilation shall be screened during appropriate seasons of the year.
- (k) **LIMITATION ON USE FOR BUSINESS PURPOSES.** The home shall not be used for any business purpose that regularly brings customers to the home so that the residents' use of the home as their residence or the residents' privacy is adversely affected.
- (l) **WEAPONS.** No firearm or other dangerous weapon may be kept in an adult family home unless stored and locked in an area that is not readily accessible to residents. Ammunition shall be stored and locked separately from weapons. A firearm need not be locked if the firearm has been disassembled in such a manner that it is not operable. Trigger locks alone do not meet this requirement, but may be a supplemental safety measure.

(4) **BATHROOMS.**

- (a) **NUMBER.** There shall be at least one bathroom with at least one sink, stool, and shower or tub for every eight (8) household members.
- (b) **DOORS.** The door of each bathroom shall have a lock that can be locked from the inside, and able to be opened from the outside in an emergency.

(5) **BEDROOMS.**

- (a) **MAXIMUM CAPACITY.** A resident's bedroom may accommodate no more than two (2) persons.
- (b) **FLOOR AREA.** On or after the effective date of this standard, a resident bedroom shall have a floor area of at least 60 square feet per resident in shared bedrooms and 80 square feet in single occupancy rooms. For a resident who uses a wheelchair, the bedroom space shall be at least 100 square feet for that resident.
- (c) **RESIDENT PRIVACY.** A resident's bedroom may not be used by any other person to get to any other part of the home.
- (d) **BEDROOM WINDOWS.** There shall be at least one window that is capable of being opened to the outside in each resident's sleeping room. Windows used for ventilation shall be screened.
- (e) **LIMITATIONS ON BEDROOM LOCATION.** Hallways, kitchens, living rooms, dining rooms, unfinished basements, closets, garages, or other unattached structures may not be used as resident bedrooms.
- (f) **NON-AMBULATORY RESIDENTS.** Bedrooms of non-ambulatory residents may not be located above or below the ground level of the home.
- (g) **SHARED BEDROOMS.**
 - 1. Residents may not share a bedroom with the sponsor, any member of the sponsor's family, or with a person under age 18 unless the person under age 18 is a relative and the shared bedroom is preferred by both the resident and the relative.
 - 2. Persons of the opposite sex shall not be required to occupy the same sleeping room.
 - 3. Accommodations shall be made for residents who wish to share a sleeping room.
- (h) **PRIVACY.** A resident's bedroom shall provide comfort and privacy, shall be enclosed by full height walls and shall have a rigid door that the resident can open and close.
- (i) **BEDS.** There shall be a separate bed for each resident unless two residents choose to share a bed. The bed shall be clean, in good condition and of proper size and height for the comfort of the resident(s).

- (j) **LINENS.** Bedding and linens shall be maintained in clean condition.
- (k) **STORAGE SPACE.** Each resident shall be provided with conveniently located individual storage space sufficient for hanging and storing clothes and for storing other personal belongings.

(6) **KITCHEN AND DINING ROOM**

- (a) **SPACE AND EQUIPMENT.** There shall be sufficient space and equipment in the kitchen for the sanitary preparation and storage of food.
- (b) **SIZE.** The dining room or area shall be large enough so that all household members may dine together.

