

Assisted Living State Regulatory Review 2005

March 2005

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National Center For Assisted Living

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Assisted living is a significant provider in the long term care spectrum and continues to receive attention nationwide. Assisted living is no longer a provider category “in its infancy.” It is a long term care option that is preferred by many individuals and their families because of its emphasis on resident choice, dignity and privacy.

There are federal laws that impact assisted living but oversight of assisted living occurs at the state level. The varying laws and regulations affecting these settings have created a diverse and fluid operating environment for providers and a mix of terminology, settings, and available services for consumers. Overall, these variations reflect the development of assisted living to meet the needs of the individuals in each particular state.

There are 37 states that use the licensure term “assisted living” and some states use a similar term (e.g., Tennessee uses “assisted care living facilities”). Minnesota has a housing with services model and does not use the term “assisted living,” which was problematic for residents who had long term care insurance. The insurance industry did not recognize housing with services as “assisted living” in Minnesota. In 2004, a Minnesota long term care provider initiative resulted in successful legislation clarifying that the housing with services model, for purposes of long term care insurance, is an assisted living facility or an assisted living residence.

This report summarizes regulation of assisted living in each state and the District of Columbia. Because many states are developing and refining their assisted living rules and guidelines, readers are encouraged to contact the identified state agencies for additional information.

This review is based on the applicable statutes and regulations in each state and specifically summarizes the following information:

- **Agency/Phone Number** is the name and general phone number of the state assisted living regulatory agency.
- **Contact Name/Phone Number/E-mail** is the name, direct phone number, and e-mail address of the state agency representative who is knowledgeable about state regulatory classifications and new initiatives regarding assisted living.
- **Web Site** is the Web site for the agency that regulates assisted living.

- **Licensure Term** is the term used by the state that most closely fits the general definition of “assisted living.”
- **Opening Statement** includes comments about new assisted living legislation or regulation that is being discussed, drafted, or proposed by the state.
- **Definition** summarizes the state’s definition of the licensure term.
- **Disclosure Items** includes specific information that must be provided to a prospective resident prior to signing a residence or services contract.
- **Facility Scope of Care** summarizes the nursing and personal care services that may be provided by the facility.
- **Third Party Scope of Care** indicates whether a third party, such as home health agencies or hospice providers, may provide services.
- **Move-in/Move-out Requirements** summarizes the types of resident conditions that would prevent move-in or mandate move-out.
- **Resident Assessment** indicates if the state requires a particular form or process to be used when a prospective or current resident is assessed to determine if the individual’s needs can be met by the provider and to indicate the services that the resident will need.
- **Medication Management** indicates whether administration of medication is permitted and the extent to which assistance with administration is permissible.
- **Physical Plant Requirements** summarizes the square footage requirements for resident units and any other special physical plant requirements.
- **Residents Allowed Per Room** summarizes the maximum number of residents allowed per resident unit.
- **Bathroom Requirements** indicates whether bathrooms may be shared and how many toilets, lavatories, and/or bathing facilities are required per resident.
- **Alzheimer’s Unit Requirements** indicates whether facilities are permitted to care for residents with Alzheimer’s disease and/or summarizes special requirements for facilities that care for such residents.
- **Staff Training for Alzheimer’s Care** indicates any additional training that may be required for staff that provide care for individuals with Alzheimer’s disease or other forms of dementia.
- **Staffing Requirements** lists required staff and may indicate if a certain number of staff are required at particular times or based on the number of residents.

- **Administrator Education/Training** summarizes qualifications for administrators.
- **Staff Education/Training** summarizes qualifications for various staff positions.
- **Continuing Education (CE) Requirements** summarizes the number of hours of continuing education required annually of administrators and staff.
- **Entity Approving CE Program** identifies the state entity that gives prior approval for continuing education courses, if applicable.
- **Medicaid Policy and Reimbursement** summarizes whether the state uses a Medicaid waiver to pay for services in assisted living.

Alabama

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Licensure Term Assisted Living Facilities

Opening Statement The regulations were amended most recently in January 2005.

Definition An assisted living facility provides room, board, meals, laundry, assistance with personal care, and other services for not less than 24 hours per week. A specialty care assisted living facility meets the definition of an assisted living facility and is specially licensed and staffed to permit residents with a degree of cognitive impairment that would ordinarily make them ineligible for admission or continued stay in an assisted living facility. Both assisted living and specialty care assisted living are sub-classified according to the number of residents:

"Family assisted living facility" means a facility authorized to care for two or three adults.

"Group assisted living facility" means a facility authorized to care for four to 16 adults.

"Congregate assisted living facility" means a facility authorized to care for 17 or more adults.

Disclosure Items None specified.

Facility Scope of Care Assistance with activities of daily living (ADLs) such as bathing, oral hygiene, and grooming may be provided. A facility must provide general observation and health supervision of each resident to develop awareness of changes in health condition and physical ability. A registered nurse (RN) may provide or supervise care during periods of temporary illness.

Third Party Scope of Care Home health services may be provided by a certified home health agency.

Move-In/Move-Out Requirements To be admitted, residents may not require restraints or confinement; require limitations on egress from the facility; be unable, because of dementia, to understand the unit dose medication system in use by the facility; or have chronic health conditions requiring extensive nursing care, daily professional observation, or the exercise of professional judgment from facility staff. A resident who requires medical care, skilled nursing care, is severely cognitively impaired, or requires any care beyond assistance with ADLs must be discharged. Despite

these requirements, a resident who requires medical care, administration of oral medications, or skilled nursing care for no longer than 90 days, or if a resident has been admitted to a certified and licensed hospice program because of a condition other than dementia, may remain in the facility by arrangement of such care to be delivered by properly licensed individuals. In these instances the facility is responsible for the delivery of the appropriate care.

Resident Assessment

Each resident must have a medical examination prior to entering an assisted living facility and a plan of care developed by the facility in cooperation with the resident and, if appropriate, the sponsor. There is certain information that must be included in the plan of care, but there is no required standard form.

Two assessments on required forms must be completed for individuals who move into a specialty care assisted living facility: a Physical Self Maintenance Scale and a Behavior Screening Form. Each resident must have a specified score to be able to live in the specialty care assisted living facility.

Medication Management

A resident may either manage, keep, and self-administer his or her own medications or receive assistance with the self-administration of medication by any staff member. Medications managed and kept under the custody and control of the facility shall be unit-dose packaged. In specialty care assisted living facilities that care for residents with dementia, medication must be administered by an RN, licensed practical nurse, or an individual licensed to practice medicine or osteopathy by the Medical Licensure Commission of Alabama.

Physical Plant Requirements

Private resident units must be a minimum of 80 square feet, and double occupancy resident units must be a minimum of 130 square feet.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

Bathrooms may be shared and resident rooms may have common toilets, lavatories, and bathing facilities. When shared, there must be at least the following: one bathtub or shower for eight residents; one lavatory for six residents; and one toilet for six residents.

Alzheimer's Unit Requirements

Facilities that are not licensed as specialty care facilities may neither admit nor retain residents with severe cognitive impairments and may not advertise themselves as a "Dementia Care Facility," an "Alzheimer's Care Facility," or as specializing in or being competent to care for individuals with dementia or Alzheimer's disease.

Residents must be screened and approved to move into the specialty care facility. The screening must include a clinical history, a mental status examination including aphasia screening, a geriatric depression screen, a physical functioning screen, and a behavior screen. Additionally, the Physical Self Maintenance Scale and the Behavior Screening Form must be completed and the state has required scores that must be achieved in order for a resident to move in and continue to reside in the facility.

