

Licensing Threshold For Service Supported Housing

Housing that provides services above a statutorily defined threshold must be either registered or certified as a residential care apartment complex (RCAC) or be licensed as a community based residential facility (CBRF) or adult family home (AFH). The following are guidelines for determining whether the services provided to or arranged for tenants will trigger the regulatory requirements. These criteria do not apply to and in no way limit the types of services which an individual tenant may arrange or receive from a provider that is not affiliated with the housing sponsor. To determine whether a particular project needs to be licensed, registered or certified, contact the Wisconsin Department of Health Services' Division of Quality Assurance office in your area. Contact information is available at http://www.dhs.wisconsin.gov/rl_DSL/Contacts/ALSreglmap.htm.

Services that May be Provided in Unregulated, Service-Supported Housing

- Arrange or provide hospitality services such as transportation, meals, housekeeping, laundry, and social and recreational activities.
- Receive and collect information about tenants' needs and the services and assistance they receive.
- Identify and discuss changes in a tenant's need for assistance with the tenant and, if appropriate, with his/her family or guardian.
- Provide information about or refer the tenant and his/her family or guardian to agencies that provide personal care, medication administration or other nursing care, physical, occupational or speech therapy, and other health related services.
- Provide information about the tenant's needs to agencies to which the tenant has been referred or which provide services to the tenant.
- Provide assistance or take action in case of emergency.

Services that Require the Facility to be Licensed, Certified or Registered as a CBRF, RCAC or AFH

- Arrange, provide, contract for or develop a resident service plan which includes any of the following services:
 - Supervision
 - Bathing, dressing, or other personal care
 - Medication administration, dispensing, monitoring, or storage
 - Other nursing or health care services
 - Physical, occupational or speech therapy
 - Personal emergency response system
- Supervise tenants. Supervision means protective oversight of a person's daily functioning, including keeping track of a person's whereabouts and providing guidance and intervention when needed.

Independent Living Apartments With On Site Home Health Agency Services

The following describes how housing providers can facilitate tenant access to care home health 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 Division 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 apartments may offer any service permitted in unregulated, service-supported housing as described in the document titled *Licensing Threshold for Service Supported Housing*.
- 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 may 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 on site home health agency cannot be owned by the same parent corporation as the housing.
- The housing and the on site 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.