

## Chapter DCF 61

## QUALIFIED RESIDENTIAL TREATMENT PROGRAMS

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**DCF 61.01 Purpose.** This chapter provides the requirements for the establishment, certification, and operation of a QRTP under s. 48.675, Stats., which provides that the department may certify a congregate care facility to operate a QRTP if it determines that the facility's program meets the requirements of 42 USC 672 (k) (4) and any other requirements established by the department in this chapter.

**History:** EmR2124: emerg. cr., eff. 9-29-21; CR 22-084: cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.02 Definitions.** In this chapter:

(1) "Child" means an individual under 21 years of age who is placed in a QRTP and is under juvenile court jurisdiction or other court order, is being provided services by a child welfare or juvenile justice agency, or is placed under an agreement.

(2) "Child-placing agency" means an agency licensed under s. 48.66, Stats., and ch. DCF 54.

(3) "Congregate care facility" or "facility" means a group home, shelter care facility, or residential care center for children and youth licensed under s. 48.66, Stats.

(4) "County department" means a county department of social services under s. 46.22, Stats., or a county department of human services under s. 46.23, Stats.

(5) "Department" means the department of children and families.

(6) "Extended family member" has the same meaning as in s. 48.028 (2) (am), Stats.

(7) "Group home" has the meaning given in s. 48.02 (7), Stats.

(8) "Indian child" has the meaning given in s. 48.02 (8g), Stats.

(9) "Indian custodian" has the meaning given in s. 48.02 (8p), Stats.

(10) "Indian tribe" has the meaning given in s. 48.02 (8r), Stats.

(11) "Licensed practical nurse" means an individual licensed by the board of nursing to provide practical nursing as defined in s. 441.001 (3), Stats.

(12) "Licensee" means a person licensed by the department under s. 48.66, Stats., to operate a congregate care facility.

(13) "Like-kin" has the meaning given in s. 48.38 (1) (ap), Stats.

(14) "Permanency plan" has the meaning given in s. 48.38 (1) (b), Stats.

(15) "Placing agency" means a county department, the department, the Wisconsin department of corrections, a tribal child welfare agency, a child-placing agency, or a licensed child welfare agency from another state authorized to place children in a congregate care facility.

(16) "QRTP" means a qualified residential treatment program operated by a congregate care facility that has been certified under s. 48.675, Stats., and this chapter.

(17) "Registered nurse" means an individual licensed by the board of nursing to provide professional nursing as defined in s. 441.001 (4), Stats.

(18) "Relative" has the meaning given in s. 48.02 (15), Stats.

(19) "Residential care center for children and youth" has the meaning given in s. 48.02 (15d), Stats.

(20) "Shelter care facility" has the meaning given in s. 48.02 (17), Stats.

(21) "Standardized assessment" has the meaning given in s. 48.02 (17i), Stats.

(22) "Trauma-informed treatment model" means a comprehensive approach to treatment and care that realizes the widespread impact of trauma and understands potential paths for recovery; recognizes the signs and symptoms of trauma in children, families, staff, and others involved with the child welfare system; fully integrates knowledge about trauma into policies, procedures, and practices; and seeks to actively resist retraumatization.

**History:** EmR2124: emerg. cr., eff. 9-29-21; CR 22-084: cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.03 QRTP requirements.** (1) **TRAUMA-INFORMED TREATMENT MODEL.** A QRTP shall provide services according to a trauma-informed treatment model that is designed to meet the needs, including clinical needs as appropriate, of children with serious emotional and behavioral disorders or disturbances. A QRTP's trauma-informed treatment model shall enable the QRTP to implement the treatment of a child identified for the child by a standardized assessment.

(2) **NURSING AND OTHER CLINICAL CARE.** A QRTP shall have registered nurse or licensed practical nurse staff and other clinical staff who meet the following conditions:

(a) Provide care within the scope of their practice as defined by state law.

(b) Are on-site according to the facility's trauma-informed treatment model under sub. (1).

(c) Are available 24 hours a day and 7 days a week.

(3) **FAMILY PARTICIPATION.** (a) In this subsection, the family of an Indian child includes the child's extended family members, others identified in accordance with the laws or customs of the child's Indian tribe, and, if applicable, the child's Indian custodian.

(b) A QRTP shall facilitate family participation in each child's treatment program to the extent appropriate and in accordance with the child's best interest, consistent with the child's permanency plan.

(c) A QRTP shall have policies and procedures on family par-

participation in a child's treatment program that specify how to do all of the following:

1. Facilitate outreach to the child's family members, including siblings, and document how the outreach is done.
2. Maintain contact information for any known relatives and like-kin of the child.
3. Facilitate participation of the child's family members in the child's treatment program.
4. Document how the child's family members are integrated into the child's treatment program, including after the child's discharge from the QRTP.
5. Document how the child's connections with siblings are maintained.

**(4) DISCHARGE PLANNING AND FAMILY-BASED AFTERCARE SUPPORT.** A QRTP shall provide discharge planning and family-based aftercare support in partnership and collaboration with the placing agency, with an invitation for the tribal child welfare agency to participate if applicable, for at least 6 months after the child's discharge from the QRTP.

**(5) ACCREDITATION.** A QRTP shall be nationally accredited by any of the following independent, not-for-profit organizations:

- (a) The Commission on Accreditation of Rehabilitation Facilities.
- (b) The Joint Commission.
- (c) The Council on Accreditation.
- (d) Any other independent, not-for-profit accrediting organization approved by the U.S. department of health and human services.