Staff Training for Alzheimer's Care

All staff having contact with residents in specialty care dementia units must receive training on specific topics prior to having any resident contact and must have at least six hours of continuing education annually.

Staffing Requirements

There must be an administrator, RN consultant, and personal care staff as needed to provide adequate care and promote orderly operation of the facility. Specifically, there must be at least one staff person for every six residents in the facility per 24 hours.

Specialty care assisted living must have an administrator, a medical director, at least one RN, and a unit coordinator. Specialty care assisted living must have at least two staff members on duty 24 hours-a-day, seven days a week, and must, at a minimum, meet the staffing ratios specified in regulation.

Administrator Education/Training

Administrators are required to be licensed by the Assisted Living Administrator Licensure Board.

Staff Education/Training

Staff are required to take a 16-hour course within their first year.

Continuing Education (CE) Requirements

Administrators must complete six hours of continuing education per year.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

There is no Medicaid waiver program at this time.

Alaska

Agency Division of Public Health

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Licensure Term Assisted Living Homes

Opening Statement Alaska is unique due to its size and sparse population. Providers determine the level of care and services they will provide, but must provide the state with a list of these services. Revised regulations were implemented in April 2002.

Definition An assisted living home (or "home") provides a system of care in a home-like environment for elderly persons and persons with mental or physical disabilities who need assistance with activities of daily living (ADLs).

Disclosure Items None specified.

Facility Scope of Care Facilities may provide nursing care, assistance with ADLs, intermittent nursing services, and skilled nursing care by arrangement. A licensed nurse may delegate certain tasks, including non-invasive routine tasks, to staff.

Third Party Scope of Care A resident who needs skilled nursing care may, with the consent of the assisted living home, arrange for that care to be provided in the assisted living home by a licensed nurse if that arrangement does not interfere with the services provided to other residents.

Move-In/Move-Out Requirements There are no limits on admission. However, facilities must have a residential services contract in place for each resident. Twenty-four-hour skilled nursing care may not last for more than 45 consecutive days. Terminally ill residents may remain in the facility if a physician confirms their needs are being met. At least 30 days' notice is required before terminating a residential services contract.

Resident Assessment A plan must be developed for each resident and it must include certain information. There is no required standard form.

Medication Management If self-administration of medications is included in a resident's assisted living plan, the facility may supervise the resident's self-administration of medications.

Physical Plant Requirements The home must assure that each resident has furniture typical for residents of homes in the community and neighborhood. Residents must have "reasonable privacy." The home must occupy a building that is used exclusively for assisted living,

except that a home may be licensed in a building that has more than one occupancy if the other occupancy is consistent with the health, safety, comfort, and well-being of the residents of the assisted living home and the other users of the building comply with applicable fire and environmental health codes.

Residents Allowed Per Room

No more than two residents may be assigned to a bedroom.

Bathroom Requirements

None specified.

Alzheimer's Unit Requirements

The facility must provide a safe environment for residents with Alzheimer's disease.

Staff Training for Alzheimer's Care

None specified.

Staffing Requirements

The home must employ the type and number of care providers and other employees necessary to operate the home. The home must have a sufficient number of care providers and other employees with adequate training to implement the home's general staffing plan and to meet the needs of residents as defined in the residents' residential services contracts and assisted living plans. A care provider must be on duty who has CPR training and first aid training. A criminal background investigation is required of staff.

Administrator Education/Training

An administrator must be at least 21 years of age, complete an approved management or administrator training course, and have documented experience relevant to the population of residents in the home; or have sufficient documented experience in an out-of-home care facility and adequate education, training or other similar experience to fulfill the duties of an administrator for the type and size of home where the individual is to be employed. A criminal background investigation is required.

Staff Education/Training

Care providers in non-supervisory roles must be at least 16 years of age. Care providers working without direct supervision must be 18 years of age and care providers who are 21 years of age may supervise other care providers.

Continuing Education (CE) Requirements

Each administrator must complete 18 clock hours of continuing education annually. Each care provider must complete 12 clock hours of continuing education annually.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

A Medicaid Home and Community Based Services Waiver covers services. A tiered payment system is used to reimburse for services.

Arizona

Agency Arizona Department of Health Services, Division of Assurance and Licensure, Office of Assisted Living Licensure **Phone** (602) 364-2639
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Web Site www.azdhs.gov

Licensure Term Assisted Living Facilities

Opening Statement Regulations have been in effect since November 1998. The licensure category consolidates the previous six licensure categories for residential care institutions into a universal assisted living license. This license is sub-classified based on size and level of services provided. All facilities are required to comply with resident rights, food service requirements, administration requirements, abuse reporting, and resident agreements. Training requirements vary depending upon level of care. Physical plant requirements vary depending upon size.

Definition An assisted living facility is a residential care institution that provides or contracts to provide supervisory care services, personal care services, or directed care services on a continuing basis.

Disclosure Items None specified.

Facility Scope of Care Facilities may provide personal care services, including assistance with activities of daily living, that can be performed by persons without professional skills or professional training. Facilities may also provide or coordinate intermittent nursing services and the administration of medications and treatment by a licensed nurse.

Third Party Scope of Care None specified.

Move-In/Move-Out Requirements A facility must not accept or retain a resident who requires physical or chemical restraints; behavioral health residential services; or services that the assisted living facility is not licensed or able to provide.

Resident Assessment There is no required resident assessment form, but a resident assessment and service plan must be initiated at the time of resident move-in.

Medication Management Medication administration is permitted by licensed nurses. Assisted living managers and unlicensed caregivers may provide medication administration assistance to residents.

Physical Plant Requirements	Facilities must comply with all local building codes, ordinances fire codes, and zoning requirements. Private resident units must be a minimum of 80 square feet and shared resident units must provide a minimum of 60 square feet per resident.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	Shared bathrooms are permitted with at least one full bathroom for every eight residents.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	The regulations require that supervisory care services, personal care services, or directed care services be consistent with the level of service for which the facility is licensed.
Administrator Education/Training	Managers must be at least 21 years of age and certified as assisted living facility managers.
Staff Education/Training	All staff must be trained in First Aid specific to adults. Caregivers must be at least 18 years of age; be trained at the level of service the facility is licensed to provide; and have a minimum of three months of health-related experience. Assistant caregivers must be at least 16 years of age. In addition, the following is required: For staff providing a supervisory level of care: 20 hours of training; For staff providing a personal level of care: training for supervisory level plus an additional 30 hours; For staff providing a directed level of care: training for supervisory and personal level plus an additional 12 hours; and For management level staff: 8 hours.
Continuing Education (CE) Requirements	All staff must complete a minimum of 12 hours of continuing education per year in areas related to promotion of resident dignity, independence, self-determination, privacy, choice, and resident rights; fire safety and emergency procedures; infection control; and abuse, neglect, and exploitation prevention and reporting requirements.
Entity Approving CE Program	The Board of Examiners of Nursing Home Administrators and Assisted Living Facility Managers approves CE programs for administrators.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services in assisted living.

