Evaluation of the Wisconsin Assisted Living Regulatory System

Rationale for Study

Close to 60,000 elderly and disabled Wisconsinites reside in assisted living facilities around the state. Assisted living continues to grow rapidly in Wisconsin and is a less expensive and more homelike alternative to nursing homes. In 2012, Wisconsin utilized assisted living at rates twice the national average and was one of ten states where assisted living was used more than nursing homes. Assisted living facilities are accepting residents with increasingly complex medical and mental health conditions that they were not originally designed to serve.

The Bureau of Assisted Living (BAL) seeks to ensure regulatory compliance so that residents are safe and properly cared for despite facing a growing and increasingly complex assisted living community, increasing budget constraints, and limited regulatory authority. BAL asked our team to address three questions: (1) How effective is the existing enforcement system in ensuring regulatory compliance and resident protection? (2) Can the existing statutes, policies, and regulatory strategies be changed to ensure greater compliance and improve resident protection? and (3) What are some best practices to consider?

Findings

Due to budget constraints, BAL’s regulatory capacity has not kept pace with the growth in assisted living and falls well behind that of its peers in other states. As a result, BAL confronts a backlog of cases and cannot inspect facilities as often as it intends to. We find that BAL inspections, citations, and fines have decreased per facility since 2002 and that the agency is focusing its attention on a smaller subset of facilities. While these trends may be due to real increases in compliance, BAL’s backlog of cases and reliance on resident complaints to uncover issues suggest that some instances of regulatory noncompliance are being missed.

Using logistic regression analysis, we identify factors associated with increased odds of a facility committing a serious violation or multiple violations. Knowledge of these factors may help BAL target its resources toward more likely violators in the future.

Recommendations

Given that BAL’s lack of resources will be exacerbated by continued growth in the population served by assisted living facilities, we recommend an increase in the number of BAL staff. We also recommend that BAL conduct random inspections to obtain a more accurate depiction of regulatory compliance and update admissions standards to prevent unsafe resident placements. We provide six additional recommendations designed to streamline the regulatory process, enhance regulatory authority, and increase regulatory consistency across various types of assisted living facilities and BAL regional offices.