(7) **FIRE SAFETY.**

- (a) **FIRE EXTINGUISHERS.** Every adult family home shall be equipped with one or more fire extinguishers on each floor. Each required fire extinguisher shall have a minimum 2A, 10-B-C rating. All required fire extinguishers shall be mounted. A fire extinguisher is required at the head of each stairway and in or near the kitchen, except that a single fire extinguisher located in close proximity to both of these areas may be used to meet more than one of these requirements. Each required fire extinguisher shall be maintained in readily usable condition and shall be inspected annually by an authorized dealer or the local fire department and shall have an attached tag showing the date of the last inspection.
- (b) **SMOKE DETECTOR LOCATION.** Every adult family home shall be equipped with one or more single station battery operated, electrically interconnected or radio signal emitting smoke detectors on each floor level. Required smoke detectors shall be located at the head of each open stairway, at the door leading to every enclosed stairway, on the ceiling of the living or family room and on the ceiling of each sleeping room in which smoking is allowed. A smoke detector that is located in close proximity to one or more of these areas may be used to meet more than one of these requirements.
- (c) **SMOKE DETECTOR TESTS.** The sponsor shall maintain each required smoke detector in working condition and test each smoke detector monthly to make sure that it is in operating condition. If a unit is found to be not operating, the sponsor shall immediately replace the battery or repair or replace the unit.
- (d) **EXITS.** Exits shall meet applicable building codes for exits, including:
 - 1. **EXITING FROM THE FIRST FLOOR.** The first floor shall have two (2) accessible exit doors. At least one of the exits shall discharge to grade. The additional exit may discharge to an outside balcony or an attached garage provided the garage has an exit door that discharges to grade.
 - 2. **EXITING FROM THE SECOND FLOOR.** At least two (2) exits shall be provided from the second floor. One of the exits shall be a stairway or ramp that leads to the first floor or discharges to grade. The second exit may be via a stairway or ramp, a balcony, or a window that meets building code requirements for windows used for exiting.
 - 3. **EXITS ABOVE THE SECOND FLOOR.** At least two (2) exits shall be provided for each habitable floor above the second floor. The exits shall be stairways or ramps that lead to the second floor or discharge to grade.
 - 4. **EXITING FROM BASEMENTS.** All basements shall be provided with at least one exit that is either a door to the exterior or a stairway or ramp that leads to the floor above. If a basement is used for a bedroom, at least two (2) exits shall be provided. The second exit can be an additional door to the exterior, or an additional stairway or ramp that leads to the floor above or to the garage, or an egress window located in the resident's bedroom.

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- (e) **FIRE SAFETY EVACUATION PLAN.** The sponsor shall have a written plan for the immediate and safe evacuation of all occupants of the home in the event of a fire. The plan shall identify an external meeting place. If a resident is incapable of self-evacuation in an emergency, the sponsor or substitute provider shall be in the home whenever the resident is in the home. The sponsor shall review the fire safety evacuation plan with each new resident immediately following placement.
 - (f) **FIRE DRILLS.** The sponsor shall conduct fire drills semi-annually with all household members. Written documentation of the date, time and evacuation time for each drill shall be maintained by the home.
 - (g) **REPORT OF A FIRE.** If there is a fire in the home requiring the assistance of the fire department, the sponsor shall report to the certifying agency within 24 hours.
- (8) **TELEPHONE.** The home shall provide at least one non-pay telephone for residents to make and receive telephone calls. The home may require that long distance calls be made at a resident's own expense. Emergency telephone numbers, including numbers for the fire department, police, hospital, physician, poison control center and ambulance, shall be located on or near each telephone.
- (9) **HOUSEHOLD PETS.**
- (a) **OWNERSHIP.** Pets may be allowed on the premises of an adult family home. Pet ownership shall comply with local ordinance.
 - (b) **HEALTH AND VACCINATIONS.** Cats, dogs and other pets vulnerable to rabies which are owned by any resident or household member shall be vaccinated as required under local ordinance. A pet suspected of being ill or infected shall be treated immediately for its condition or removed from the home.
 - (c) **CLEANLINESS.** Pens, cages, and litter boxes shall be kept clean. All areas of the home to which pets have access shall be kept clean. Pet excrement shall be disposed of properly.
 - (d) **CARE.** Pets shall be kept and handled in a manner that protects the well-being of both residents and pets.
 - (e) **RESIDENT CONSENT.** The wishes of residents shall be considered before a new pet is allowed on the premises.
 - (f) **TEMPERAMENT.** The sponsor shall assure that pets are under control and shall not present a danger to residents or guests.