Arkansas

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Licensure Term	Assisted Living Facilities, Level I and Level II.
Opening Statement	Facilities are designated as Level I or Level II Assisted Living.
Definition	An assisted living facility is a building or part of a building that undertakes, through its ownership or management, responsibility to provide assisted living services for a period exceeding 24 hours to more than three adult residents of the facility. Assisted living services may be provided either directly or through contractual arrangement. An assisted living facility provides, at a minimum, services to assist residents in performing all activities of daily living (ADLs) on a 24-hour basis.
Disclosure Items	Facilities that have an Alzheimer's Special Care Unit must provide a facility-prepared statement to individuals or their families or responsible parties prior to admission that discloses the form of care, treatment, and related services especially applicable to or suitable for residents of the special care unit.
Facility Scope of Care	<p>The facility may supervise and assist with ADLs. Level I facilities provide 24-hour staff supervision by awake staff; assistance in obtaining emergency care 24 hours a day; assistance with social, recreational, and other activities; assistance with transportation; linen service; three meals a day and medication assistance.</p> <p>Level II facilities offer services that directly help a resident with certain routines and ADLs and assistance with medication only to the extent permitted by the state's Nurse Practice Act. The assessment for residents with health needs must be completed by a registered nurse (RN).</p>
Third Party Scope of Care	In Level I facilities, home health services may be provided by a certified home health agency on a short-term basis.
Move-In/Move-Out Requirements	<p>The facility must not admit or retain residents whose needs are greater than the facility is licensed to provide.</p> <p>Level I facilities may not provide services to residents who:</p> <ol style="list-style-type: none">(1) Need 24-hour nursing services except as certified by a licensed home health agency for a period of 60 days with one 30 day extension;

- (2) Are bedridden;
- (3) Have transfer assistance needs that the facility cannot meet with current staffing;
- (4) Present a danger to self or others or engage in criminal activities; or
- (5) Require medication administration to be performed by the facility.

Level II facilities may not provide services to residents who:

- (1) Need 24-hour nursing services;
- (2) Are bedridden;
- (3) Have a temporary (no more than 14 consecutive days) or terminal condition unless a physician or advance practice nurse certifies the resident's needs may be safely met by a service agreement developed by the attending physician or advance practice nurse and the resident;
- (4) Have transfer assistance needs that the facility cannot meet with current staffing; or
- (5) Present a danger to self or others or engage in criminal activities.

Resident Assessment

Each resident must have an initial evaluation completed by the assisted living residence. There is no required standard form.

Medication Management

Level I facility staff must provide assistance to enable residents to self-administer medications.

In Level II facilities licensed nursing personnel may administer medication.

Physical Plant Requirements

All living units in assisted living facilities must be independent apartments, including a kitchen that is a visually and functionally distinct area within the apartment or unit. Each apartment or unit of new construction shall have a minimum of 150 square feet per person or 230 square feet for two persons.

A Level II facility must maintain physically distinct parts or wings to house individuals who receive, or are medically eligible for, a nursing home level-of-care separate and apart from those individuals who do not receive, or are not medically eligible for the nursing home level-of-care.

Residents Allowed Per Room

An apartment or unit must be single occupancy except in situations where residents are husband and wife or are two consenting adults who have requested and agreed in writing to share an apartment or unit. An apartment or unit may be occupied by no more than two persons.

Bathroom Requirements

Each apartment or unit must have a separate and complete bathroom with a toilet, bathtub or shower, and sink.

Alzheimer's Unit Requirements

Level I and II facilities may have an Alzheimer's special care unit. There are additional requirements in the areas of assessments, individual support plans for the residents, physical design, egress control, staffing, staff training, and therapeutic activities.

Staff Training for Alzheimer's Care

All staff must be trained within five months of hiring, with no less than eight hours of training per month during those five months. The following subjects must be covered in the training facility policies; etiology, philosophy and treatment of dementia stages of Alzheimer's disease; behavior management; use of physical restraints, wandering, and egress control; medication management; communication skills; prevention of staff burnout; activity programming; ADLs; individual-centered care assessments; and creation of individual support plans. At least two hours of ongoing in-service training is required every quarter.

Staffing Requirements

A full-time administrator (40 hours per week) must be designated by each assisted living facility. A second administrator must be employed either part-time or full-time depending on the number of beds in the facility.

Level I facilities must have sufficient staff to meet the needs of residents and must meet the staffing ratios specified in regulation. The ratios are based on number of residents and are designated for "day," " evening," and "night."

Level II facilities must employ or contract with at least one RN, licensed practical nurses, certified nursing assistants (CNAs), and personal care aides. The RN does not need to be physically present but must be available to the facility by phone or pager. The facility must have a minimum of one staff person per 15 residents from 7 a.m. to 8 p.m. and one staff person per 25 residents from 8 p.m. to 7 a.m. There must be at least one CNA on the premises per shift.

Administrator Education/Training

The administrator must be at least 21 years of age, have a high school diploma or a GED, successfully complete a state criminal background check, and be a certified Assisted Living Facility Administrator through a certification program approved by the state.

Staff Education/Training

All staff, including contracted personnel who provide services to residents (excluding licensed home health agency staff), must receive orientation and training on the following topics:
(1) Within seven calendar days of hire: building safety and emergency measures; appropriate response to emergencies; abuse, neglect, and financial exploitation and reporting requirements; incident reporting; sanitation and food safety;

resident health and related problems; general overview of the job's specific requirements; philosophy and principles of independent living in an assisted living residence; Residents' Bill of Rights;

(2) Within 30 calendar days of hire: medication assistance or monitoring; communicable diseases; dementia and cognitive impairment; and

(3) Within 180 calendar days of hire: communication skills; review of the aging process, and disability sensitivity training.

**Continuing Education
(CE) Requirements**

All staff must have six hours per year of ongoing education and training on the areas that were required to be covered during the first seven days of hire.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid state plan service reimburses for personal care services. A Level II facility may provide care and services to individuals who are medically eligible for nursing home level-of care and receive services through the Medicaid 1915 (c) Home and Community Based Services Waiver.

California

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Licensure Term Residential Care Facilities for the Elderly

Opening Statement The Division of Community Care Licensing is currently reformatting and updating the regulations based on new legislative mandates and public policy. The significant areas that have recently been amended include regulations covering facilities that provide care to residents with dementia; allowing residents that are permanently bedridden to remain in the facility; use of "as needed" medications in the facility; and elimination of agency approval to care for incidental health care needs.

Definition A Residential Care Facility for the Elderly (RCFE) is a housing arrangement chosen voluntarily where 75 percent of the residents are 60 years of age or older and where varying levels of care and supervision are provided, as agreed to at the time of admission or as determined at subsequent times of reappraisal. Younger residents must have needs compatible with other residents.

Disclosure Items None specified.

Facility Scope of Care The facility may provide assistance with activities of daily living (ADLs), observation and reassessment, postural support that can be released by the resident, and other types of care. Recent revisions clarify "restricted health conditions" that may be cared for without prior department approval so long as the provider complies with the applicable RCFE regulations for that condition. These incidental medical services include administration of oxygen, catheter care, colostomy/ileostomy care, contractures, diabetes, enemas/suppositories, incontinence, injections, intermittent positive pressure breathing machine, Stage I and II dermal ulcers and wound care.

Health-related conditions specified in regulations can be cared for as long as the applicable RCFE regulations are followed and those procedures and services requiring a nurse or physical therapist are provided by the appropriately skilled professional.

