

**WALA Note – Part 1 - These are the WALA comments submitted July 2004. Included also are the BQA comments Aug 5, 2004. Some pagination changed to try and get response on one page.**

## **HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)**

**Request Number: 07-016**  
(To be assigned by re-write workgroup)

*Code reference: See below* (Submit only one code revision request per page)  
*An Omnibus comment on Commerce Code*

**Current HFS 83**   **Rule Draft Order**

Pages in June 29, 2004 draft on page 67, 68, 72, 73, 77, 79, 81, 83, 85, 86, 87, 89, have references to Commerce Chapter 51, 57, 69. Our reading of Commerce is that these chapters are not in the current code; they were repealed on July 1, 2002.

Our reading is that if BQA is trying to be in-line with the new codes, you should not be referencing the old code at all. (Our source of new Commerce code: [www.commerce.state.wi.us/SB/SB-DivCodesListing.html](http://www.commerce.state.wi.us/SB/SB-DivCodesListing.html))

Are we misreading your references to the new Commerce code? If so, we apologize.

Addition  Change  Delete

Describe: \_\_\_\_\_ Submitted by: Name: **Jim Murphy**

Agency: **WALA, Wisconsin Assisted Living Association**

**Date: 7/16/04**

The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)  
Or mail to: Laurie Arkens, 200 North Jefferson, Suite 211, Green Bay, WI 54301

Review by workgroup:

**Date: 7-27-04**

**Action:** All references made to specific commerce codes within the draft rule have been replaced with language similar to "...as required under state commercial building code."

**Rationale:** General references to comm. will ensure the draft rule is up-to-date with current commerce codes. **Existing facilities will be held to the commerce code requirements at the time of licensure. (WALA emphasis)**

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-017**

(To be assigned by re-write workgroup)

Code reference: **83.51(3)(a)(1)**

(Submit only one code revision request per page)

**Resident Bedrooms**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* Change 'Resident Bedrooms' to 'Resident Private Living Space'

Some resident living spaces include private living rooms within the resident's private space. (ie. Apartment, suite, bedroom)

*Submitted by:*

*Name:* Jim Murphy

*Agency:* WALA, Wisconsin Assisted Living Association

*Date:* 7/16/04

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)*

*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

*Date:* **7-27-04**

**Action:** The definition of a "bedroom" has been expanded to mean a resident's private living and sleeping area which may include an apartment, suite or bedroom.

**Rationale:** Expanding the definition allows for consideration of apartment style CBRFs.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-018**

(To be assigned by re-write workgroup)

Code reference: **83.51(3)(a)(3)**

(Submit only one code revision request per page)

**Resident Bedrooms**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* Change 'Resident Bedrooms' to 'Resident Private Living Space'

Some resident living spaces include private living rooms within the resident's private space. (ie. Apartment, suite, bedroom)

*Submitted by:*

*Name:* Jim Murphy

*Agency:* WALA, Wisconsin Assisted Living Association

*Date:* 7/16/04

*The form may be e-mailed to Laurie Arkens at* [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

*Or mail to:* Laurie Arkens

200 North Jefferson, Suite 211

Green Bay, WI 54301

*Review by workgroup:*

*Date:* **7-27-04**

*Action:* Draft language changed to read: "Bedrooms shall open directly into a corridor, the resident's private living area or common living space."

*Rationale:* Language change allows for consideration of apartment style CBRFs.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-019**

(To be assigned by re-write workgroup)

Code reference: **83.51(3)(a)(4)** (Submit only one code revision request per page)

**Resident Bedrooms, Storage Space**

Current HFS 83   Rule Draft Order

Addition

Change

Delete

*Describe:* Add (and/or) before 'drawer space'. Proposed draft makes drawers mandatory. Adding "and/or" allows this to be optional, if needed, depending upon room configuration and resident's needs.

Delete from the first sentence 'adequate to meet the needs of the resident.' Proposed language could require the room to be reconfigured for each new resident, and could imply unlimited storage space.

