

March, 2009
DHS 83 Industry Training

Module 1
Background and
Subchapters I - IV

DHS 83 – General Background

Goals of Re-write:

- Focus on resident outcomes, quality of life & quality of care
- Improve readability and organization, eliminate excess and prescriptive verbiage
- Incorporate information from DQA memos
- Update DHS 83 with related regulations
- Address changes in response to the increasing care needs of residents living in CBRFs
- Revise CBRF staff training standards to be more cost effective for providers and DHS
- Clarify medication administration requirements
- Incorporate the requirements for facilities with more than 20 residents into the main body of the rule
- Promote the use of nationally recognized standards of practice

Organization of DHS 83

- Subchapter I – General Provisions
- Subchapter II – Licensing
- Subchapter III – Personnel
- Subchapter IV – Orientation & Training
- Subchapter V – Admission, Retention & Discharge
- Subchapter VI – Resident Rights & Protections
- Subchapter VII – Resident Care & Services
- Subchapter VIII – Physical Environment
- Subchapter IX – Safety
- Subchapter X – Building Design
- Subchapter XI – Requirements for New Construction, Remodeling, Additions, or Newly-Licensed Existing Structures

SUBCHAPTER I – GENERAL PROVISIONS

Changes made in:

- 83.02 Definitions
 - Reduced overall number of definitions
 - Eliminated definitions no longer in use
 - Updated definitions to current terminology
 - Added definitions

SUBCHAPTER II - LICENSING

- 83.04 Licensing Categories
- 83.05 Application Requirements
- 83.06 Program Statement
- 83.07 Fit and Qualified
- 83.08 Department Action
- 83.09 Biennial Report and Fees
- 83.10 Changes in Ownership
- 83.11 Facility Closing
- 83.12 Investigating and Reporting Requirements
- 83.13 General Records, Retention and Posting

83.05 Application Requirements

- (2) An application for initial licensure shall include:
 - (c) Fire Inspection Form
 - (d) All required Fees
 - (e) Balance Sheet
 - (f) Evidence of 60 days projected operating funds

83.06 Program Statement

- (1) The program statement shall accurately include:
 - (b) Employee availability; 24 hour staffing patterns; the availability of a licensed nurse, if any
 - (g) Limitations of services, including the criteria for determining who may reside
- (2) Availability
 - (a) Before finalizing an agreement to provide care, a program statement shall be provided to each person seeking placement

83.07 Fit and Qualified

- (2) Standards
 - (a) Compliance history with states' licensing requirements and with federal certification requirements
 - (b) Criminal history
 - 2. Crimes or acts subject to elder abuse reporting
 - 3. Crimes or acts related to controlled substances
 - (c) Financial history
 - 1. History and viability of the owner or related organization
 - 2. Outstanding debts or amounts due to the department or other agencies

83.10 Changes in Ownership

- (1) Duties of the Transferor
 - (a) Notify department within 30 days
 - (b) Remains responsible for the operation
 - (c) Disclose any existing department waiver, variance or outstanding deficiency
 - (d) Follow transferring financial responsibility under s. DHS 83.34(7)
 - (e) Remain liable for all forfeitures assessed
 - (f) Notify residents no less than 7 days in advance of the transfer

83.10 Changes in Ownership

- (2) Duties of the Transferee
 - (a) Notify department within 30 days
 - (b) If less than 30 days notice given to residents, advanced notice requirements for discharge may not be enforced

83.10 Changes in Ownership

- (3) Transferability
 - (b) Notify department within 30 days
 - 1. Removing, adding or substituting an individual as a partner, dissolving the partnership and creating a new partnership
 - 2. Removing, adding, or substituting any member in an LLC
 - 3. Making a change in corporate structure

83.11 Facility Closing

- (1) Notify the department in writing at least 30 days before closing
- (2) If 5 residents or 5% of the residents will be relocated, the CBRF shall follow the procedure under s. 50.03(14), Stats

83.12 Investigating, Notification and Reporting Requirements

- (2) Investigating and reporting
 - (a) Caregiver
 - 1. Take immediate steps to ensure safety
 - 2. Report to the department within 7 days
 - (b) Non-caregiver
 - Follow the elder abuse reporting or adult at risk requirements

