

Idaho

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Licensure Term Residential Care or Assisted Living Facilities

Opening Statement The Idaho Department of Health and Welfare licenses residential care/assisted living facilities (RCFs/ALFs). The purpose of a RCF/ALF is to provide choice, dignity, and independence to individuals needing assistance with daily activities and personal care. The licensing rules set standards for providing services that maintain a safe and healthy environment.

Legislative and Regulatory Update There are several recent legislative and regulatory updates impacting RCFs and ACFs in Idaho.

Significantly, S1096 allows the Department of Health and Welfare to accept an accreditation survey from an accreditation commission, rather than conducting an annual compliance inspection of a residential care or assisted living facility when certain criteria are met as set forth in the legislation. This legislation takes effect July 1, 2019.

The state made several changes affecting administrators. Effective July 1, 2019, H0007 changes the minimum age for a nursing home administrator license from 21 years of age to 18 years or age. On April 11, 2019, the Board of Examiners of Residential Care Facilities Administrators (Board) regulations were revised to provide that individuals holding a valid Idaho nursing home administrator license must pass the Board-approved residential care administrator examination and meet all requirements set forth in state law; however, the examination may be waived if the individual submits evidence of at least one year of leadership or management experience in a residential care or nursing facility within the five years preceding his or her application.

Effective July 1, 2018, food establishments including residential care and assisted living facilities must have a Certified Food Protection Manager who has shown proficiency through passing a test as part

of an accredited program.

Additionally, administrative rules governing certified family homes were revised effective July 1, 2019.

Definition

A Residential Care or Assisted Living Facility is a facility or residence, however named, operated on either a profit or nonprofit basis for the purpose of providing necessary supervision, personal assistance, meals, and lodging to three or more adults not related to the owner.

Disclosure Items

Each facility must develop and follow a written admission policy that is available to the public and shown to any potential resident. The admission agreement for private pay residents must include the following:

- (1) The purpose, quantity, and characteristics of available services;
- (2) Any restrictions or conditions imposed because of religious or philosophical reasons;
- (3) Limitations concerning delivery of routine personal care by persons of the opposite gender;
- (4) Notification of any residents who are on the sexual offender registry and who live in the facility. The registry may be accessed at: https://www.isp.idaho.gov/sor_id/search.html; and
- (5) Appropriateness of placement to meet the needs of the resident, when there are non-resident adults or children residing in the facility.

In the admission agreement for private pay residents, the facility must identify services, supports, and applicable rates. The resident's monthly charges must be specific and services included in the basic service rate and the charged rate must be described. Basic services must include: rent, utilities, food, activities of daily living (ADL) services, supervision, first aid, assistance with and monitoring of medications, laundering of linens owned by the facility, emergency interventions, coordination of outside services, routine housekeeping, maintenance of common areas, and access to basic television in common areas. The facility must disclose all prices, formulas, and calculations used to determine the resident's basic services rate. The facility must describe additional services that are not contained in the basic services and the rates charged for the additional services or supplies. The facility may charge private pay residents for the use of personal supplies, equipment, and

furnishings, but must disclose a detailed list of those charges. The facility must provide methods, including contacting the Ombudsman for the Elderly, by which a resident may contest charges or rate increases.

The facility also must identify staffing patterns and qualifications of staff on duty during a normal day, and disclose the conditions under which the resident can remain in the facility if payment for the resident shifts to a publicly funded program.

The administrator of a residential care or assisted living facility must disclose in writing at or before the time of admission if the facility does not carry professional liability insurance. If the facility cancels professional liability insurance, all residents must be notified of the change in writing.

Facility Scope of Care

The facility must supervise residents, provide assistance with ADLs, and instrumental activities of daily living, and deliver services to meet the needs of residents.

Third Party Scope of Care

Residents are permitted to contract for services with third parties.

Admission and Retention Policy

A resident will be admitted or retained only when the facility has the capability, capacity, and services to provide appropriate care, or the resident does not require a type of service for which the facility is not licensed to provide or which the facility does not provide or arrange for, or if the facility does not have the personnel, appropriate in numbers and with appropriate knowledge and skills to provide such services. No resident will be admitted or retained who requires ongoing skilled nursing or care not within the legally licensed authority of the facility. Such residents include:

- (1) A resident who has a gastrostomy tube, arterial-venous shunts, or supra-pubic catheter inserted within the previous 21 days;
- (2) A resident who is receiving continuous total parenteral nutrition or intravenous therapy;
- (3) A resident who requires physical restraints, including bed rails (an exception is a chair with locking wheels or chair which the resident can not get out of);
- (4) A resident who is comatose, except for a resident whose death is imminent who has been assessed by a physician or authorized provider who has determined that death is likely to occur within 14 to 30 days;

(5) A resident who is on a mechanically supported breathing system, except for residents who use positive airway pressure devices only for sleep apnea, such as CPAP or BiPAP;

(6) A resident who has a tracheotomy who is unable to care for the tracheotomy independently;

(7) A resident who is fed by a syringe;

(8) A resident with open, draining wounds for which the drainage cannot be contained;

(9) A resident with a stage III or IV pressure ulcer; or

(10) A resident with any type of pressure ulcer or open wound that is not improving bi-weekly.