*Submitted by:*

**Name: Jim Murphy**

**Agency: WALA, Wisconsin Assisted Living Association**

**Date: 7/16/04**

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**200 North Jefferson, Suite 211**

**Green Bay, WI 54301**

*Review by workgroup:*

**Date: 7-27-04**

**Action:** 1. Draft language does not modify current code requirement. See 83.41(1)(g)2b.

2. Draft language changed to read: "Each resident shall have or be provided with a separate closet or wardrobe with clothes hanging rods and shelves, and drawer space within the bedroom adequate to reasonably meet the needs of the residents. The bedroom shall have adequate accessible space for a resident's wheelchair or other adaptive or prosthetic equipment."

**Rationale:** The intent of this rule is to provide reasonable space for resident's belongings. Accessible storage space may be provided outside of the resident's room if the closet area within a resident's room cannot adequately store belongings.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-020**

(To be assigned by re-write workgroup)

Code reference: **Table 83.51**

(Submit only one code revision request per page)

**Minimum Area per Resident**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* Change the note under the table to mention that this cannot be applied retroactively, and thus must be grandfathered in for current facilities, which meet current code and regulatory requirements. Proposed language without the mention of a grandfather clause could necessitate complete reconstruction of the facility, which would preclude any efforts to provide affordable housing with care.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

**Date:** **7-27-04**

**Action:** Draft language changed to read: "Minimum square footage is calculated exclusive of toilet rooms and closets."

**Rationale:** Alcoves and vestibules are considered usable space within a resident's bedroom.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-021**

(To be assigned by re-write workgroup)

Code reference: **83.51(5)(a)**

*Submit only one code revision request per page)*

**Laundry Appliances**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* Remove the word 'adequate' from the sentence because of the loose definition of the word.  
Suggested rewording: "The facility shall make laundry appliances readily available to residents who do their own laundry."

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

**Date:** 7-27-04

**Action:** Draft language changed to read: "The facility shall make available an adequate number of laundry appliances to residents who do their own laundry."

**Rationale:** The intent of this rule is for the facility to provide an adequate number of appliances to residents who do their own laundry. If a facility has only a few residents who wish to do their own laundry, fewer appliances would be needed than in a facility where a large number of residents wish to do their own laundry.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-022**

(To be assigned by re-write workgroup)

Code reference: **83.51(5)(c)**

(Submit only one code revision request per page)

**Dryer Vent Tubing**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* Insert the language "from the appliance to the wall" in the last sentence after 'dryer vent tubing'. This is to avoid necessitating construction within the walls, roofs and floors of facilities already equipped with other types of tubing. This maintains the need for rigid metal tubing in non-enclosed spaces while still maintaining current construction that had other types of enclosed tubing.

*Submitted by:*

**Name: Jim Murphy**

**Agency: WALA, Wisconsin Assisted Living Association**

**Date: 7/16/04**

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*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

**Date: 7-27-04**

**Action:** No change made to the current draft rule.

**Rationale:** Surveyors only observe the tubing from the dryer to the wall. Construction within walls, roofs, and floors are prescribed by state building code requirements.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-023**  
(To be assigned by re-write workgroup)

Code reference: **83.51(5)(e)** *Submit only one code revision request per page)*  
**Laundry Rooms for Large Facilities**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Eliminate the clause entirely from the document. It is unclear what problem this is attempting to address. Current accepted infection control practices guide correct procedures.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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*Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

**Date:** **7-27-04**

**Action:** 83.51(5)(e) deleted. New code added to read: "The facility shall have laundry areas of adequate size to sort, process and store clean and soiled linens."

**Rationale:** The intent of this rule is to ensure facilities have a space to sort, process and store clean and soiled linens in accordance with acceptable infection control practices.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-024**  
(To be assigned by re-write workgroup)

Code reference: **83.51(6)(b)**  
**Ventilation**

(Submit only one code revision request per page)

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Instead of saying ‘All rooms and areas’ revert back to the current wording which lists specific locations (“The Kitchen, bathrooms, janitor closets and soiled linen rooms shall be ventilated” HFS 83.63(8) and “All rooms in which food is stored, prepared or served, or in which utensils are washed, shall be well-ventilated except refrigerated storage rooms” HFS 83.64(1)(b)). Keep, however, the addition of windows as a means of ventilation.

WALA interprets the draft regulations to say that one heating/cooling unit per resident unit would not be acceptable and would require individual ventilation in every room. This is neither cost effective nor reasonable.