83.12 Investigating, Notification and Reporting Requirements

- (3) Investigating injuries of unknown source
 - (a) CBRF shall investigate
 - 1. An injury that was not observed
 - 2. Source of an injury that cannot be adequately explained by the resident
 - 3. An injury that appears suspicious
 - (b) The CBRF shall maintain documentation

83.12 Investigating, Notification and Reporting Requirements

- (4) Other Reporting
 - (a) Anytime a resident's whereabouts is unknown, except when a competent resident chooses not to disclose
 - (c) Any incident or accident resulting in serious injury requiring emergency room treatment
 - (f) Anytime the CBRF must evacuate and temporarily relocate residents and employees

83.12 Investigating, Notification and Reporting Requirements

- (6) Documentation
 - All written reports shall include:
 - Time
 - Date
 - Place
 - Individuals involved
 - Details
 - Action taken

83.13 General Records, Retention and Posting

- New section relating to:
 - Required Documentation
 - Requirements for Records Retention
 - Posting Requirements

SUBCHAPTER III – PERSONNEL

- 83.14 Licensee
- 83.15 Administrator
- 83.16 Employee
- 83.17 Hiring and Employment
- 83.18 Employee Records

83.14 Licensee

- (2)(b) The licensee shall report any change in client group in writing to the department at least 30 days in advance and may not implement the change until the licensee receives written approval from the department.
- (2)(c) The licensee shall report any change in capacity or class to the department and may not implement the change until the licensee receives written approval from the department.
- (2)(g) The licensee shall provide information required by the department relating to involuntary administration of psychotropic medications to a resident.

83.14 Licensee

- (2)(h) Statement of deficiency shall remain posted for 90 days.
- (2)(k) The licensee shall ensure the presence of other occupants does not adversely affect the health, safety or welfare of residents.

83.15 Administrator

- (1)(a) Associate degree or higher in a health care related field; or
- (1)(b) Bachelor's degree in a field other than health care AND one year experience working in a health care related field; or
- (1)(c) Bachelor's degree in a field other than health care AND have completed a department-approved administrator's training course; or
- (1)(d) At least two years experience working in a health care related field AND have completed a department-approved administrator's training course; or
- (1)(e) A valid nursing home administrator's license

83.15 Administrator

- (2) Qualified administrators on record with the department on 4/1/09 are exempt.
<http://dhs.wisconsin.gov/bqaconsumer/AssistedLiving/cbrfdir.pdf>
- (3)(a) The administrator shall provide the supervision necessary to ensure that residents receive proper care and treatment, that their health and safety are protected and promoted and that their rights are respected.
- (3)(b) The administrator shall be responsible for the training and competency of all employees.

83.17 Hiring and Employment

- (2)(a) TB screening shall be conducted using centers for disease control preventions and standards
- (2)(b) Employees shall be re-screened for clinically apparent communicable disease based on likelihood of exposure

SUBCHAPTER IV – ORIENTATION AND TRAINING

- 83.19 Orientation
- 83.20 Department Approved Training
- 83.21 All Employee Training
- 83.22 Task Specific Training
- 83.23 Employee Supervision
- 83.24 Exemptions
- 83.25 Continuing Education
- 83.26 Documentation

83.19 Orientation

Before performing any job duties, the CBRF must provide training in:

- (2) Prevention and reporting
- (3) Information regarding needs and services for each resident the employee is responsible
- (5) Policies and Procedures
- (6) Recognizing and responding to changes in condition

83.20 Department Approved Training

- (1)(a) Department approved training for:
 - Fire Safety
 - First Aid & Choking
 - Medications
 - Standard Precautions

 - Approvals for training plans and trainers issued before 4/1/09 shall expire 4/1/10
http://dhs.wisconsin.gov/rl_DSL/CBRF/AprvdTrgProgs.htm
- (1)(b) CBRF shall maintain documentation including trainer approval number, name of employee, topic, and date completed

83.21 All Employee Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

- (1) Resident Rights. Topics shall include:
 - Rights under 83.32(3) and as applicable under 50.09, 51.61, 54, 55, and 304
 - House rules
 - Coercion
 - Retaliation
 - Confidentiality
 - Restraints
 - Self-determination
 - Complaint and grievance proceduresTraining to be completed within 90 days

83.21 All Employee Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

□ (2) Client Group. Topics shall include:

- Physical, social and mental health needs
- Characteristics of the client group
- Activities
- Safety risks
- Environmental considerations
- Disease processes
- Communication skills
- Nutritional needs
- Vocational abilities

Training to be completed within 90 days

83.21 All Employee Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

□ (3) Recognizing and Responding to Challenging Behaviors. Specific topics shall include:

- Elopement
- Aggressive behaviors
- Destruction of property
- Suicide prevention,
- Self-injurious behavior
- Resident supervision
- Changes in condition

Training to be completed within 90 days

83.22 Task Specific Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

□ (1) Assessment of Residents. Specific topics shall include:

- Assessment methodology
- Assessment of change in condition
- Sources of assessment information
- Documentation of the assessment

Training to be completed prior to assuming job responsibility

83.22 Task Specific Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

□ (2) ISP Development. Specific topics shall include:

- Identification of resident's needs and desired outcomes
- Development of goals and interventions
- Service plan evaluation and review of progress

Training to be completed prior to assuming job responsibility

83.22 Task Specific Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

□ (3) Provision of Personal Care. Specific topics shall include:

- Bathing
- Eating
- Dressing
- Oral hygiene
- Nail and foot care
- Toileting and incontinence care
- Positioning and body alignment
- Mobility and transferring

Training to be completed prior to assuming job responsibility

83.22 Task Specific Training

The facility shall provide, obtain or otherwise ensure adequate training in all of the following:

□ (4) Dietary Training. Specific topics shall include:

- Determining nutritional needs
- Menu planning
- Food preparation and food sanitation

Training to be completed within 90 days after assuming job responsibility

83.24 Exemptions

- (1) Exemptions for Completed Training. Employees who have completed department-approved training in standard precautions, fire, first aid and medication administration prior to 4/1/09 or who receive department approved training prior to 4/1/10 are exempt from 83.20

83.24 Exemptions

- (2) General Exemptions. A practitioner, pharmacist, RN or LPN is exempt from training in 83.20(2)(a), (c) and (d), 83.21 and 83.22.

83.24 Exemptions

- (3) Exemptions from Standard Precautions.
 - EMTs
 - Employees who can provide documentation that they have had training from a regulated health care entity within the previous year
 - Nurse aide certified after 1999 and in good standing with the WI Nurse Aide Registry

83.24 Exemptions

- (4) Exemptions from Fire Safety Training
 - Firefighters

83.24 Exemptions

- (5) Exemptions from First Aid and Choking Training
 - EMTs
 - Student nurses who have successfully completed related training

83.24 Exemptions

- (6) Exemptions from Medication Administration and Management Training
 - Nurse aides who have completed a medication aide training program and are in good standing on the WI Nurse Aide Registry
 - Student nurses currently enrolled in a nursing program that has successfully completed a medication administration course
 - Other licensed health care person whose licensure and scope of practice allows medication administration

83.24 Exemptions

- (7) Exemptions from Client Group Training
 - Licensed NH Administrators
 - Substance abuse counselors
 - Employees with a degree in social work, psychology or similar human services field
 - Student nurses who have successfully completed related courses
 - Nurse aide in good standing on the WI Nurse Aide Registry

83.24 Exemptions

- (8) Exemptions from Provision of Personal Care Training
 - Nurse aide in good standing on the WI Nurse Aide Registry

83.24 Exemptions

- (9) Exemptions from Assessment and ISP Training
 - Licensed NH Administrators
 - Substance abuse counselors
 - Employees with a degree in social work, psychology or similar human services field
 - Student nurses who have successfully completed related courses

83.24 Exemptions

- (10) Exemptions from Dietary Training
 - Registered dietitians
 - Employees who only deliver meals
 - Employees who have completed an associate in applied science degree in culinary arts
 - Certified dietary manager

83.25 Continuing Education

Administrator and resident care staff shall receive at least 15 hours per calendar year of continuing education. Shall include, at a minimum:

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

83.26 Documentation

(1) The CBRF shall maintain documentation of all employee training under 83.21 and 83.22 and shall include:

- Name of the employee
- Name of the instructor
- Dates of training
- Description of course content
- Length of training

Contact Information

For questions, you may contact the regional director using the following link:

http://dhs.wisconsin.gov/rl_dsl/Contacts/ALSregmap.htm

Or you may email the regional director at:

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