For any resident who has needs requiring a nurse, the facility must ensure that a licensed nurse is available to meet the needs of the resident. Licensed nursing care must not be delegated to unlicensed personnel.

A resident will not be admitted or retained who has physical, emotional, or social needs that are not compatible with the other residents in the facility or who is violent or a danger to himself or others.

Any resident requiring assistance in ambulation must reside on the first story unless the facility complies with Sections 401 through 404 of the Idaho Administrative Code (i.e., have fire sprinklers). Residents who are not capable of self evacuation must not be admitted or retained by a facility that does not comply with National Fire Protection Association (NFPA) Standard 101, "Life Safety Code, 2000 Edition, Chapter 33, Existing Residential Board and Care Impracticable Evacuation Capability;" (i.e., have fire sprinklers).

Resident Assessment

Prior to or on the day of admission the facility must assess all residents. In the case of private pay residents, the facility may develop an assessment form or use the uniform assessment tool developed by the Department of Health and Welfare. In the case of residents whose costs are paid by state funds, the uniform assessment developed by the Department must be used. The facility must develop an interim care plan to guide services until the

assessment can be completed.

Medication Management

A licensed professional nurse is responsible for delegation of all nursing functions. Unlicensed staff that successfully complete an assistance-with-medications course and have been delegated to provide assistance with medications by a licensed nurse are permitted to assist residents with self-administration of medication. A licensed professional nurse is required to check the medication regimen for residents on at least a quarterly basis.

Square Feet Requirements

Private resident units must be a minimum of 100 square feet and shared resident units must provide a minimum of 80 square feet of floor space per resident.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit (unless a facility was licensed prior to July 1, 1991, in which case four residents can be housed per room). When there is any change in ownership of the facility, the maximum number of residents allowed in any room is two.

Bathroom Requirements

One toilet must be provided for every six residents. One tub or shower must be provided for every eight residents.

Life Safety

All residential care or assisted living facilities are required to have interconnected smoke detectors and fire alarm systems. A facility licensed for three to 16 beds is required to have a residential sprinkler system. A facility licensed for 17 beds or more (or a multilevel building) must have a commercial fire sprinkler system. Facilities that accept or keep residents who cannot self-evacuate must be fully sprinklered.

Upon a change of ownership all unsprinklered facilities must have a sprinkler system installed before the facility will be licensed. All new facilities must have a sprinkler system before they will be licensed. The State of Idaho adopts NFPA standards.

Unit and Staffing Requirements for Serving Persons with Dementia

If the facility accepts and retains residents who have cognitive impairment, the facility must provide an interior environment and exterior yard that is secure and safe.

If the facility admits or retains residents with a diagnosis of dementia, staff must be trained in the following topics: overview of dementia; symptoms and behaviors of people with memory impairment; communication with people with memory impairment; resident's adjustment to the new living environment; behavior management; ADLs; and stress reduction for facility personnel and resident. If a resident is admitted with a diagnosis of dementia or if a resident acquires this diagnosis, and if staff have not been trained

in this area, staff must be trained within 30 calendar days. In the interim, the facility must meet the resident's needs.

Staffing Requirements

Each facility will be organized and administered under one administrator, except in certain circumstances. If an administrator oversees more than one building, they are required to submit a shared plan of operation. The rules state how many facilities can be under one administrator based on licensed beds. It also details requirement to obtain an approved plan, the hours the administrator should be on site and recinding of the shared plan of operation.

The administrator must be on site sufficiently to provide for safe and adequate care to the residents to meet the terms of negotiated service agreements. The facility's administrator or his/her designee must be reachable and available at all times and must be available to be on site at the facility within two hours. The administrator must provide supervision for all personnel including contract personnel. There are additional requirements for administrators of multiple facilities.

For facilities licensed for 15 beds or less, there must be at least one or more qualified and trained staff up and awake and immediately available, in the facility during resident sleeping hours. For facilities licensed for 16 beds or more, qualified and trained staff must be up and awake and immediately available in the facility during resident sleeping hours. For facilities with residents housed in detached buildings or units, there must be at least one qualified and trained staff present and available in each building or unit when residents are present in the building or unit. The facility also must ensure that each building or unit complies with the requirements for on-duty staff during resident sleeping hours in accordance with the facility's licensed bed capacity. A variance will be considered based on the facility's written submitted plan of operation.