Third Party Scope of Care Terminally ill residents may remain in the facility and receive

	<p>services from a hospice agency. The facility staff, however, is still prohibited from providing any care beyond that allowed within the parameters of the RCFE license.</p>
Move-In/Move-Out Requirements	<p>Residents may not be admitted if they have active communicable tuberculosis; require 24-hour skilled nursing or intermediate care; are permanently bedridden or unable to leave the building unassisted; are not elderly; have a mental disorder resulting in ongoing behavior that would upset the general resident group; would require a greater amount of care and supervision than the other residents; or cannot generally benefit from the program services available in the facility.</p>
Resident Assessment	<p>Residents must be assessed prior to move-in, however, there is no standardized form required. An optional/sample assessment form is found on the agency's Web site.</p>
Medication Management	<p>Facility staff may assist residents with the self-administration of medication.</p>
Physical Plant Requirements	<p>The regulations allow for private or semi-private resident rooms. Resident rooms must be furnished and of sufficient size to allow for easy passage of wheelchairs, walkers, and any required equipment such as oxygen.</p>
Residents Allowed Per Room	<p>A maximum of two residents is allowed per resident unit.</p>
Bathroom Requirements	<p>Common toilets, bathing, and lavatory facilities are permitted.</p>
Alzheimer's Unit Requirements	<p>Secured perimeters are permitted for Alzheimer's or other dementia residents. Facilities may opt to install delayed egress doors or locked perimeters. The licensee must notify the licensing agency that an egress device will be installed. Further, the licensee must notify the licensing agency of their intention to lock exterior doors and/or perimeter fence gates, and ensure that the fire clearance includes approval of locked exterior doors, or locked perimeter fence gates. Approval from the licensing authority is required for licensees serving this population. New regulations require those facilities that advertise that they specialize in Alzheimer's disease and dementia care to meet minimum training requirements on how to care for these residents.</p>
Staff Training for Alzheimer's Care	<p>Direct care staff in dementia care must receive six hours of dementia care orientation within the first four weeks of beginning to work in the facility and at least eight hours of dementia care in-service training per year.</p>
Staffing Requirements	<p>Facility personnel must be sufficient to provide the services necessary to meet resident needs.</p>

**Administrator
Education/Training**

An administrator must complete a 40-hour initial Certification Training Program from one of the department's approved training vendors. Nursing home administrators must complete 12 of the 40 hours in areas of laws and regulations, use and misuse of medication, and resident admission, retention and assessment procedures. Nursing home administrators with a current and valid administrator's license are exempt from taking the test administered by the department.

To administer a facility licensed for 16-49 residents, an administrator must have at least 15 college or continuing education semester or equivalent quarter units and must have at least one year's experience providing residential care to the elderly. A facility with 50 or more residents must have two years of college and three years experience providing care to the elderly or equivalent education and experience as approved by the licensing agency.

Staff Education/Training

All staff who assist residents with personal ADLs must receive at least 10 hours of initial training within the four weeks or beginning employment. Services requiring specialized skills are to be provided by qualified personnel in accordance with recognized professional standards.

**Continuing Education
(CE) Requirements**

Staff who assist residents with personal ADLs must receive at least four hours of training annually. Administrators must complete 40 hours of continuing education units every two years in areas related to any of the uniform core knowledge areas and must include eight hours in Alzheimer's disease and dementia training. Nursing home administrators are required to complete 20 of the 40 hours of continuing education. As of January 2004, the department will accept up to 20 of the 40 required hours from on-line training courses.

**Entity Approving
CE Program**

State Department of Social Services, Community Care Licensing, Program Support Bureau

**Medicaid Policy and
Reimbursement**

No Medicaid Home and Community Based Services Waiver at this time; however, legislation passed in 2000 provides for a demonstration project to test the effectiveness of this type of reimbursement in RCFEs. The Department of Health Services is currently developing the criteria for participation in the demonstration project.

Colorado

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Licensure Term Assisted Living Residence

Opening Statement The regulations were rewritten and became effective May 31, 2004.

Definition Assisted living residences are residential facilities that make available to three or more adults who are unrelated to the owner, either directly or indirectly through an agreement between the provider and the resident: room and board and at least the following services: personal services; protective oversight; social care due to impaired capacity to live independently; and regular supervision that must be available on a 24-hour basis, but not to the extent that regular 24-hour medical nursing care is required.

Disclosure Items There must be written evidence that the following have been disclosed, upon admission unless otherwise specified, to the resident or the resident's legal representative, as appropriate: the facility's policies and procedures; the method for determining staffing levels based on resident needs and the extent to which certified or licensed health professionals are available onsite; types of daily activities, including examples of those activities that will be provided for the residents; whether the facility has automatic fire sprinkler systems; if the facility uses restrictive egress alert devices, and the types of behaviors exhibited by persons who need such devices.

Facility Scope of Care The facility must make available, either directly or indirectly, through a resident agreement the following services sufficient to meet the needs of the residents: a physically safe and sanitary environment; room and board; personal services; protective oversight; and social care.

Third Party Scope of Care A facility may choose to contract with home health agencies for services beyond what it provides.

Move-In/Move-Out Requirements A facility shall not admit or keep any resident requiring a level of care or type of service that the facility does not provide or is unable to provide, and in no event shall a facility admit or keep a resident who is consistently uncontrollably incontinent unless the resident or staff is capable of preventing such incontinence from becoming a health hazard; is totally bedridden with limited potential for improvement; needs

medical or nursing services on a 24-hour basis; needs restraints; has a communicable disease or infection unless the resident is receiving a medical or drug treatment for the condition and the admission is approved by a physician; or has a substance abuse problem unless it is no longer acute and a physician determines it is manageable.

Resident Assessment

There is no standard required assessment form. However, the regulations require a comprehensive pre-admission assessment of the residents' physical, health and social needs, preferences, and capacity for self care.

Medication Management

All personal medication is the property of the resident and no resident shall be required to surrender the right to possess or self-administer any personal medication, except as otherwise specified in the care plan of a resident of a facility that is licensed to provide services specifically for the mentally ill, or if a physician or other authorized medical practitioner has determined that the resident lacks the decisional capacity to possess or administer such medication safely. For residents who are unable to self-administer medications, medications must be given by a qualified medication administration staff member who has completed a state-approved training and competency examination. A qualified medication aide is permitted to administer oral, inhalant, topical, vaginal, and rectal medications, but not injections.

Physical Plant Requirements

Private resident units must be a minimum of 100 square feet and double occupancy resident units must provide a minimum of 60 square feet per resident.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit. In facilities licensed prior to July 1, 1986, up to four residents are allowed per room, until either a substantial remodeling or a change of ownership occurs.

Bathroom Requirements

Shared bathrooms are permitted with at least one full bathroom for every six residents.

Alzheimer's Unit Requirements

Secured units for the purpose of serving residents with Alzheimer's disease are allowed and additional requirements are set forth in the regulations.

Staff Training for Alzheimer's Care

Staffing must be adequate and staff must be trained to meet residents' needs. For those facilities choosing to provide secure care, at least one trained staff member must be in the secured unit at all times.

Staffing Requirements

Staffing must be adequate to meet residents' needs and there is no specific staff ratio.

**Administrator
Education/Training**

Operators must be at least 21 years of age and must meet the minimum educational, training, and experience standards in one of the following ways: completing a Department of Public Health-approved program or having documented previous job-related experience or education equivalent to successful completion of such program. The department may require additional training to ensure that all the required components of the training curriculum are met. The administrator must have the equivalent of 30 hours of training in 15 required topics and 15 hours of training pertinent to the care needs of the residents served by the facility.

Staff Education/Training

Staff shall be given on-the-job training or have related experience in the job assigned to them. Prior to providing direct care, the facility must provide adequate training on specific needs of the population served (e.g., residents in secured environments, severely and persistently mentally ill, frail elderly, AIDS, Alzheimer's disease, diabetics, dietary restrictions and bedfast); residents' rights; first aid and injury response; the care and services for the current residents; and the facility's medication administration program. Within one month of hire, the facility must provide adequate training on assessment skills; infection control; identifying and dealing with difficult situations and behaviors; and health emergency response.

**Continuing Education
(CE) Requirements**

None specified.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers services in alternative care facilities. Facilities are reimbursed on a flat rate, per diem basis.