202.06 RESIDENT SUPPORT AND SERVICES.

- (1) **INTRODUCTION.** The sponsor shall provide a safe, emotionally stable, home environment which encourages a resident's autonomy, addresses a resident's need for physical and emotional privacy, and takes a resident's preferences, choices, and status as an adult into consideration while providing care, services, and supervision.
- (2) **ACTIVITIES.**
- (a) **NEEDS AND PREFERENCES.** The sponsor shall plan activities and services for the residents to accommodate individual resident needs and preference and shall provide opportunities for the residents to participate in cultural, religious, political, social and intellectual activities of their choice within the home and community.
 - (b) **PARTICIPATION.** The sponsor shall allow a resident to participate in all activities that the resident selects unless contrary to the resident's adult family home service plan or the home's program statement. Residents shall not be required to participate in activities.

(3) SERVICES.

- (a) SPONSOR RESPONSIBILITY. The sponsor shall provide those services specified in the adult family home service plan that are identified as the sponsor's responsibility.
- (b) REFUSAL OF SERVICES. A resident may refuse any service.
- (c) DIRECTION OF SERVICES. Services shall be directed to the goals of assisting, teaching and supporting the resident to promote his or her health, well-being, self-esteem, independence and quality of life in the community.
- (d) NURSING CARE. A sponsor may arrange for or, if qualified, personally provide nursing care to residents if the care is needed and it is specified in the adult family home service plan. A physician's written authorization shall be obtained if required.

(4) PRESCRIPTION MEDICATIONS.

- (a) CONTAINERS. All containers in which prescription medications are stored shall have a label permanently attached to the outside which lists the name of the person for whom the medication is prescribed, the physician's name, the prescription number, the name and dosage of the medication, directions for use, the date the medication was issued, an expiration date of all time-dated medication, and the name, address, and telephone number of the pharmacy from which the medication was obtained.
- (b) CONTROL AND ADMINISTRATION.
 - 1. A resident shall be permitted to refuse medication unless there has been a court order under s. 51.61(1)(g), Stats., with a court finding of incompetency.
 - 2. A resident shall control and administer his or her own medications except when the resident is not able to do so, as determined by the resident's physician, or when the resident or resident's guardian, if any, requests the sponsor's assistance.
 - 3. For the sponsor to administer or assist a resident in administering any prescription medication, there shall be a written order from the physician who prescribed the medication. The written order shall specify under what conditions and what dosages medication may be administered.
 - 4. If the sponsor provides assistance with medications, the sponsor shall safely store the medication, help the resident take the correct dosage at the correct time and communicate effectively with his or her physician or pharmacist.
- (c) MEDICATION RECORDS. Records shall be kept by the sponsor of all prescription medication controlled or administered by the sponsor, which shall show the following:
 - 1. The name of the resident;
 - 2. The name of the medication;
 - 3. The date and time of administration by the sponsor;
 - 4. The dose administered;
 - 5. The initials of the sponsor that indicate that the medication was administered; and
 - 6. Any refusals.

(5) NUTRITION.

- (a) QUANTITY AND VARIETY. The sponsor shall provide each resident with a quantity and variety of foods sufficient to meet the resident's nutritional needs and preferences and to maintain his or her health.
- (b) FREQUENCY. The sponsor shall provide or ensure that each resident receives three (3) nutritious meals each day. This requirement does not apply to the sponsor if meals are included in other programming and paid for by providers of the programming in which the resident is participating.

- (c) **SANITARY PREPARATION.** Food shall be prepared in a sanitary manner.
- (d) **DINING AREA.** Residents shall be routinely served their meals in common dining areas with other household members.
- (e) **SPECIAL DIETARY NEEDS.** Meals prepared by the sponsor shall take into account resident's special physical and religious dietary needs.