Regardless of the eventual decision, current facilities need to be grandfathered in, as the met applicable requirements when constructed.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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**Or mail to:** Laurie Arkens

200 North Jefferson, Suite 211

Green Bay, WI 54301

*Review by workgroup:*

**Date:** 7-27-04

**Action:** Draft language changed to read: “All rooms and areas in the facility shall be well ventilated. Ventilation is not required in a refrigerated storage room.”

**Rationale:** The language change allows rooms and areas to be ventilated through various means, unless specified by the state commercial building code. The rule does not require heating / cooling units in every room.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-025**

(To be assigned by re-write workgroup)

Code reference: **83.51(7)(a)(1)**

(Submit only one code revision request per page)

## **Bath and Toilet Facilities**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* Revert to the previous requirements. A ratio of one toilet and sink for every **8** residents, and one bath/shower for every **10** residents.

Our reading of current Commerce is one toilet and lavatory per 8 residents and one shower/bath per 10 residents per current code. Please indicate where you are quoting changed Commerce regs.

If Dept. of Commerce regs do override current 83 regulations, then the grandfather clause needs to again apply. To retroactively apply this standard will cause unnecessary major retrofits.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

**Date:** 7-27-04

**Action:** Draft language changed in 83.51(7)(a)1 to require a ratio of one toilet and sink to every 10 residents and one tub or shower for every 10 residents. Language added to subchapter VIII – Additional Requirements for New Construction, Remodeling, Additions, Change in Licensure Class or Newly Licensed Existing Structures to require a ratio of one toilet and sink for every 10 residents and one bathtub or shower for every 8 residents. (As specified under table 2902.1 – Minimum Number of Plumbing Facilities.)

**Rationale:** The language change made to 83.51(7)(a)1 provides a more liberal standard for toilets and sinks in existing facilities (in accordance with current comm. requirements for toilets and sinks) and maintains the existing standard for baths or showers. Facilities under subchapter VIII would need to meet the current commerce requirements as specified under table 2902.1.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-026**  
(To be assigned by re-write workgroup)

Code reference: **83.51(7)(c)(2)**  
**Toilet Walls**

(Submit only one code revision request per page)

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Existing approved facilities need to be grandfathered.

*Submitted by:*

*Name:* **Jim Murphy**

*Agency:* **WALA, Wisconsin Assisted Living Association**

*Date:* **7/16/04**

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)*

*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

*Date:* **7-27-04**

*Action:* No change made to the current draft language.

*Rationale:* The few existing facilities that do not meet this requirement are reviewed individually through the waiver process.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-027**  
(To be assigned by re-write workgroup)

Code reference: **83.51(7)(f)(2)** (Submit only one code revision request per page)  
**Water Temperature**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* On behalf of the many residents of CBRFs who have had to endure cold showers, thank you for raising maximum water temperatures for residents to 115 degrees F.

Delete the entire concept of 'reduce flow valves' when the water temperature exceeds approved limits. This regulation is not even required in nursing homes - a more restrictive environment. We feel strongly that this is not justified. However, if this does go forward existing facilities must be grandfathered.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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**Or mail to:** Laurie Arkens

200 North Jefferson, Suite 211

Green Bay, WI 54301

*Review by workgroup:*

**Date:** 7-27-04

**Action:** The requirement for reduce flow valves has been removed from 83.51(7)(f)2 and moved to subchapter VIII - Additional Requirements for New Construction, Remodeling, Additions, Change in Licensure Class or Newly Licensed Existing Structures.

**Rationale:** Per comm. 82.50(3)(b), reduce flow valves are required in all health care facilities, including hospitals, CBRFs, inpatient hospice and nursing home water supply systems. (See 82.50(3)(b)5).

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-028**  
(To be assigned by re-write workgroup)

Code reference: **83.52(1)(b)** (Submit only one code revision request per page)  
**Annual Resident Evacuation Evaluation**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Current 83 regulation is sufficient. Current resident evaluation and documentation accomplishes the goal while maintaining the resident's ability to evacuate.