Connecticut

Agency Department of Health, Health Facilities Division **Phone** (860) 509-7400
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Licensure Term	Assisted Living Services Agencies
Opening Statement	The regulations have been in effect since November 1994 and only cover nursing services and assistance with activities of daily living (ADLs) provided to residents living within a managed residential community having supportive services. Physical plant/setting requirements are regulated by the state and local building and fire codes. Managed residential communities are required to register with the Department of Public Health but are not required to be licensed.
Definition	Assisted living services agencies provide nursing services and assistance with ADLs to clients living within a managed residential community having supportive services that encourages clients primarily age 55 or older to maintain a maximum level of independence.
Disclosure Items	None specified.
Facility Scope of Care	Nursing services and assistance with ADLs may be provided to residents with chronic and stable conditions as determined by a physician or health care practitioner.
Third Party Scope of Care	For residents whose conditions are unstable, either a home health agency must provide services or "other appropriate arrangements" must be made.
Move-In/Move-Out Requirements	There are no set discharge or admission requirements; however each facility must develop written policies for the discharge of clients from the agency. The policies must include, but are not limited to, change in a resident's condition (when a resident is no longer chronic and stable); and what constitutes routine, emergency, financial, and premature discharge.
Resident Assessment	There is no standard required resident assessment form.
Medication Management	None specified.
Physical Plant Requirements	The managed residential community where services are offered must have private residential units that include a full bath, access to facilities, and equipment for the preparation and storage of food. A resident may choose to share a room. Common space in the facility must be sufficient to

	accommodate 50 percent of the residents at any given time.
Residents Allowed Per Room	None specified.
Bathroom Requirements	Each unit must include a full bath.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Staffing must be adequate to meet residents' needs.
Administrator Education/Training	The supervisor must be a RN with at least two years experience in nursing, including one year in a home health agency or a high school diploma with four years' experience, including two in a home health agency. Assisted living aides must have a certified nursing assistant or certified home health aide certification.
Staff Education/Training	All staff must complete a 10-hour orientation program. Assisted living aides must pass a competency exam.
Continuing Education (CE) Requirements	Assisted living aides must complete 12 hours of continuing education per year.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services for eligible low-income residents.

Delaware

Agency Department of Health & Social Services, Division of Long Term Care Residents Protection **Phone** (302) 577-6661
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E-mail Carol.Ellis@State.De.Us
Web Site <http://www.state.de.us/dhss/dltcrp/index.html>

Licensure Term	Assisted Living Facilities
Opening Statement	Assisted living facility regulations were most recently updated in July 2004.
Definition	Assisted living is a special combination of housing, supportive services, supervision, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living and/or instrumental activities of daily living.
Disclosure Items	There is a disclosure statement required for facilities that offer specialized care for individuals with memory impairment (see "Alzheimer's Unit Requirements" section below).
Facility Scope of Care	Assisted living is designed to offer living arrangements to medically stable persons who do not require skilled nursing services and supervision. An individual who requires intermittent nursing care for a limited period of time may live in an assisted living facility. Additionally, there are specific conditions that prohibit a resident from being in an assisted living facility regardless of whether care is provided by staff or an outside entity (see Move-In/Move-Out Requirements).
Third Party Scope of Care	A resident may contract with a home health agency to provide services with prior approval of the facility's executive director. A licensed hospice program may provide care for a resident. The hospice program must provide written assurance that, in conjunction with care provided by the assisted living facility, all of the resident's needs will be met without placing other residents at risk.
Move-In/Move-Out Requirements	An assisted living facility may not admit, provide services to, or permit the provision of services to individuals who, based on the uniform resident assessment, meet any of the following conditions: (1) Require care by a nurse that is more than intermittent or for more than a limited period of time; (2) Require skilled monitoring, testing, and aggressive adjustment of medications and treatments where there is the presence of, or reasonable potential of, an acute episode unless there is a registered nurse (RN) to provide appropriate care;

- (3) Require monitoring of a chronic medical condition that is not essentially stabilized through available medications and treatments;
- (4) Bedridden for more than 14 days;
- (5) Have Stage III or IV skin ulcers;
- (6) Require a ventilator;
- (7) Require treatment for a disease or condition that requires more than contact isolation;
- (8) Have an unstable tracheotomy or a stable tracheotomy of less than six months duration;
- (9) Have an unstable PEG tube;
- (10) Require an intravenous or central line;
- (11) Wander such that the assisted living facility would be unable to provide adequate supervision or security arrangements;
- (12) Exhibit behaviors that present a threat to the health or safety of themselves or others; and
- (13) Are socially inappropriate as determined by the assisted living facility such that the facility would be unable to manage the behavior after documented reasonable efforts for a period of no more than 60 days.

The provisions above do not apply to residents under the care of a hospice program licensed by the Department of Health and Social Services as long as the hospice program provides written assurance that, in conjunction with care provided by the assisted living facility, all of the resident's needs will be met without placing other residents at risk.

Resident Assessment

There is a required resident assessment form, although it is not available on-line.

Medication Management

Facilities must comply with the Nurse Practice Act. Residents may receive assistance with self-medication by designated care providers who have completed the "Assistance with Self-Administration of Medication" training course. Administration of medication may only be performed by an RN or a licensed practical nurse. The facility must establish and adhere to written medication policies and procedures that address a series of issues related to obtaining, storing, and administering medication. A quarterly pharmacy review is required.

Physical Plant Requirements

Resident kitchens must be available to residents either in their individual living unit or in an area readily accessible to each resident. For all new construction and conversions of assisted living facilities with more than 10 beds, there must be at least 100 square feet of floor space for each resident in a private bedroom and at least 80 square feet of floor space for each resident sharing a bedroom.

Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	Bathing facilities must be available either in an individual living unit or in an area readily accessible to each resident. If bathroom facilities are shared by residents there must be at least one working toilet, sink, and tub/shower for every four residents.
Alzheimer's Unit Requirements	An assisted living facility that offers specialized care for individuals with memory impairment must disclose its policies and procedures that describe the form of care and treatment provided that is in addition to the care and treatment required by law and regulation.
Staff Training for Alzheimer's Care	Staff must be adequately trained, certified, and licensed to meet the requirements of the residents.
Staffing Requirements	<p>Each facility must have a director who is responsible for the operation of the program. Facilities licensed for 25 beds or more must have a full-time nursing home administrator. Facilities licensed for five through 24 beds must have a part-time nursing home administrator on-site and on-duty at least 20 hours per week. The director of a facility for four beds or fewer must be on-site at least eight hours a week. Each facility must have a Director of Nursing (DON) who is an RN. Facilities licensed for 25 or more beds must have a full time DON; facilities licensed for five to 24 beds must have a part-time DON on-site and on-duty at least 20 hours a week; and a DON of a facility for four or fewer beds must be on-site at least eight hours a week.</p> <p>Resident assistants must be at least 18 years of age. At least one awake staff person must be on-site 24 hours per day who is qualified to administer or assist with self-administration of medication, has a knowledge of emergency procedures, basic first aid, CPR, and the Heimlich Maneuver. Overall staffing must be sufficient in number and staff must be adequately trained, certified, or licensed to meet the needs of the residents and to comply with applicable state laws and regulations.</p>
Administrator Education/Training	The nursing home administrator must maintain current certification as required by state law. For facilities with four beds or fewer, there are reduced requirements for the director of the facility and for the on-site manager.
Staff Education/Training	Staff must be adequately trained to meet the needs of the residents and the facility must provide and document staff training. Resident assistants must receive facility-specific orientation covering specified topics.