The facility will employ and the administrator will schedule sufficient personnel to provide care, during all hours, required in each resident's negotiated service agreement, to ensure residents' health, safety, comfort, and supervision, and to assure the interior and exterior of the facility is maintained in a safe and clean manner; and to provide for at least one direct care staff with certification in First Aid and CPR in the facility at all times. Facilities with multiple buildings or units will have at least one direct care staff with certification in first aid and CPR in each building or each unit at all times.

**Administrator
Education/Training**

Administrators must be licensed by the state. In addition to completing a course and passing an exam, applicants must obtain experience in an assisted living facility under the direction of a licensed administrator. Those with a high school diploma or equivalent must obtain 800 hours of experience. Those with an associate degree from an accredited college or university or equivalent must obtain 400 hours of experience and those with a bachelor's degree must obtain 200 hours of experience.

Those holding a valid Idaho nursing home administrator license who wish to be licensed as a residential care facility administrator must pass the Board-approved residential care administrator examination and meet all requirements set forth in state law; however, the examination may be waived if the individual submits evidence of at least one year of leadership or management experience in a residential care or nursing facility within the five years preceding his or her application.

Licensed administrators are to receive 12 hours of continuing education each year as approved by the Bureau of Occupational Licenses. Basic first aid, CPR, medication assistance, or fire safety courses shall not be considered for continuing education credit.

Staff Education/Training

Staff must have a minimum of 16 hours of job-related orientation training before they are allowed to provide unsupervised personal assistance to residents. Staff who have not completed the orientation training requirements must work under the supervision of a staff member who has completed the orientation training. All orientation training must be completed within 30 days of hire. The state specifies which topics must be covered in the orientation training.

A facility admitting and retaining residents with a diagnosis of dementia, mental illness, developmental disability, or traumatic brain injury must train staff to meet the specialized needs of these residents. Staff must receive specialized training within 30 days of hire or of admission of a resident with one of these conditions. See "Unit and Staff Training for Serving Persons with Dementia" section for staff training at facilities with residents with a diagnosis of dementia.

For mental illness, staff are to be trained in the following areas: overview of mental illness; symptoms and behaviors specific to mental illness; resident's adjustment to the new living environment;

behavior management; communication; integration with rehabilitation services; ADLs; and stress reduction for facility personnel and residents.

Development disability staff are to be trained in the following areas: overview of developmental disabilities; interaction and acceptance; promotion of independence; communication; behavior management; assistance with adaptive equipment; integration with rehabilitation services; ADLs; and community integration.

For residents with traumatic brain injury, staff are to be trained in the following areas: overview of traumatic brain injury; symptoms and behaviors specific to traumatic brain injury; adjustment to the new living environment; behavior management; communication; integration with rehabilitation services; ADLs; assistance with adaptive equipment; and stress reduction for facility personnel and residents.

Each employee is to receive eight hours of job-related continuing training per year. When policies or procedures are added, modified, or deleted, staff are to receive additional training relating to the changes.

Entity Approving CE Program

The Board of Examiners of Residential Care Facility Administrators approves courses that are relevant to residential care administration. There is no application process. Courses of study relevant to residential care facility administration and sponsored or provided by the following entities or organizations shall be approved for continuing education credits: accredited colleges or universities; federal, state or local government entities; national or state associations; or, otherwise approved by the Board based upon documentation submitted by the licensee or course provider reviewing the nature and subject of the course and its relevancy to residential care administration, name of instructor(s) and their qualifications, date, time and location of the course and procedures for verification of attendance.

Medicaid Policy and Reimbursement

A Medicaid state plan service and a Medicaid home and community-based services waiver reimburses for personal care. State Plan services are available to residents who meet the state's definition of medical necessity, which requires that the resident may need no more than 16 hours of personal care services per week. The Medicaid rates for assisted living services increased by about 20% on July 1, 2018.

Citations

Idaho Administrative Code, Idaho Administrative Procedure Act 16, Title 03, Chapter 22: Residential Care or Assisted Living Facilities in

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Idaho Administrative Code, Idaho Administrative Procedure Act 16, Title 03, Chapter 19: Rules Governing Certified Family Homes. [July 1, 2018]
<https://adminrules.idaho.gov/rules/current/16/160319.pdf>

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<https://adminrules.idaho.gov/rules/current/24/241901.pdf>

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<https://adminrules.idaho.gov/rules/current/16/160219.pdf>

Idaho Department of Health and Welfare. Home Care: Personal Care Services and Home & Community-Based Waivers
<http://healthandwelfare.idaho.gov/Medical/Medicaid/HomeCare/tabid/215/Default.aspx>

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