*Submitted by:*

**Name: Jim Murphy**

**Agency: WALA, Wisconsin Assisted Living Association**

**Date: 7/16/04**

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)*

*Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

**Date: 7-27-04**

**Action:** No change made to current draft language.

**Rationale:** Annual evaluation of resident's evacuation capabilities is viewed as necessary to assess resident's abilities or limitations to ensure safety in an emergency.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-029**  
(To be assigned by re-write workgroup)

Code reference: **83.52(2)** (Submit only one code revision request per page)

## Additional Fire Safety Requirements

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* At the end of the note preceding the table add 'according to the evacuation plan of the facility' to the end of the last sentence.

Current language in 83.42 refers to this addition.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)*

*Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

**Date:** 7-27-04

**Action:** Note changed above table 83.52 to read: "...The additional requirements in Table 83.52 are based on the facility's evacuation time, with or without staff assistance."

**Rationale:** Rule clarified.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-030**  
(To be assigned by re-write workgroup)

Code reference: **83.52(4)(a)(4)** (Submit only one code revision request per page)  
**Emergency Plan**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Add 'if located in flood plain' to the end of the existing sentence. There is no demonstrable need for this unless the facility is in a flood plain.

*Submitted by:*

*Name:* **Jim Murphy**

*Agency:* **WALA, Wisconsin Assisted Living Association**

*Date:* **7/16/04**

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*Or mail to: Laurie Arkens*  
*200 North Jefferson, Suite 211*  
*Green Bay, WI 54301*

*Review by workgroup:*

*Date:* **7-27-04**

*Action:* Language added.

*Rationale:* Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-031**  
(To be assigned by re-write workgroup)

Code reference: **83.52(4)(d)** (Submit only one code revision request per page)  
**Emergency Procedures**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Remove the words 'and resident specific information including evacuation time, type of evacuation assistance and resident response for each drill.' This should be removed from the third sentence.

Only need to document date and time of fire drills. In large facilities - and to respect residents' privacy - facilities need to only check the evacuation areas, and not compile a tally of resident location.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)*

*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

**Date:** 7-27-04

**Action:** Draft language changed to read: "...Documentation shall include the date and time of the drill and the facility's total evacuation time. The facility shall record residents having an evacuation time of more than two minutes and the type of assistance needed for evacuation."

**Rationale:** The requirement to record residents having an evacuation time of more than 2 minutes and the type of assistance needed for evacuation is necessary to alert staff to the residents who need additional assistance in the event of a fire.

Thank you.

**Request Number: 07-032**  
(To be assigned by re-write workgroup)

Code reference: **83.53(4)(a)** (Submit only one code revision request per page)  
**Impaired Hearing or Vision**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Add to the end of the section, as is included in the current HFS 83.43(6)(a), “The requirements in this paragraph do not apply to a CBRF that has a sprinkler system and that meets the staffing requirements under HFS 83.15.”

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301

*Review by workgroup:*

**Date:** 7-27-04

**Action:** No change made to the current draft rule.

**Rationale:** The proposed change increases the level of safety in facilities that serve persons with impaired hearing and vision. Alerting persons with impaired hearing or vision of an emergency through audio, visual or vibrating equipment promotes greater independence for person who are capable of self-evacuation.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-033**  
(To be assigned by re-write workgroup)

Code reference: **83.53(5)(d)** (Submit only one code revision request per page)  
**Reliable Water Supply**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Due to considerable confusion from those interpreting the proposed regulations, include a note that a generator is needed only if electrical power is required to operate the sprinkler system. (ie. Pump, compressor...)

If indeed this is required by NFPA 110 (and our consultants do not agree), allow completion within five years of the effective date. The financial impact of this regulation will be huge and may very well accelerate the closing of smaller facilities.