202.07 RESIDENT RIGHTS.

- (1) **INTRODUCTION.** Individuals have basic rights which they do not lose when they enter an adult family home. Person's served in adult family homes who meet the definition of patient in s. 51.01(1) Stats. have the rights and access to the grievance procedures specified in s. 51.61 Stats. and HFS 94. This section summarizes these rights but does not supersede or replace these rights. The rights detailed in this section apply to all residents in adult family homes including those not governed by these statutes and rules.
- (2) **RIGHTS.** A resident shall have all of the following rights:
 - (a) **FAIR TREATMENT.** To be treated with courtesy, respect and full recognition of the resident's dignity and individuality.
 - (b) **PRIVACY.** To have physical and emotional privacy in treatment, living arrangements and in caring for personal needs, including toileting, bathing and dressing. The resident, resident's room, any other area in which the resident has a reasonable expectation of privacy, and the personal belongings of a resident shall not be searched without the resident's permission or permission of the resident's guardian except when there is a reasonable cause to believe that the resident possesses contraband. The resident shall be present for the search.
 - (c) **CONFIDENTIALITY.** To have his or her records kept confidential in accordance with HFS 92 and any other applicable state or federal law and rule.
 - (d) **PRESUMPTION OF COMPETENCY.** To be treated as mentally competent unless there has been a court determination of incompetency under ch. 880, Stats. A resident who has been adjudicated incompetent has a right to have his or her guardian fully informed and involved in all aspects of his or her involvement at the adult family home. A resident who has been adjudicated incompetent shall be allowed participation in decision-making to the extent that the resident is capable.
 - (e) **SELF-DIRECTION.** To have the opportunity to make decisions relating to care, activities and other aspects of life in the adult family home. No curfew, rule or other restrictions on a resident's freedom of choice shall be imposed unless specifically identified in the home's program statement or the resident's adult family home service plan. An adult family home shall help any resident who expresses a preference for more independent living to contact any agency needed to arrange for it.
 - (f) **FINANCIAL AFFAIRS.** To manage his or her own financial affairs, including any personal allowances under federal or state programs, unless the resident delegates, in writing, responsibility for financial management to someone of the resident's choosing or the resident is adjudicated incompetent in which case the guardian or guardian's designee is responsible for this decision.
 - (g) **CLOTHING AND POSSESSIONS.** To retain and use personal clothing and effects and to retain, as space permits, other personal possessions in a reasonably secure manner.
 - (h) **SOCIAL ACTIVITY CHOICE.** To meet with and participate in social and community activities at the resident's own discretion.

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- (i) **CHOICE OF PROVIDERS.** To exercise complete choice of providers of physical health care, mental health care and pharmaceutical services.
 - (j) **TREATMENT CHOICE.** To receive all treatments prescribed by the resident's physician and to refuse any form of treatment unless the treatment has been ordered by a court. The written informed consent of the resident or resident's guardian is required for any treatment administered by the adult family home.
 - (k) **RELIGION.** To participate in religious activities of the resident's choosing. No resident may be required to engage in any religious activity.
 - (l) **SAFE PHYSICAL ENVIRONMENT.** To have a safe environment in which to live. The adult family home shall safeguard residents who cannot fully guard themselves from environmental hazards to which they are likely to be exposed, including conditions which would be hazardous to anyone and conditions which would be or are hazardous to a particular resident because of the resident's condition or disability.
 - (m) **FREEDOM FROM ABUSE.** To be free from physical, sexual, verbal or emotional abuse, neglect, and financial exploitation or misappropriation of property.
 - (n) **FREEDOM FROM SECLUSION AND RESTRAINTS.**
 - 1. Except as provided in subd. 2. or 3., to be free from seclusion and from all physical and chemical restraints, including the use of an as-necessary (PRN) order for controlling acute, episodic behavior.
 - 2. Physical restraints may be used in an emergency when necessary to protect the resident or another person from injury or to prevent physical harm to the resident or another person resulting from the destruction of property, provided that law enforcement or other emergency assistance be summoned as soon as possible. The incident shall be reported to the certifying agency by the next business day with documentation of what happened, the actions taken by the adult family home, and the outcomes.
 - 3. Non-emergency use of restraints may be permitted only if approved by the department through appropriate policies and procedures governing the use of such measures. Restraint approvals shall be sought through the appropriate process and copies of the approval shall be kept in the resident's file as well as distributed to the adult family home coordinator of the certifying agency.
 - (o) **LABOR.** To not be required by the sponsor to perform labor which is of any financial benefit to the sponsor.
 - (p) **PROMPT AND ADEQUATE TREATMENT.** To receive prompt and adequate treatment and services appropriate to the resident's needs.
 - (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), Stats., with a court finding of incompetency.
 - (r) **MAIL.** To receive and send sealed, unopened mail, including packages. The sponsor shall give mail to residents on the day it is received or as soon as possible thereafter, unless the sponsor has reasonable cause to believe that the mail being sent or received contains contraband, in which case a resident's mail may be opened by the sponsor but only in the presence of the resident.
 - (s) **TELEPHONE CALLS.** To make and receive a reasonable number of telephone calls of reasonable duration and in privacy.
 - (t) **VISITS.** To have private visitors and have adequate time and private space for visits.
 - (u) **SERVICE CHARGES.** To be fully informed in writing before or at the time of admission of all services and charges for the services. Throughout the time a person is a resident of the adult family home, he or she shall be fully informed in writing of any changes in services and related charges at least 30 days before those changes take effect.

