

Redundant Regulation of Community Based Residential Facilities (CBRF) and Hospices

Currently, when construction occurs for a community based residential facility, or for a hospice, plan review and approval, as well as inspection, are administered by two state agencies; the Department of Safety and Professional Services (DSPS) and the Department of Health Services (DHS).

This regulatory overlap often results in unnecessary delay and expense to building construction, health care and hospice industries of Wisconsin. Multiple agency regulatory action by the State results in duplicating state resources.

During 2013, 242 CBRF construction projects, with estimated total costs of over \$93 million, were recorded by the DHS. Most of those projects were subjected to duplicate regulatory services of the DSPS and the DHS. Every CBRF and hospice project requires plan review and inspection by the DHS. The DSPS requires plan review for construction of many hospice projects and of CBRF to serve nine or more individuals.

The duplication of effort by the DSPS and the DHS is driven by state law. Under section 101.12, Wis. Statutes, with few exceptions, public buildings and places of

employment must have their plans reviewed and approved by the DSPS prior to construction. DSPS also has statutory inspection authority over such buildings.

Under sections 50.02(2) (a) and 50.91, Wis. Statutes, concerning CBRF and hospices respectively, plan review and inspection are established at the DHS.

Twenty years ago nursing homes and hospitals were also subjected to redundant regulation by two predecessor state agencies. That duplication of effort was halted by 1995 Wisconsin Act 27, which assigned plan review and inspection authority for nursing homes and hospitals solely to the Department of Health and Social Services, under respective sections 50.02 (2) (b), and 50.36 (2), Wis. Statutes.

The Alliance for Regulatory Coordination asks state policy makers to assign state level building plan review and inspection of community based residential facilities and hospices to the Department of Health Services and to discontinue such services by the Department of Safety and Professional Services.

Since the DHS is already providing plan review and inspection services for these projects no additional resources or shifting of resources should be necessary.

The Alliance for Regulatory Coordination is a consortium of organizations involved in building design, construction and regulatory services in Wisconsin. You can learn more about the Alliance for Regulatory Coordination at www.4arc.org.