If NFPA does require this, can a credible case be made in which where sprinklers have failed due a power failure from the local utility? This seems to be an excessive over-regulation without a demonstrable issue that requires resolution.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

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200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

**Date:** **7-27-04**

**Action:** NFPA 110 reference changed to NFPA 20.

**Rationale:** This requirement is based on NFPA 20 6-2.3.1 "For pumps driven by electric motors where reliable power cannot be obtained from a private power station or utility service, one or more of the following shall also be provided: ..." NFPA 13 7-2.2.1\* Acceptability requires: "A single automatically controlled fire pump installed in accordance with NFPA 20, *Standard for the Installation of Centrifugal Fire Pumps* shall be an acceptable water supply source." This requirement applies to facilities (mainly rural) where a compressor, pump or motor is required to get the water from a well or storage tank to the facility.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-034**  
(To be assigned by re-write workgroup)

Code reference: **Table 83.55** (Submit only one code revision request per page)  
**Accessibility Requirements**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Wherever it is required that movable showerheads with an adjustable height mounting bar exist (Class AA/CA and AS/ANA/CS/CAN), add to the end of the requirement the word "available." This will allow the adjustable shower to be available, but not required in each shower. This has been sufficient in many current facilities.

Or as alternate language, "Upon resident request."

Submitted by:

Name: Jim Murphy

Agency: WALA, Wisconsin Assisted Living Association

Date: 7/16/04

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Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301

Review by workgroup:

Date: WALA NOTE – I do not see any comments on this one.

Action: \_\_\_\_\_

Rationale: \_\_\_\_\_

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-035**  
(To be assigned by re-write workgroup)

Code reference: **83.61(2)(3)** (Submit only one code revision request per page)  
**Garages and Utility Buildings Doors**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

Describe: \_\_\_\_\_ Our consultants tell us that the proper term is "solid core wood door" (not "solid wood core door"). Many solid core wood doors in fact have cores that are not solid wood.

Submitted by:

Name: **Jim Murphy**

Agency: **WALA, Wisconsin Assisted Living Association**

Date: **7/16/04**

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Or mail to: Laurie Arkens  
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Green Bay, WI 54301

Review by workgroup:

Date: **7-27-04**

Action: Language accepted.

Rationale: Thank you.

**Request Number: 07-036**  
(To be assigned by re-write workgroup)

Code reference: **83.62** (Submit only one code revision request per page)  
**Table**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* \_\_\_\_\_ Our consultant tells us that BQA seems to be referencing the minimum type of construction according to the Commerce code, which was repealed in 2002. The classification of construction types 2, 3 and 8 have been replaced by different terminology in the Commerce Code, which adopted the International Building Code. For example, the table references Commerce Class 8. There is no Commerce Class 8 construction anymore. The old Commerce Class 8 is now classified as Type VB.

We recommend that BQA should update this table with current Commerce construction type definitions to avoid confusion. The codes are confusing enough without having to cross reference-repealed codes for clarification.

If we are misreading this table and the reference to the current Commerce code, please indicate your source.

*Submitted by:*

**Name: Jim Murphy**

**Agency: WALA, Wisconsin Assisted Living Association**

**Date: 7/16/04**

**The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)**

**Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301**

*Review by workgroup:*

**Date: 7-27-04**

**Action:** Terminology updated. Class 8 new referenced as VB. Class 2 now referenced as IB. Class 3 now referenced as IIA.

**Rationale:** Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-037**  
(To be assigned by re-write workgroup)

Code reference: **83.62(3)** (Submit only one code revision request per page)  
**Area of Rescue Assistance**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

Describe: \_\_\_\_\_ The current Commerce code references something similar to an "Area of Rescue Assistance", but calls it "Area of Refuge". Are they considered the same?

If not, please specify when and where an Area of Refuge is required?

Please be consistent and use matching terminology to avoid confusion.

Submitted by:

Name: **Jim Murphy**

Agency: **WALA, Wisconsin Assisted Living Association**

Date: **7/16/04**

The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

Or mail to: Laurie Arkens

200 North Jefferson, Suite 211

Green Bay, WI 54301

Review by workgroup:

Date: **7-27-04**

Action: Draft language changed to "Area of Refuge."

Rationale: Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-038**  
(To be assigned by re-write workgroup)

Code reference: **83.63(2)(b)** (Submit only one code revision request per page)  
**Exits, Passageways. Etc Doors**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

Describe: \_\_\_\_\_ Our consultants tell us that the proper term is "solid core wood door" (not "solid wood core door"). Many solid core wood doors in fact have cores that are not solid wood.

Submitted by:

Name: **Jim Murphy**

Agency: **WALA, Wisconsin Assisted Living Association**

Date: **7/16/04**

The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)  
Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301

Review by workgroup:

Date: **7-27-04**

Action: Language changed.