(3) GRIEVANCE PROCEDURE.

- (a) **RIGHT TO FILE A GRIEVANCE.** A resident, or the resident's guardian, if any, has the right to file a grievance if he or she believes that a right of the resident or a provision of these standards has been violated. Any form of coercion to discourage or prevent a resident or the resident's guardian from exercising any of the rights under this section is prohibited. Any form of coercion or retaliation against a resident or the resident's guardian for exercising any of the rights in this section, or against a service provider who assists a resident or the resident's guardian in exercising any of the residents' rights in this section, is prohibited.
- (b) **PROCEDURE.** The county grievance procedure under s. HFS 94 shall be used.

(4) REPORTING OF ABUSE AND NEGLECT.

- (a) **SPONSOR RESPONSIBILITY.** A sponsor or substitute provider who knows or has reasonable cause to suspect that a resident has been abused or neglected as defined in s. 46.90 or 940.285, Stats., shall immediately contact the certifying agency. Providing notice under this section does not relieve the sponsor or other person of the obligation to report an incident to law enforcement authorities. If the sponsor has reason to believe that a crime has been committed, the incident shall immediately be reported to law enforcement authorities.
- (b) **CERTIFYING AGENCY RESPONSIBILITY.**
 - 1. The certifying agency shall immediately contact the resident's guardian, if any, placing agency, if any, and care manager regarding any occurrence or suspected occurrence of abuse or neglect.
 - 2. As soon as possible, after being contacted, the certifying agency shall undertake an investigation of the reported abuse or neglect; or
 - 3. If the certifying agency may have a conflict of interest, the certifying agency may enter into an agreement with another agency to perform an independent investigation. The investigating county agency shall comply with the same confidentiality requirements as required of the certifying agency.
 - 4. The investigating agency, after completing its investigation, shall notify the resident, guardian, if any, the certifying agency, if different, and care manager of its findings.

- (5) **LEGAL RIGHTS.** In addition to rights under these standards, there may be other applicable rights of which the adult family sponsor is required to comply. Other applicable statutes and rules relating to resident rights include, but are not limited to: s. 51.61 Stats, chs. 55, 304 and 880, stats., and chs. HFS 92 and 94, stats. 46.287, and HFS 10. The certifying agency is responsible for ensuring that these rights have been discussed with the adult family home sponsor and that the resident or guardian, if any, has given informed consent as required.

202.08 PLACEMENT PROCESS

- (1) **CARE MANAGER RESPONSIBILITY.** The care manager is responsible for coordinating the services, completing all documents associated with placement (unless otherwise specified), planning, and placement under this section. In homes that serve private pay residents where there may not be a care manager, these responsibilities are to be performed by the sponsor unless other arrangements are made.

