

DHS 132.13 Definitions

In this chapter:

(1)

"Abuse" has the meaning specified under s. DHS 13.03(1).

(1m)

"Advanced practice nurse prescriber" means a person who has been granted a certificate to issue prescription orders under s. 441.16(2), Stats.

(2m)

"Authorized prescriber" means a person licensed in this state to prescribe medications, treatments or rehabilitative therapies, or licensed in another state and recognized by this state as a person authorized to prescribe medications, treatments or rehabilitative therapies.

(3)

"Department" means the Wisconsin department of health services.

(4)

"Developmental disability" means intellectual disability or a related condition, such as cerebral palsy, epilepsy or autism, but excluding mental illness and infirmities of aging, which is: (a) Manifested before the individual reaches age 22; (b) Likely to continue indefinitely; and (c) Results in substantial functional limitations in 3 or more of the following areas of major life activity: 1. Self-care; 2. Understanding and use of language; 3. Learning; 4. Mobility; 5. Self-direction; and

6. Capacity for independent living.

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(b)

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1.

Self-care;

2.

Understanding and use of language;

3.

Learning;

4.

Mobility;

5.

Self-direction; and

6.

Capacity for independent living.

(5)

"Dietitian" means a person who is any of the following:(a) Certified under s. 448.78, Stats. (b) Licensed or certified as a dietitian in another state.

(a)

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(b)

Licensed or certified as a dietitian in another state.

(7)

"Facility" means a nursing home subject to the requirements of this chapter.

(8)

"Full-time" means at least 37.5 hours each week devoted to facility business.

(8m)

"IMD" or "institution for mental diseases" means a facility that meets the definition of an institution for mental diseases under 42 CFR 435.1009.

(8r)

"Intensive skilled nursing care" means care requiring specialized nursing assessment skills and the performance of specific services and procedures that are complex because of the resident's condition or the type or number of procedures that are necessary, including any of the following: (a) Direct patient observation or monitoring or performance of complex nursing procedures by registered nurses or licensed practical nurses on a continuing basis. (b) Repeated application of complex nursing procedures or services every 24 hours. (c) Frequent monitoring and documentation of the resident's condition and response to therapeutic measures.

(a)

Direct patient observation or monitoring or performance of complex nursing procedures by registered nurses or licensed practical nurses on a continuing basis.

(b)

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(c)

Frequent monitoring and documentation of the resident's condition and response to

therapeutic measures.

(9)

"Intermediate care facility" means a nursing home which is licensed by the department as an intermediate care facility to provide intermediate nursing care.

(10)

"Intermediate nursing care" means basic care consisting of physical, emotional, social and other rehabilitative services under periodic medical supervision. This nursing care requires the skill of a registered nurse for observation and recording of reactions and symptoms, and for supervision of nursing care. Most of the residents have long-term illnesses or disabilities which may have reached a relatively stable plateau. Other residents whose conditions are stabilized may need medical and nursing services to maintain stability. Essential supportive consultant services are provided.

(10m)

"Involuntary administration of psychotropic medication" means any of the following:(a) Placing psychotropic medication in an individual's food or drink with knowledge that the individual protests receipt of the psychotropic medication. (b) Forcibly restraining an individual to enable administration of psychotropic medication. (c) Requiring an individual to take psychotropic medication as a condition of receiving privileges or benefits.

(a)

Placing psychotropic medication in an individual's food or drink with knowledge that the individual protests receipt of the psychotropic medication.

(b)

Forcibly restraining an individual to enable administration of psychotropic medication.

(c)

Requiring an individual to take psychotropic medication as a condition of receiving privileges or benefits.

(11)

"Licensed practical nurse" means a person licensed as a licensed practical nurse under ch. 441, Stats.