Rationale: Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-039**

(To be assigned by re-write workgroup)

Code reference: **83.63 (3)**

(Submit only one code revision request per page)

**Delayed Egress**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

Describe: \_\_\_\_\_(3) Delayed Egress should be in all caps: **DELAYED EGRESS**

And thank you for this simple way to expedite delayed egress, given how complicated it has been in the past.

Submitted by:

Name: Jim Murphy

Agency: WALA, Wisconsin Assisted Living Association

Date: 7/16/04

The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

Or mail to: Laurie Arkens

200 North Jefferson, Suite 211

Green Bay, WI 54301

Review by workgroup:

Date: **7-27-04**

Action: Change made.

Rationale: Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-040**  
(To be assigned by re-write workgroup)

Code reference: **83.63.(4)**  
**Stairs and Shafts**

(Submit only one code revision request per page)

Current HFS 83   Rule Draft Order

Addition  Change  Delete

Describe: Note: We are including 3 revision requests because they are all 83.64 (4)

**#1** Should be (5), not (4) and LIGHTING which is now (5) should be (6)

**#2** **4 (a)** Stairs and Shafts: In the Commerce code, minimum tread depth is 11", and the maximum tread height is 7". The proposed rewrite states 9" minimum tread "width" (in error, should be depth), and 8" maximum tread height. We assume that BQA does not really want stairs that are less safe than what Commerce requires and that this is just a typo. Did we read this correctly? If the change is required, current facilities need to be grandfathered.

**#3** **4(b)** In the Commerce code, handrails are to be between 34 and 38 inches above the stair nosing. The proposed rewrite states handrails should be between 30 and 34 inches above the nosing. Did we read this to mean that in order to meet both codes, that handrails have to be exactly 34 inches above the nosing (with no tolerance) or did we read this incorrectly? If the change is required, current facilities need to be grandfathered.

Submitted by:

Name: Jim Murphy

Agency: WALA, Wisconsin Assisted Living Association

Date: 7/16/04

The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

Or mail to: Laurie Arkens

200 North Jefferson, Suite 211

Green Bay, WI 54301

Review by workgroup:

Date: **7-27-04**

Action: 1. Change made.

2. Draft language is not changed from current rule. (See 83.53(4)(a)). The Uniform Dwelling Code

(UDC) for facilities 8 beds or less allows 9" width and 8" riser. (See Comm. 21.04(2)(c)). Grand-fathering is not required for existing facilities. The tread depth of 11" and tread height of 7" is required in commerce for facilities 9 beds or more.

3. Draft language is not changed from current rule. (See 83.53(4)(b)). UDC (for facilities 8 beds or less) requires handrails should be between 30" and 38" above the stair nosing. Grand-fathering is not required for existing facilities. The handrail requirements between 34 and 38" is required in commerce for facilities 9 beds or more.

***Rationale:*** The workgroup will review this section further to clarify requirements in the rule in order to be consistent with UDC and commerce requirements.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-041**  
(To be assigned by re-write workgroup)

Code reference: **83.64(3)** (Submit only one code revision request per page)

## Window Coverings

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Add to the requirement, 'Unless provided by the resident.'

As long as they are available by whatever means, that is sufficient. Many apartment model CBRFs provide rods etc, but not window coverings

*Submitted by:*

*Name:* Jim Murphy

*Agency:* WALA, Wisconsin Assisted Living Association

*Date:* 7/16/04

*The form may be e-mailed to Laurie Arkens at* [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

*Date:* **7-27-04**

*Action:* Draft language added to read: "... Residents may choose to provide their own window coverings for their bedrooms."

*Rationale:* The facility needs to provide window coverings if the resident does not provide their own.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-042**  
(To be assigned by re-write workgroup)

Code reference: **83.66 (2)**  
**Plan Review**

(Submit only one code revision request per page)

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* Plan Review by the Department of Commerce: If plan review is by Commerce, they will enforce Commerce Codes. There are many instances where strict application of the BQA rewrite of HFS 83 would result in a violation of the Commerce Code (*see revision requests above at 83.62 (4)(a) and 83.62(4)(b)*). How does that get resolved? 83.66(7) states that new construction and additions "shall meet the requirements of chapter HFS 83 in its entirety."