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- (2) **PLACEMENT ASSESSMENT.** Prior to placement, the care manager, along with the prospective resident, and guardian, if any, will assess whether the adult family home will meet the prospective resident's needs and preferences. This assessment may be in conjunction with the assessment required by all Medicaid Waiver programs if applicable. In emergency situations, if necessary, the assessment shall be completed not more than seven (7) working days after placement. At a minimum, the assessment shall identify the person's needs, abilities, and preferences in the following areas:
- (a) activities of daily living;
 - (b) instrumental activities of daily living;
 - (c) medications;
 - (d) current health status, and health maintenance needs;
 - (e) level of supervision required in the home and community;
 - (f) behavior support needs, if any
 - (g) work, vocational program participation or day time activities;
 - (h) recreational/social; and
 - (i) transportation.
- (3) **PRE-PLACEMENT.** Prior to placement, the care manager is responsible for providing or assuring that the prospective resident is provided with the information and site visit under this section. In an emergency, if necessary, the following shall be completed not more than seven (7) working days after placement.
- (a) **INFORMATION PROVIDED TO THE PROSPECTIVE RESIDENT.** The certifying agency shall provide the following to a prospective resident and that person's guardian, the care manager, and the placing agency, if different:
 - 1. A copy of these standards upon request.
 - 2. The home's program statement as defined under 202.03(1)(d).
 - 3. Information regarding significant violations of any of these standards by the prospective sponsor.
 - (b) **INFORMATION PROVIDED TO THE ADULT FAMILY HOME.** With the resident's or guardian's informed consent, the certifying agency and/or the resident shall share information concerning the resident's support needs, preferences and any other relevant information with the sponsor of the adult family home prior to placement.
 - (c) **PRE-PLACEMENT VISIT.** The care manager shall ensure that a prospective resident is given the opportunity to meet other residents, household members, and the sponsor and spend time at the home before entering into the agreement for services under sub. (4)(c). This may include visits during the day and overnight stays in the home.
- (4) **PLACEMENT.** Prior to or upon placement, the care manager is responsible for developing or facilitating the development of the documents under this section.
- (a) **ADULT FAMILY HOME SERVICE PLAN.**
 - 1. **INTRODUCTION.** An adult family home shall have an adult family home service plan for each person to be admitted to the home. The plan shall be developed prior to or upon admission to the home except in an emergency, in which case the adult family home service plan shall be developed within seven (7) days after placement.
 - 2. **INVOLVED PARTIES.** At a minimum, the adult family home service plan shall be developed by the resident, the resident's guardian, if any, the care manager, and the adult family home sponsor. The adult family home service plan shall be signed and a copy shall be given to each party involved in the development.

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3. **CONTENTS.** The adult family home service plan shall contain the following:
 - a. **SERVICES TO BE PROVIDED.** A description of how all of the needs and preferences identified in the placement assessment under sub. (2) will be met by the adult family home and any other providers who come to the home to provide services and supports to residents.
 - b. **ACCESSING THE COMMUNITY.** Identification of how the resident will obtain access to community activities and services.
 - c. **OTHER SERVICE PROVIDERS.** A description of the services provided by other service providers that interact with the adult family home and how the services will be coordinated for the resident.
 - d. **PERSONAL HOUSEKEEPING.** A description of any personal housekeeping the resident agrees to perform or, if applicable, any compensated work the resident has agreed to do for the sponsor, including the terms of compensation.
 4. **ADULT FAMILY HOME SERVICE PLAN UPDATE.** The adult family home service plan shall be reviewed by the care manager at least once every six (6) months. This review is to determine continued appropriateness of the plan and to update the plan when necessary. A plan shall be updated whenever the resident's needs or preferences substantially change or when requested by the resident or the resident's guardian. The updated plan shall be signed by the care manager, the resident, the guardian, if any, and the adult family home sponsor and copies shall be provided.
- (b) **RESIDENT HEALTH.**
1. **PHYSICAL EXAMINATION.** Each resident shall have a medical examination by a physician, physician assistant, or nurse practitioner to identify any health problems.
 2. **COMMUNICABLE DISEASE CONTROL.** The resident shall be screened for clinically apparent communicable diseases and tuberculosis (TB).
- (c) **AGREEMENT FOR SERVICES.**
1. **INTRODUCTION.** An adult family home shall have an agreement for services with each person to be admitted to the home. The agreement for services shall be completed prior to admission except in an emergency, in which case the agreement shall be developed within seven (7) days after placement.
 2. **INVOLVED PARTIES.** At a minimum, the parties to the agreement shall include the resident, the resident's guardian, if any, the sponsor and the care manager. The agreement shall be signed and a copy given to all parties. The agreement shall be updated annually.
 3. **CONTENTS.** An agreement for services shall include:
 - a. **ROLES AND RESPONSIBILITIES.** A description of the roles, responsibilities and expectations of the:
 - i. Sponsor in providing the room, board, services and supervision that are specified in the adult family home service plan;
 - ii. Resident entering or residing in the home;
 - iii. Placing agency and care manager providing assistance to the resident or sponsor.
 - b. **PAYMENT RATE.** The amount, source and method of payment for providing care and maintenance to the resident of the home, including:
 - i. Any costs for which the resident will be liable;
 - ii. Any costs for which the placing agency is liable.
 - c. **AGREEMENT FOR CONTROL OF PERSONAL FUNDS.** This agreement shall conform to Medicaid waiver conflict of interest policies.
 - i. The agreement for services shall state who will exercise control over the monthly discretionary or other funds available to the resident for personal spending. This shall be a decision of the resident or the resident's guardian, if any.
 - ii. No agreement shall allow a sponsor to control resident funds in excess of \$200.