(12)

"Limited nursing care" means simple nursing care procedures required by residents with long-term illnesses or disabilities in order to maintain stability and which can be provided safely only by or under the supervision of a person no less skilled than a licensed practical nurse who works under the direction of a registered nurse. Supervision of the physical, emotional, social and rehabilitative needs of the resident is the responsibility of the appropriate health care provider serving under the direction of a physician.

(13m)

"Neglect" has the meaning specified under s. DHS 13.03(14).

(16)

"Nurse" means a registered nurse or licensed practical nurse.

(17)

"Nurse practitioner" means a registered professional nurse who meets the requirements of s. DHS 105.20(1).

(18)

"Nursing assistant" means a person who is employed primarily to provide direct care services to residents but is not registered or licensed under ch. 441, Stats.

(20)

"Pharmacist" means a person registered as a pharmacist under ch. 450, Stats.

(21)

"Physical therapist" means a person licensed to practice physical therapy under ch. 448, Stats.

(22)

"Physician" means a person licensed to practice medicine or osteopathy under ch. 448, Stats.

(23)

"Physician extender" means a person who is a physician's assistant or a nurse practitioner acting under the general supervision and direction of a physician.

(24)

"Physician's assistant" means a person certified under ch. 448, Stats., to perform as a physician's assistant.

(25)

"Practitioner" means a physician, dentist, podiatrist or other person permitted by Wisconsin law to distribute, dispense and administer a controlled substance in the course of professional practice.

(25g)

"Protest" means make more than one discernible negative response, other than mere silence, to the offer of, recommendation for, or other proffering of voluntary receipt of psychotropic medication. "Protest" does not mean a discernible negative response to a proposed method of administration of the psychotropic medication.

(25r)

"Psychotropic medication" means a prescription drug, as defined in s. 450.01(20), Stats., that is used to treat or manage a psychiatric symptom or challenging behavior.

(26)

"Recuperative care" means care anticipated to be provided for a period of 90 days or less for a resident whose physician has certified that he or she is convalescing or recuperating from an illness or a medical treatment.

(27)

"Registered nurse" means a person who holds a certificate of registration as a registered nurse under ch. 441, Stats.

(28)

"Resident" means a person cared for or treated in any facility on a 24-hour basis irrespective of how the person has been admitted to the facility.

(29)

"Respite care" means care anticipated to be provided for a period of 28 days or less for the purpose of temporarily relieving a family member or other caregiver from his or her daily caregiving duties.

(30)

"Short-term care" means recuperative care or respite care.

(31)

"Skilled nursing facility" means a nursing home which is licensed by the department to provide skilled nursing services.

(32)

(a) "Skilled nursing services" means those services furnished pursuant to a physician's orders which: 1. Require the skills of professional personnel such as registered or licensed practical nurses; and 2. Are provided either directly by or under the supervision of these personnel. (b) In determining whether a service is skilled, the following criteria shall be used: 1. The service would constitute a skilled service where the inherent complexity of a service prescribed for a resident is such that it can be safely and effectively performed only by or under the

supervision of professional personnel; 2. The restoration potential of a resident is not the deciding factor in determining whether a service is to be considered skilled or unskilled. Even where full recovery or medical improvement is not possible, skilled care may be needed to prevent, to the extent possible, deterioration of the condition or to sustain current capacities; and 3. A service that is generally unskilled would be considered skilled where, because of special medical complications, its performance or supervision or the observation of the resident necessitates the use of skilled nursing personnel.

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3.

A service that is generally unskilled would be considered skilled where, because of special medical complications, its performance or supervision or the observation of the resident necessitates the use of skilled nursing personnel.

(34)

"Supervision" means at least intermittent face-to-face contact between supervisor and assistant, with the supervisor instructing and overseeing the assistant, but does not require the continuous presence of the supervisor in the same building as the assistant.

(35)

"Tour of duty" means a portion of the day during which a shift of resident care personnel are on duty.

(36)

"Unit dose drug delivery system" means a system for the distribution of medications in which single doses of medications are individually packaged and sealed for distribution to residents.