Please help clarify this.

*Submitted by:*

*Name:* Jim Murphy

*Agency:* WALA, Wisconsin Assisted Living Association

*Date:* 7/16/04

*The form may be e-mailed to Laurie Arkens at* [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)

*Or mail to:* Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301

*Review by workgroup:*

*Date:* **7-27-04**

**Action:** See Revision Request #07-040. 83.66(7)(a) and 83.66(7)(b) draft language changed to read: "...shall meet the requirements of subchapter VIII."

**Rationale:** Where conflicts occur between codes and rules, the more stringent apply. HFS 83 would not require anything in violation of the commercial building code.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-043**  
(To be assigned by re-write workgroup)

Code reference: **83.66 (3)** (Submit only one code revision request per page)  
**Department Plan Review and Approval**

Current HFS 83   Rule Draft Order

Addition  Change  Delete

*Describe:* 83.66(2) states that plan review and approval will be by Department of Commerce, yet this section states that plan review will be by the "Department". Is the Department in this case Commerce or BQA? We assume it is BQA, but is it necessary to pay a fee for plan review services to both BQA (as specified in 83.66(5)) and Commerce? Please clarify.

*Submitted by:*

*Name:* Jim Murphy

*Agency:* WALA, Wisconsin Assisted Living Association

*Date:* 7/16/04

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)  
Or mail to: Laurie Arkens  
200 North Jefferson, Suite 211  
Green Bay, WI 54301*

*Review by workgroup:*

*Date:* **7-27-04**

*Action:* No change made to the draft rule language.

*Rationale:* 83.66(2) states that plan review is required by the Department of Commerce. The fees identified in 83.66(5) are fees required by the department. The term "department" is defined in subsection I (not yet reviewed by the forum group), as the Wisconsin Department of Health and Family Services.

Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-044**

(To be assigned by re-write workgroup)

Code reference: **83.68 (3)**

(Submit only one code revision request per page)

**Smoke Compartmentalization**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* \_\_\_\_\_ Smoke Compartmentalization: This section states that smoke barriers must be in accordance with Commerce 62. We have been unable to find any mention of this topic in Comm. 62. Please quote your reference.

*Submitted by:*

**Name: Jim Murphy**

**Agency: WALA, Wisconsin Assisted Living Association**

**Date: 7/16/04**

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhfs.state.wi.us](mailto:arkenlj@dhfs.state.wi.us)*

*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

**Date: 7-27-04**

**Action:** Commerce chapter 62, section 709 – Smoke Barriers.

**Rationale:** Thank you.

# HFS 83 RE-WRITE CODE REVISION REQUEST (E-Form)

**Request Number: 07-045**

(To be assigned by re-write workgroup)

Code reference: **83.68(3) Table**

(Submit only one code revision request per page)

**Occupancy Classification**

Current HFS 83

Rule Draft Order

Addition

Change

Delete

*Describe:* We understand that this table refers to new construction.

However, if I-2 classification were required in older CBRFs of 9 or more beds that were not built to I-2 standards, to retrofit would require substantial remodeling, and would not be cost effective. Many of these buildings would just shut down.

*Submitted by:*

**Name:** Jim Murphy

**Agency:** WALA, Wisconsin Assisted Living Association

**Date:** 7/16/04

*The form may be e-mailed to Laurie Arkens at [arkenlj@dhs.state.wi.us](mailto:arkenlj@dhs.state.wi.us)*

*Or mail to: Laurie Arkens*

*200 North Jefferson, Suite 211*

*Green Bay, WI 54301*

*Review by workgroup:*

**Date:** 7-27-04

**Action:** No change made to 83.68(3) Table.

*Rationale:* As you have acknowledged, table 83.68(3) refers to new construction only. Commerce does not enforce requirements retroactively. For remodeling, additions, etc. under subchapter VIII, the requirements would apply only to the changes made, except for remodeling of existing facilities that exceeds 50 % of the total square footage of the existing building, wing or floor then the entire building, wing or floor must be brought into compliance. (See 83.66(7)(b). This requirement is consistent with commerce requirements.

Thank you.