- iii. If resident funds exceed \$200, the sponsor shall notify the care manager who shall make arrangements for the disposition of excess funds.
 - iv. When the sponsor exercises control of resident funds, the sponsor shall keep records that account for the receipt and expenditure of each resident's funds.
 - d. **TERMINATION STATEMENT.** The agreement for services shall include a written statement related to the termination of placement that conforms with the provisions of this section. A sponsor, resident, or care manager may terminate a resident's placement only after giving other parties (including the resident's guardian, if any) 30 days written notice. A 30 day notice is not required due to the death of a resident, or when an emergency termination is necessary to prevent harm to the health and safety of the resident or other household members.
 - e. **NOTIFICATION OF RESIDENT RIGHTS AND GRIEVANCE PROCEDURE.** A statement that the resident's rights and the grievance process under s. 51.61, Stats., and ch. HFS 94, and 202.07 of these standards have been provided and explained to the resident and to the resident's guardian, if any.
4. **AGREEMENT FOR SERVICES UPDATE.** The agreement shall be updated at least annually or whenever the rate or other significant change occurs.

202.09 PLACEMENT AND CERTIFICATION OF RELATIVES/GUARDIANS OF RESIDENTS.

- (1) **CERTIFICATION POLICY.** County agencies that administer a Medicaid waiver program shall have a written policy that specifies which relatives or guardians, if any, they will consider for certification as adult family home sponsors (i.e., the county chooses not to certify relatives and/or guardians, or the county will consider guardians who are not also the protective payee, etc.). Copies shall be submitted to the department, the certifying agency, and other applicable county agencies.
- (2) **ADDITIONAL STANDARDS.** In addition to all of the standards herein, the following shall apply if the applicant or sponsor is a relative and/or guardian of a participant/resident.
- (a) **PRE-PLACEMENT.** In addition to the requirements under 202.08(3), the placing agency shall document that the participant and the guardian, if any, have been fully informed of all residential options and have had the opportunity to visit other settings of the participant's choice prior to placement in the adult family home of a relative and/or guardian.
 - (b) **AGREEMENT FOR SERVICES.** In addition to the requirements under 202.08(4)(c), the agreement for services shall include provisions that identify:
 - 1. Possible conflicts of interest and how any conflict(s) will be addressed and minimized or eliminated; and
 - 2. How the county, along with other involved parties under 202.08(4)(c)2., will establish that the home is in the best interest of the participant; and
 - 3. The process for review and monitoring of sub. 1. and 2.
 - (c) **ANNUAL REVIEW.** The additional requirements under sub. (a) and sub. (b) shall be reviewed and renewed by the care manager, participant, and guardian, if any, at least once every year. This review is to determine the continued preference and appropriateness of the placement.