**Note:** The Department of Health and Human Services has approved the Teaching-Family Association and the Educational Assessment Guidelines Leading toward Excellence as additional accrediting organizations.

**History:** EmR2124; emerg. cr., eff. 9-29-21; CR 22-084; cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.04 QRTP certification. (1) APPLICATION.** The licensee of a congregate care facility may apply for certification to operate a QRTP by submitting all of the following to the department:

- (a) A completed initial application form prescribed by the department.
- (b) A copy of the trauma-informed treatment model to be used by the QRTP with a description of how the facility's treatment model meets the conditions in s. DCF 61.03 (1).
- (c) A description of the facility's plan to provide nursing and licensed clinical staff services as required in s. DCF 61.03 (2).
- (d) A copy of the family participation policies and procedures required under s. DCF 61.03 (3) (c).
- (e) A description of the facility's approach to providing discharge planning and family-based aftercare support in partnership and collaboration with the placing agency as required under s. DCF 61.03 (4).
- (f) Proof that the facility is accredited as required under s. DCF 61.03 (5).
- (g) Any other information requested by the department.

**Note:** Form DCF-F-5474-E, *Qualified Residential Treatment Program Certification Application*, is available in the forms section of the department's website, <http://dcf.wisconsin.gov>.

**(2) DEPARTMENT CERTIFICATION.** The department shall determine whether to issue or deny a QRTP certification to a congregate care facility within 60 days after receiving the facility's complete application under sub. (1).

**History:** EmR2124; emerg. cr., eff. 9-29-21; CR 22-084; cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.05 QRTP continuation. (1) CERTIFICATION REVIEW COINCIDES WITH LICENSE CONTINUATION REVIEW.** The department shall review a facility's QRTP certification at the same time that the department reviews the facility's license under s. 48.66 (5), Stats.

**(2) APPLICATION.** To apply for continuation of a QRTP certification, the licensee of a facility operating a QRTP shall submit all of the following to the department with the licensee's application for continuation of the facility's license under s. 48.66 (5), Stats.:

- (a) A completed certification continuation application form prescribed by the department.
- (b) Current versions of the documentation required for the initial certification application under s. DCF 61.04 (1) (b) to (g).
- (c) Any other information requested by the department.

**Note:** Form DCF-F-5475-E, *Qualified Residential Treatment Program Certification Continuation*, is available in the forms section of the department's website, <http://dcf.wisconsin.gov>.

**History:** EmR2124; emerg. cr., eff. 9-29-21; CR 22-084; cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.06 Monitoring. (1)** The department may review a congregate care facility's compliance with QRTP certification requirements in s. DCF 61.03 by visiting and inspecting the facility at any time. The department shall have unrestricted access to the QRTP, including all of the following:

- (a) The records of any child placed in the QRTP and any other materials.
- (b) Children and other individuals who have information on the facility's compliance with s. DCF 61.03.

**(2)** If the department determines that a congregate care facility's program is not in compliance with s. DCF 61.03, the department may take action under s. DCF 61.08, order the licensee to implement and comply with a plan of correction provided by the department, or order the licensee to implement and comply with a plan of correction submitted by the licensee and approved by the department.

**History:** EmR2124; emerg. cr., eff. 9-29-21; CR 22-084; cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.07 Notification requirement.** A congregate care facility operating a QRTP shall notify the department in writing within one week after any change that may affect the facility's compliance with a QRTP requirement under s. DCF 61.03.

**History:** EmR2124; emerg. cr., eff. 9-29-21; CR 22-084; cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.08 Denial, suspension, restriction, nonrenewal, revocation, or withholding of a QRTP certification. (1)** The department may deny, suspend, restrict, refuse to renew, revoke, or otherwise withhold a QRTP certification for any of the following reasons:

- (a) The facility's program does not comply with the QRTP requirements in s. DCF 61.03.
- (b) The licensee has violated any provision under ch. 48 or 938, Stats.
- (c) The facility is in substantial noncompliance with applicable licensing requirements under ch. DCF 52, 57, or 59.

**(2)** If the department denies, suspends, restricts, refuses to renew, revokes, or otherwise withholds a QRTP certification, the department shall notify the licensee in writing of its decision and the reasons for the decision.

**(3)** A denial, suspension, restriction, refusal to renew, revocation, or withholding of a QRTP certification takes effect immedi-

ately upon written notification or 30 days after the date of the notice in accordance with the criteria in s. 48.715 (4m), Stats.

**History:** EmR2124: emerg. cr., eff. 9-29-21; CR 22-084: cr. Register May 2023 No. 809, eff. 6-1-23.

**DCF 61.09 Appeal procedures. (1)** Any person aggrieved by the department's decision to deny, suspend, restrict, refuse to renew, revoke, or otherwise withhold a QRTP certification may request a hearing on the decision under ch. 227, Stats.

**(2)** A request for hearing shall be in writing and shall be filed

with the department of administration's division of hearings and appeals within 10 days after the date on the notice of the department's denial, suspension, restriction, refusal to renew, or other withholding of a QRTP certification.

**Note:** A request for a hearing may be mailed to Division of Hearings and Appeals, P.O. Box 7875, Madison, WI 53707-7875 or faxed to (608) 264-9885. A copy of the request should be sent to the applicable field office listed in ch. DCF 52, Appendix D; ch. DCF 57, Appendix A; or ch. DCF 59, Appendix A.

**History:** EmR2124: emerg. cr., eff. 9-29-21; CR 22-084: cr. Register May 2023 No. 809, eff. 6-1-23; correction in (2) made under s. 35.17, Stats., Register May 2023 No. 809.