**Continuing Education
(CE) Requirements**

The nursing home administrator must maintain current certification as required by state law. On-site house managers of facilities with four beds or fewer must receive a minimum of 12 hours in-service education annually. Resident assistants must receive at least 12 hours of in-service education annually.

**Entity Approving
CE Program**

The Board of Nursing Home Examiners approves continuing education programs for assisted living facilities.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers assisted living services.

District of Columbia

Agency Health Regulation Administration

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Licensure Term Community Residence Facilities

Opening Statement The regulations have been in effect since 1995. The Assisted Living Residence Regulatory Act of 2000 was signed in March 2000 and transmitted to both houses of the U.S. Congress for review. D.C. law 13-127 became effective in June 2000. Presently, the Department of Health is developing a licensure and survey program for assisted living residences.

Definition Community residence facilities are defined as any facility that provides safe, hygienic sheltered living arrangements for one or more individuals age 18 years or older, who are ambulatory and able to perform the activities of daily living (ADLs) with minimal assistance. This definition includes facilities that provide a sheltered living arrangement for persons who desire or require supervision or assistance within a protective environment because of physical, mental, familial, or social circumstances.

Disclosure Items None specified.

Facility Scope of Care To provide 24-hour care and supervision of its residents and be responsible for facilitating all services for the residents.

Third Party Scope of Care Under certain conditions, residents have the right to arrange directly for medical and personal care with an outside agency.

Move-In/Move-Out Requirements Residents may not be admitted who are in need of professional nursing care, unable to perform ADLs with minimal assistance, incapable of proper judgment and disoriented to person and place.

Resident Assessment There is a required assessment form called the Individualized Service Plan. The form is not available online.

Medication Management Residents may store medication and facility staff may assist residents with the self-administration of medication.

Physical Plant Requirements The combined total of all community space provided by the community residence facility shall afford at least 25 square feet of space above the basement per resident.

Residents Allowed Per Room	A maximum of four residents is allowed per resident unit.
Bathroom Requirements	The regulations do not specify a required number of bathrooms. However, most community residence facilities are small homes (generally providing care for no more than six individuals) and the regulators expect one bathroom for every five to six residents.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	A residence director must be responsible for the daily overall management of the facility. There must be sufficient staff to provide for the welfare, comfort, and safety of residents at all times of the day and night. Facilities with 50 or more residents must employ a full-time activities specialist. Facilities with more than 20 residents must provide the services of a social worker at least eight hours a week; facilities with more than 80 residents must provide the services of a social worker at least 20 hours a week; and facilities with 100 or more residents must employ a full-time social worker.
Administrator Education/Training	The residence director must be at least 21 years of age. If there are 30 or more residents in the facility, the director must have a bachelor's degree or at least three years full-time experience in a field directly related to the administration of the program or services of the facility.
Staff Education/Training	None specified.
Continuing Education (CE) Requirements	None specified.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	There is no Medicaid Home and Community Based Services Waiver at this time.

Florida

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Licensure Term	Assisted Living Facilities
Opening Statement	Regulations were revised in January 2002.
Definition	Assisted living facilities provide housing, food service, and one or more "personal services" (e.g., assistance with activities of daily living [ADLs] and self-administered medication).
Disclosure Items	None specified.
Facility Scope of Care	Facilities may provide assistance with personal services including medications. Facilities may hold one of three special licenses: an extended congregate care license allows facilities to provide more extensive ADL assistance and nursing services to frail residents; a limited nursing services license allows certain nursing services defined in the regulations; and a limited mental health license allows facilities to serve low-income, chronically mentally ill residents.
Third Party Scope of Care	Home health agencies may provide services under contract with residents.
Move-In/Move-Out Requirements	To be admitted, a resident must be capable of performing ADLs with supervision or assistance; not require 24-hour nursing supervision; be free of Stage II, III, or IV pressure sores; be able to participate in social and leisure activities; be ambulatory; and not display violent behavior. A resident must be discharged if he or she is no longer able to meet the admission criteria or is bedridden for more than seven days.
Resident Assessment	A resident assessment is required but there is no specified form.
Medication Management	Unlicensed staff may provide hands-on assistance with self-administered medications. Staff must have four hours of medication training by a registered nurse or registered pharmacist.
Physical Plant Requirements	Private resident units must provide a minimum of 80 square feet of usable floor space and multiple-occupancy resident rooms must provide a minimum of 60 square feet per resident. An additional minimum of 35 square feet of living and dining space per resident is required.

Residents Allowed Per Room	Prior to October 17, 1999, a maximum of four persons were permitted for multiple occupancy. Resident bedrooms designated for multiple occupancy in facilities newly licensed or renovated six months after October 17, 1999, shall have a maximum occupancy of two persons.
Bathroom Requirements	Shared bathrooms are permitted and a facility must provide one toilet and sink per six residents and one bathing facility per eight residents.
Alzheimer's Unit Requirements	Facilities that advertise special care for persons with Alzheimer's disease or related disorders (special care units) must have a physical environment that provides for the safety and welfare of residents; offer activities specifically designed for these residents; have 24-hour staffing availability; and employ staff who have completed an eight-hour approved training course and four hours of continuing education per year.
Staff Training for Alzheimer's Care	Staff in special care units must complete an eight-hour, approved training course and four hours of continuing education per year.
Staffing Requirements	Staffing requirements vary depending upon the number of residents (e.g., a total of 375 staff hours would be required each week at a facility with 46-55 residents.) At least one employee certified in first aid must be present at all times. Staffing must be sufficient to meet residents' needs.
Administrator Education/Training	Administrators must have a high school diploma or GED and complete a core training program and competency test.
Staff Education/Training	Direct-care staff must have six hours of initial training.
Continuing Education (CE) Requirements	Administrators must complete 12 hours of continuing education every two years. Staff in special care units must receive four hours of continuing education per year.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver and the Medicaid Assistive Care Services program under the Medicaid State Plan cover services for low-income residents.

Georgia

Agency Department of Human Resources, Office of Regulatory Services, Personal Care Home Program **Phone** (404) 657-4076
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Licensure Term	Personal Care Homes
Opening Statement	June 1994 regulations for Personal Care Homes remain in effect.
Definition	Personal care homes provide housing, food services, and one or more personal services, including supervision of self-administered medication; assistance with ambulation and transfers; and essential activities of daily living such as eating, bathing, grooming, dressing, and toileting.
Disclosure Items	None specified.
Facility Scope of Care	The personal services provided by the homes must include 24-hour responsibility for the well-being of the residents and protective care and watchful oversight.
Third Party Scope of Care	None specified.
Move-In/Move-Out Requirements	Residents must be ambulatory and may not require the use of physical or chemical restraints, isolation, or confinement for behavioral control. Residents must not be bedridden or require continuous medical or nursing care and treatment.
Resident Assessment	There is no regulatory requirement for a specific resident assessment form. A sample physician's report form is available at the agency Web site under Long Term Care Programs, Personal Care Homes.
Medication Management	All medications must be self-administered by the resident except when the resident requires administration of oral or topical medication by or under the supervision of a functionally literate staff person.
Physical Plant Requirements	Private and shared resident units must provide a minimum of 80 square feet per resident.
Residents Allowed Per Room	A maximum of four residents is allowed per resident unit.
Bathroom Requirements	Common toilets, lavatories, and bathing facilities are permitted
Alzheimer's Unit Requirements	None specified.

Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	At least one administrator, on-site manager, or responsible staff person, all of whom must be at least 21 years of age, must be on the premises 24-hours per day. There should be a minimum of one on-site staff person per 15 residents during awake hours and one staff person per 25 residents during sleeping hours. Additionally, there must be sufficient staff to meet residents' needs.
Administrator Education/Training	None specified.
Staff Education/Training	All persons working in the facility must receive work-related training acceptable to the state Department of Human Resources within the first 60 days of employment. Training is required in six areas: CPR, first aid, emergency procedures, medical and social needs and characteristics of the resident population, residents' rights, and the long term care resident abuse reporting act.
Continuing Education (CE) Requirements	All staff, including the administrator/on-site manager, who offer direct care to the residents must satisfactorily complete at least 16 hours of continuing education per year.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver reimburses two models of personal care homes.

Hawaii

Agency	Department of Health, Office of Health Care Assurance	Phone	(808) 692-7400
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Licensure Term	Assisted Living Facilities
Opening Statement	Assisted living facility regulations have been in effect since August 1999. A workforce comprised of providers and representatives of the department have developed a philosophy statement and guidelines for disclosure, managed risk, a resident assessment, admission/discharge/transfer, and a resident service plan.
Definition	An assisted living facility consists of a building complex offering dwelling units to individuals and services to allow residents to maintain an independent assisted living lifestyle.
Disclosure Items	None specified, however guidelines have been developed through a workforce comprised of providers and the department.
Facility Scope of Care	The facility must provide 24-hour on-site direct care staff to meet the needs of the residents; services to assist residents in performing all activities of daily living; and nursing assessment, health monitoring, and routine nursing tasks.
Third Party Scope of Care	The facility may arrange access to ancillary services for medically related care (e.g., physician, podiatrist) and social work services.
Move-In/Move-Out Requirements	There are no specific limitations on the admission of residents unless otherwise indicated by restrictions placed through the County Building Department review. A resident must receive a written 14-day notice of discharge if his or her behavior impose an imminent danger to him/herself or others, or if the facility cannot meet the resident's needs for services. Guidelines have been developed through a workforce of providers and the department.
Resident Assessment	There is no specific resident assessment form required. However, the facility staff must conduct a comprehensive assessment of each resident's needs, plan and implement responsive services, maintain and update resident records as needed, and periodically update the plan. The plan should include the resident's level of involvement; support principles of dignity, privacy, choice, individuality, independence, and a home-like environment; and should include significant others

who participate in the delivery of services. Guidelines have been developed by a workforce comprised of providers and the department.

Medication Management	The facility must have medication management policies related to self-medication and the administration of medication.
Physical Plant Requirements	Facilities must provide each resident with an apartment unit with the following: a bathroom, refrigerator, and cooking capacity, including a sink; a unit that is a minimum of 220 square feet, not including the bathroom; a cooking capacity that may be removed or disconnected depending on the individual needs of the resident; a separate and complete bathroom with a sink, shower, and toilet; accommodations for the physically challenged and wheelchair-bound persons, as needed; a call system monitored 24-hours per day by staff; and wiring for telephones and televisions.
Residents Allowed Per Room	Not specified.
Bathroom Requirements	Each resident unit shall have a separate bathroom.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Licensed staff shall be available seven days a week.
Administrator Education/Training	The administrator or director must have at least two years of experience in a management capacity in the housing, health care services, or personal care industries. The completion of an assisted living facility administrator's course or equivalent is required.
Staff Education/Training	All facility staff must complete orientation and a minimum of six hours annually of regularly scheduled in-service training.
Continuing Education (CE) Requirements	None specified.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services in assisted living facilities.

Idaho

Agency Department of Health and Welfare

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Licensure Term Residential or Assisted Living Facilities

Opening Statement Current regulations went into effect in March 2003.

Definition Residential or assisted living facilities provide 24-hour care for three or more adults who need personal care or assistance and supervision essential for sustaining activities of daily living (ADLs) or for the protection of the individual.

Disclosure Items The facility must develop and follow a written admission policy that is available to the public and shown to any potential resident. The policy must include at least the following:

- (a) The purpose, quantity, and characteristics of the service;
- (b) Any restrictions or conditions imposed on the resident as a result of religious beliefs or philosophy of the owner or administrator, any particular dietary beliefs, or any unusual restrictions or practices of both regardless of the reason; and
- (c) Any limitations concerning delivery of routine personal care by persons of the opposite sex.

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.

Move-In/Move-Out Requirements Residents may not be admitted or retained if they require ongoing skilled nursing, intermediate care, or care not within the legally licensed authority of the facility. In addition, residents who are in need of restraints or have wounds that are not healing or have drainage that cannot be contained, or have physical, emotional, or social needs not homogenous with the facility's population may not be admitted.

Resident Assessment 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 form is available at www.idahohealth.org; click on Idaho Medicaid for Uniform Assessment Instrument Resource Manual.

Medication Management	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 nurse is required to check the medication regimen for residents on a monthly basis.
Physical Plant 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.
Bathroom Requirements	One toilet must be provided for every six persons-- residents or personnel.
Alzheimer's Unit Requirements	Idaho has fairly extensive requirements for the care of Alzheimer's residents such as the provision of an unrestrictive environment and a supervised lifestyle that is safe, secure, structured but flexible, stress-free, and encourages physical activity. Separate Alzheimer's units are permitted in facilities.
Staff Training for Alzheimer's Care	In addition to the orientation training required of all direct care staff, an additional six hours of orientation training is required covering these topics: Alzheimer's disease and dementia; symptoms and behaviors of memory impaired people; residents' adjustment to residency in the facility; inappropriate and problem behavior of special care residents and appropriate personnel interventions; ADLs for special care residents; and stress reduction for special care personnel and residents.
Staffing Requirements	A full-time licensed administrator must ensure that there is sufficient personnel to provide care during all hours as required in each resident's negotiated service plan. Staffing patterns shall be based on residents' needs rather than the number of residents. In addition, there must be one employee within the facility at all times who is certified in CPR and an approved first aid course.
Administrator Education/Training	Administrators must be licensed by the state and must have sufficient physical, emotional, and mental capacity.
Staff Education/Training	Staff providing unsupervised personal assistance to residents must complete a minimum of eight hours of job-related training
Continuing Education (CE) Requirements	Administrators must complete 12 hours of continuing education per year. Staff who provide personal assistance to residents must complete eight hours of continuing education per year. Staff who provide care and supervision to individuals with Alzheimer's disease must complete 10 hours of continuing education per year.

**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.

**Medicaid Policy and
Reimbursement**

A Medicaid state plan service and a Medicaid Home and Community Based Services Waiver reimburses for personal care.

Illinois

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Licensure Term	Assisted Living/Shared Housing Establishments
Opening Statement	Regulations were adopted in December 2001.
Definition	<p>An assisted living establishment provides community-based residential care for at least three unrelated adults (at least 80 percent of whom are 55 years of age or older) who need assistance with activities of daily living (ADLs), including personal, supportive, and intermittent health-related services available 24-hours per day, if needed, to meet the scheduled and unscheduled needs of a resident.</p> <p>A shared housing establishment provides community-based residential care for 12 or fewer unrelated adults (at least 80 percent of whom are 55 years of age or older) who need assistance with housing, ADLs, and personal, supportive, and intermittent health-related services. This care must be available 24-hours per day, if needed, to meet the scheduled and unscheduled needs of a resident.</p>
Disclosure Items	A facility must fill out an Alzheimer's Special Care Disclosure Form if they offer care to residents with Alzheimer's disease in a special unit.
Facility Scope of Care	Facilities may provide general watchfulness and appropriate action to meet the needs of residents, exclusive of nursing care.
Third Party Scope of Care	Home health agencies unrelated to the assisted living establishment may provide services under contract with residents.
Move-In/Move-Out Requirements	Residents who have serious mental or emotional problems, who are in need of nursing care, or who require total assistance with two or more ADLs may not be admitted or retained.
Resident Assessment	A physician's assessment must be completed prior to a resident moving into any establishment. Re-evaluations must be completed at least annually. There is no required form but the assessment must include an evaluation of the individual's physical, cognitive, and psychosocial condition, and documentation of the presence or the absence of tuberculosis infection. Establishments may develop their own tools for

evaluating residents. Documentation of evaluations and re-evaluations may be in any form that is accurate, addresses the resident's condition, and incorporates the physician's assessment.