202.10 SPONSOR/PROVIDER RESPONSIBILITIES

- (1) **PROVISION OF SERVICES.** The sponsor shall provide all the supervision and services identified as the sponsor's responsibility in the adult family home service plan under section 202.08(4)(a). The sponsor shall allow other providers access to the home so they can provide the services in the plan for which they are responsible.

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- (2) **SPONSOR ABSENCE.** The sponsor shall assure that an appropriate substitute provider is available when the sponsor is absent from the home for any period if the sponsor's absence prevents the resident from receiving the services or supervision specified in the adult family home service plan. This does not apply to short-term absences by the sponsor for routine errands, or other appointments if the resident does not require full-time supervision.
- (3) **REQUIRED REPORTING.**
- (a) **IMMEDIATE NOTIFICATION.** The sponsor shall immediately notify the care manager of any life-threatening, disabling or serious illness or injury sustained by a resident which requires medical treatment or absence from the home for more than 24 hours. Other reports may be required by the county agency, such as critical incident reports required under certain Medicaid waiver programs.
- (b) **NOTIFICATION WITHIN SEVEN DAYS.** The sponsor shall report any of the following to the certifying agency within seven (7) days after occurrence. Failure to report may result in revocation of certification:
1. A substantive change in the type or amount of services the sponsor offers to provide, actually does provide or believes the participant requires;
 2. A change in household members;
 3. A change in residence;
 4. A change in sponsor's employment and/or financial status;
 5. A change in the sponsor's and all household members' legal status, including being arrested, charged, or convicted of any crime that would disqualify a person from being a provider if that crime had been found on a background check;
 6. A substantial change in the health status of the sponsor and/or household members that affects the sponsor's ability to provide the services and supports needed by all residents or that places participants at a safety risk.
- (4) **ACCESS TO THE HOME.** The sponsor shall provide the certifying/placing agency with access to the home for purposes of renewal of certification or at any time to evaluate the status of resident health, safety or welfare. This may include unannounced visits.
- (5) **TRAINING.** The sponsor shall complete any training required by the certifying agency to meet the requirements of 202.04(6) of these standards.
- (6) **PROGRAM STATEMENT.** A home shall follow its program statement. If a home makes any change in its program, the home shall revise its program statement and submit it to the certifying agency for approval before implementing the change. The certifying agency shall either approve or deny this change within 30 days of receiving the notice.
- (7) **CAREGIVER BACKGROUND CHECKS.** The applicant/sponsor is responsible for the arrangement of caregiver background checks of all substitute providers. The background checks must be conducted at least every four (4) years.
- (8) **MAINTAINING RESIDENT RECORDS.** The sponsor shall keep all resident records confidential and maintain all resident records in a secure location and shall comply with applicable federal and state requirements. The sponsor shall maintain an up-to-date written agreement for services and an adult family home service plan for each resident placed in the home. Sponsors shall keep a written record of all medical examinations and shall retain any reports made by these health care providers.

202.11 RECORDS AND REPORTS.

- (1) **RESIDENT RECORDS.** The sponsor shall maintain a record for each resident. Resident records shall be maintained in a secure location within the home. A resident or the resident's guardian shall be given access to the resident's record upon request. The record shall be kept confidential in accordance with all applicable state and federal laws. Each record shall contain:
 - (a) The resident's name and date of birth;
 - (b) If the resident has a guardian, the name, address and phone number of the guardian;
 - (c) The name, address and telephone number of every person, including the resident's physician, to be notified in the event of an emergency;
 - (d) The name, address and telephone number of the placing agency and the care manager;
 - (e) Medical insurance identification numbers and the name of any pharmacy that the resident uses;
 - (f) The adult family home service plan required under s. 202.08(4)(a);
 - (g) The report of the resident health assessment required under s. 202.08(4)(b); and
 - (h) The agreement for services required under s. 202.08(4)(c);
 - (i) Evidence that the resident and the resident's guardian, if any, have received and discussed the rights and grievance procedure specified in 202.07 and HFS 94 with the care manager.

- (2) **REPORTING.** The sponsor shall comply with all department and certifying agency requests for information about the residents, services or operation of the adult family home.