

APPENDIX H

Guidelines - Service Provision In Senior Housing:

The following is a description of services a Wisconsin housing owner can and cannot provide without authority to operate as a community based residential facility (CBRF) or residential care apartment complex (RCAC).

Many services can be provided to tenants of senior housing without being regulated. However, those providing services above a statutorily defined threshold must be either licensed as a community based residential facility (CBRF) or be registered or certified as a residential care apartment complex (RCAC). These guidelines determine whether the services an owner provides or arranges for tenants will trigger regulation. These criteria do not apply to, nor do they limit, the types of services a tenant may arrange to receive from a provider other than the owner of the housing.

What housing providers *can* do without the facility being a CBRF or RCAC

1. Receive and collect information about tenants' needs and services/assistance they will receive.
2. Identify and discuss changes regarding the tenants' need for assistance, and if appropriate, their families/guardians.
3. Provide information about, or refer tenants and (if appropriate) their families/guardians, to agencies providing personal care; medication administration or other nursing care; physical, occupational or speech therapy; or other health related services.
4. Arrange or provide light or "hotel" type supportive services such as transportation, meals, housekeeping, laundry, social and recreational activities for tenants.
5. Assist tenants with shopping or other household management tasks.
6. Provide information about the tenants' needs to agencies they have been referred to or which provide service(s) to them.
7. In case of emergency, provide assistance or take action. For example, this would include helping someone who has fallen by calling 911.

What housing providers *cannot* do if the development is not a CBRF or RCAC

1. Develop a tenant plan for services that include:
 - care supervision
 - bathing, dressing, toileting or other personal care
 - medication storage, monitoring, dispensing, or administration
 - other nursing or health care services
 - physical, occupational or speech therapy
2. Arrange, contract for, or provide any of the services described in #1 above.
3. Provide supervision for tenants. Supervision is protective oversight of a person's daily functioning, including keeping track of their whereabouts and providing guidance and intervention when needed.

For additional information about certification/registration or licensing:

Please contact the Wisconsin Department of Health Services, WI Regional Offices, Bureau of Quality Assurance, Assisted Living Section OR visit the Wisconsin Department of Health Services websites:

For RCACs: http://dhs.wisconsin.gov/rl_dsl/RCACs/RCACintro.htm

For CBRFs: http://dhs.wisconsin.gov/rl_dsl/CBRF/CBRFintro.htm

Independent Senior Housing With Co-Located Home Health Services

The following describes how senior housing providers can facilitate tenant access to care services without themselves providing the care or becoming a Community Based Residential Facility (CBRF) or Residential Care Apartment Complex (RCAC). Since any particular case is fact-driven, providers should contact the Bureau of Quality Assurance regional office for a determination. Contact information for the regional offices can be found at

<http://www.dhs.wisconsin.gov/bqaconsumer/AssistedLiving/ALSreglmap.htm>

What Can be Done

- Independent living housing can lease space to a home health agency in the same building.
- Housing staff can refer tenants to home health agencies, including any home health agency located in the same building as the independent living apartments.
- Marketing for the housing may refer to meals, housekeeping or other hospitality services that do not trigger the licensing threshold. Advertising for the housing can also say that a home health agency is located in the same building but must make clear that the on site home health agency is a separately operated and regulated entity, not affiliated with the housing. If the home health agency is mentioned in the housing development's advertising, the material must state that tenants are not required to purchase services from the home health agency and that home health agency services are not included in the housing development's fees.

What Cannot be Done

- The home health agency cannot be owned by the same parent corporation as the housing.
- The housing and the home health agency cannot have any of the same people serving as administrators or managers or on their respective boards of directors.
- The housing cannot advertise itself as an assisted living facility or as providing health care or any other services that it would be prohibited from providing without being a licensed, registered or certified residential facility.
- Housing cannot make space available to the on site home health agency rent free or at a below market rate.
- Housing cannot give preference to the on-site home health agency when referring tenants for home health services. Tenants should be advised of all available providers in the area.
- Housing cannot give the home health agency preferential access to information about tenants. Other home health agencies in the area must be given equal access to information. Sharing of any tenant-specific information would require the tenant's prior consent.