

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State/Territory: WISCONSIN

ELIGIBILITY CONDITIONS AND REQUIREMENTS

Enforcement of Compliance for Nursing Facilities

State Monitoring: Describe the criteria (as required at §1919(h)(2)(A)) for applying the remedy.

Specified Remedy

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

Alternative Remedy

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

Monitor. (Authority to appoint a state monitor is found in Chapter 49, Wis. Stats., and 42 CFR 488.406 and 488.422.)

In addition to denying to new admissions, the state shall appoint a monitor to ensure the health, safety and/or welfare of residents and to bring the facility into compliance with the regulations whenever a facility has been found to provide substandard care over three consecutive standard surveys. The monitor shall oversee the correction of cited deficiencies in the facility as a safeguard against further harm to residents when harm or a situation with a potential for harm has occurred. State monitors shall also observe operation of the facility, assist the facility by advising it on how to comply with state regulations, and shall submit a written report periodically to the department on the operation of the facility.

In addition to situations in which the state shall appoint a monitor, the state may elect to appoint a monitor whenever a facility is cited for situations which immediately jeopardize resident health and safety or create a non-immediate jeopardy, or evidence prolonged noncompliance. Examples of such situations include, but are not limited to, the following:

- poor facility history, i.e., a pattern of poor quality of care or many complaints;
- state agency concern that the situation in the facility has the potential to worsen;
- immediate jeopardy exists and no temporary manager can be appointed;
- if the facility refuses to relinquish control to a temporary manager, a monitor may be imposed to oversee termination procedures and transfer of residents;
- or
- the facility seems unable or unwilling to take corrective action for cited substandard quality of care.

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The decision to use a monitor in these situations may be also be considered under any of the following conditions:

- The facility is operating without a license;
- The state has suspended, revoked or refused to renew the existing license of the facility;
- The state has initiated revocation or nonrenewal procedures and has determined that the lives, health, safety, or welfare of residents cannot be adequately assured pending a full hearing;
- The facility is closing or intends to close and has not made adequate arrangements for relocation at least 30 days prior to closure;
- The state believes that a monitor is necessary to protect the health, safety, or welfare of the residents; or
- The facility is in violation of state law or a rule promulgated thereunder.

Finally, the department may place a monitor in a facility when one or both of the following conditions exists:

1. The facility has corrected deficiencies and verification of continued substantial compliance is needed; or
2. The department has reason to question the substantial compliance of the facility with state law or a rule promulgated thereunder.

Monitors installed by the state shall be professionals appropriate to monitor cited deficiencies and shall:

- be an employee or contractor of the state;
- not be an employee or contractor of the monitored facility; and
- not have an immediate family member who is a resident of the facility.

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