



State of Wisconsin
Department of Health Services

Scott Walker, Governor
Kitty Rhoades, Secretary

May 20, 2014

Jeff Renk
Senate Chief Clerk
B20 Southeast State Capitol
Madison, WI 53702

Patrick E. Fuller
Assembly Chief Clerk
17 West Main Street, Room 401
Madison, WI 53703

Dear Mr. Renk and Mr. Fuller:

Pursuant to Wisconsin Statutes section 50.04(5)(fr), I am submitting the Department of Health Services' annual report to the Legislature related to Class A violations committed by nursing homes, and forfeitures assessed on nursing homes for those violations. As defined by s. 50.04(4)(b)(1), a Class A violation is "a violation of this subchapter or of the rules promulgated thereunder which creates a condition or occurrence relating to the operation and maintenance of a nursing home presenting a substantial probability that death or serious mental or physical harm to a resident will result therefrom."

On December 2, 2011, s. 50.04(4)(am) was enacted to eliminate the issuance of a state violation, when a federal deficiency was issued for the same noncompliance factors. Section 50.04(4)(am) states "Dual federal and state violations. 1. Notwithstanding s. 50.01(3), in this paragraph, "nursing home" does not include a facility serving people with developmental disabilities. 2. If an act or omission constitutes a violation of this subchapter or the rules promulgated under this subchapter, s. 49.498, or requirements under 42 CFR 483 related to the operation of a nursing home, the department may not issue under s. 50.04(4)(a) a notice of violation of this subchapter, the rules promulgated under this subchapter, or s. 49.498 if the department has, in a statement of deficiency, cited the nursing home for the violation under requirements under 42 CFR 483 related to the operation of a nursing home."

The Department issued one Class A violation in calendar year 2013. The forfeiture assessed was \$2,550. The facility paid \$1,658, after receiving a 35% reduction for early payment.

Sincerely,

Handwritten signature of Kitty Rhoades in black ink.

Kitty Rhoades
Secretary

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LEGISLATIVE REFERENCE BUREAU

Scott Walker
Governor



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Kitty Rhoades
Secretary

State of Wisconsin
Department of Health Services

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Class A Violations for Nursing Homes & Facilities for the Developmentally Disabled
Division of Quality Assurance
May 2014

Date Range	Class A Violations
1/1/2013 – 12/31/2013	1
1/1/2012 – 12/31/2012	0
1/1/2011 – 12/31/2011	12
1/1/2010 – 12/31/2010	19
1/1/2009 – 12/31/2009	28
1/1/2008 – 12/31/2008	32
1/1/2007 – 12/31/2007	33
1/1/2006 – 12/31/2006	43
1/1/2005 – 12/31/2005	34