

# DHS 88 Adult Family Homes - Advisory Committee Meeting

## Meeting Minutes

March 15, 2023 at 9:30 AM to 11:30 AM.

### 1. Welcome and DHS 88 Advisory Committee Check-in

Committee members and DHS staff introduced themselves. Committee member included: Susan Anderson, Michael Pochowski, Holly Pitas, Charlotte Moore, Lisa Davidson, Henry Anderson, Mike Soukup, DHS Staff included: Cheryl Bott, Pat Benesh.

### 2. Department Explanation of Rulemaking Process and Objectives

DHS staff provided an overview of the rulemaking process to the Committee members using the information on the DHS flow chart.

[https://docs.legis.wisconsin.gov/misc/lc/misc/rule\\_making\\_process\\_flowchart.pdf](https://docs.legis.wisconsin.gov/misc/lc/misc/rule_making_process_flowchart.pdf)

Committee members asked questions and DHS staff provided additional information in response to their questions.

### 3. Department to Present Initial Draft Rule to Committee Members

DHS staff sent the Committee the draft [DHS](#) 88 prior to the meeting. DHS Staff provided a brief overview of the proposed rule by each Subchapter.

### 4. Department to Receive Comments From Committee Members Regarding the Initial Draft Rule

Committee members said that a common theme throughout the review of the proposed Ch. 88 is that many provisions are carbon copies of CBRF (Ch. 83) code. Is it DHS's intent to regulate AFH essentially at the same standard as CBRF?

DHS 88 was created on June 1, 1995 and has not been substantially revised since that time. Adult Family Homes traditionally cared for individuals with minor health problems or mild intellectual disabilities. Over the past 28 years a new type of AFH has emerged that provides care to residents who have significant medical needs, intellectual disabilities, mental health needs or who are a part of the correctional system. These residents require complex care and trained staff to meet their needs. The draft rule was written to establish standards for the care, treatment, and services of residents in an AFH.

Many of the requirements in the proposed rule are similar or the same as the requirements in DHS 83. This was done purposefully. DQA has seen a similar level of care provided in AHFs and CBRFs as the acuity of AFH residents has significantly increased. Based on this marked increase in acuity, DQA used many of the provisions in DHS 83 for a couple of reasons. Assisted living providers and stakeholders are already familiar with the rule. Additionally, DHS 83 is an outcome-based rule, and most provisions adapt well to the number of residents served in the home. DHS 83 is known in the assisted living community as the gold standard of regulation.

Starting at Subchapter II – Licensing through DHS 88.08 (2) staff reviewed the draft rule line by line. It was explained that Subchapter I - Definitions will be reviewed at end of the process.

- Licensing classifications – detailed questions were asked regarding the distinction between, ambulatory, semi-ambulatory and non-ambulatory and the ability of the resident to evacuate with or without verbal prompting.
- Based on Committee comments, the program evaluation plan and provider agreement plan were removed from the application requirements of the draft rule as they were duplicated in the draft rule.
- Changes were made regarding building an adult family home on land zoned for commercial use based on questions from Committee members.
- It was pointed out that the “Fit and Qualified” standards were not new to Adult Family Homes.
- The standards related to initial licensure requirements and enforcement sanctions were reviewed.

Throughout the meeting Committee members asked questions and requested clarification for several provisions in the draft rule. DQA staff explained the reason why certain requirements were included in the draft. The Committee often provided substitute language for consideration by DHS and the substitute language was frequently accepted at the meeting. On other occasions, comments or recommendations made by the Committee were reviewed by DQA staff after the Advisory Committee Meeting. At the beginning of the next meeting, DHS staff would provide draft language for Committee members to consider before moving on to the next section of the draft rule.

#### **5. Scheduling of Additional DHS 88 Advisory Committee Meetings**

The next DHS 88 Advisory Committee meeting was scheduled with the Committee for March 22, 2023 at 9:30 AM to 11:30 AM.