Medication Management	All medications must be self-administered or administered by licensed personnel. Facility staff may give medication reminders and monitor residents to make sure they follow the directions on the container.
Physical Plant Requirements	National Fire Protection Association, Life Safety Code, 2000 Edition. Chapter 32 (new construction.)
Residents Allowed Per Room	None specified.
Bathroom Requirements	Assisted living units shall have a bathroom that provides privacy and contains an operational toilet, sink, mirror, means of ventilation or operable window, and assistive devices, if identified in the resident's service plan. Shared housing establishments shall provide one tub or shower for every six residents and one operational toilet for every four residents.
Alzheimer's Unit Requirements	A facility must complete an Alzheimer's Special Care Disclosur Form if they offer care to residents with Alzheimer's disease in a specialized Alzheimer's unit.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	A full-time manager must be employed along with staff sufficient in number and qualification. Staff must be on duty all hours of each day to provide services that meet the scheduled and unscheduled needs of the residents. There must be a minimum of one CPR-certified staff member awake and on duty at all times in assisted living establishments.
Administrator Education/Training	The administrator must be a high school graduate or equivalent and at least 21 years of age.
Staff Education/Training	All personnel must have training and/or experience in the job assigned to them. An ongoing in-service training program is required to ensure staff have the necessary skills to perform job duties.
Continuing Education (CE) Requirements	None specified.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	No Medicaid Home and Community Based Services Waiver at this time.

Indiana

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Licensure Term Residential Care Facilities

Opening Statement The Housing with Services Establishments Act has been in effect since September 1998 and requires any residential care facility or any entity providing assisted living services that does not require licensure to register with the Bureau of Aging and In-Home Services of the Family and Social Services Administration (FSSA) and disclose its name, address, and phone. This is not a certification process, but instead helps the FSSA to learn about the number and types of facilities in Indiana. Housing with services establishments provide sleeping accommodations to at least five residents and offer or provide, for a fee, at least one regularly scheduled health related service, or at least two regularly scheduled supportive services, whether offered or provided directly by the establishment or by another person arranged for by the establishment.

Definition Residential care facility means a health care facility that provides residential nursing care. Residential nursing care may include, but is not limited to, the following:

- (1) Identifying human responses to actual or potential health conditions;
- (2) Deriving a nursing diagnosis;
- (3) Executing a minor regimen based on a nursing diagnosis or executing minor regimens as prescribed by a physician, physician assistant, chiropractor, dentist, optometrist, podiatrist, or nurse practitioner;
- (4) Administering, supervising, delegating, and evaluating nursing activities.

Disclosure Items Facilities that provide specialized care for individuals with dementia must prepare a disclosure statement on a required form.

Facility Scope of Care A health facility that provides residential nursing care or administers medications prescribed by a physician must be licensed as a residential care facility. A residential care facility may not provide comprehensive nursing care except to the

extent allowed under this rule. A facility that provides services such as room, meals, laundry, activities, housekeeping, and limited assistance with activities of daily living (ADLs) without providing administration of medication or residential nursing care is not required to be licensed. The provision by a licensed home health agency of medication administration or residential nursing care in a facility that provides room, meals, laundry, activities, housekeeping, and limited assistance with ADLs does not require the facility to be licensed, regardless of whether the facility and the home health agency have common ownership, provided, however, that the resident is given the opportunity to contract with other home health agencies at any time during the resident's stay at the facility. A resident is not required to be discharged if receiving hospice services through an appropriately licensed provider of the resident's choice. A residential care facility that retains appropriate professional staff may provide comprehensive nursing care to residents needing care for a self-limiting condition.

Third Party Scope of Care None specified.

Move-In/Move-Out Requirements

The resident must be discharged if the resident:

- (1) Is a danger to self or others;
- (2) Requires 24-hour, comprehensive nursing care or comprehensive nursing oversight;
- (3) Requires less than 24-hour comprehensive nursing care, comprehensive nursing oversight or rehabilitative therapies and has not entered into a contract with an appropriately licensed provider of the resident's choice to provide those services; or
- (4) Is not medically stable and meets any two of the following three criteria:
 - (a) Requires total assistance with eating;
 - (b) Requires total assistance with toileting;
 - (c) Requires total assistance with transferring.

Resident Assessment

In a residential care facility, there is no required form but an evaluation of the individual needs of each resident must be initiated prior to admission and must be updated at least semi-annually and when there is a substantial change in the resident's condition.

Medication Management

Each facility shall choose whether it administers medication and/or provides residential nursing care. These policies shall be outlined in the facility policy manual and clearly stated in the admission agreement. The administration of medications and the provision of residential nursing care shall be as ordered by the resident's physician and shall be supervised by a licensed nurse on the premises or on call. Medication shall be administered by licensed nursing personnel or qualified

medication aides. Administration of medications means preparation and/or distribution of prescribed medications. Administration does not include reminders, cues, and/or opening of medication containers or assistance with eye drops, when requested by a resident.

Physical Plant Requirements

Private resident units must be a minimum of 100 square feet and multiple-occupancy resident units must provide a minimum of 80 square feet per resident. The facility shall have living areas with sufficient space to accommodate the dining, activity, and lounge needs of the residents and to prevent the interference of one function with another.

Residents Allowed Per Room

For facilities and additions to facilities for which construction plans are submitted for approval after July 1, 1984, resident rooms shall not contain more than four residents' beds.

Bathroom Requirements

One toilet must be provided for every eight residents. Bathing facilities must be provided as follows:

3 to 22 residents	1 bathtub or shower
23 to 37 residents	2 bathtubs or showers
38 to 52 residents	3 bathtubs or showers
53 to 67 residents	4 bathtubs or showers
68 to 82 residents	5 bathtubs or showers
83 to 97 residents	6 bathtubs or showers

Alzheimer's Unit Requirements

If a facility locks, secures, segregates, or provides a special program or special unit for residents with Alzheimer's disease, related disorders or dementia, and advertises to the public that it is offering a special care unit, it must prepare a written disclosure statement on a required form that includes information on the following:

- (1) The mission or philosophy concerning the needs of residents with dementia;
- (2) The criteria used to determine that a resident may move into a special care unit;
- (3) The process for the assessment, establishment, and implementation of a plan for special care;
- (4) Information about staff including number of staff available, training provided and the number of staff available;
- (5) The frequency and types of activities for residents with dementia;
- (6) Guidelines for using physical and chemical restraints;
- (7) An itemization of the health facility's charges and fees for special care; and
- (8) Any other features, services, or characteristics that distinguishes the care provided in special care.

This form must be filed with the division annually and made available to any individual seeking information on services for

an individuals with dementia.

**Staff Training for
Alzheimer's Care**

For facilities with distinct dementia units, staff who have contact with residents in those units must have (additionally) a minimum of six hours of dementia-specific training within six months and three hours annually thereafter to meet the needs of cognitively impaired residents.

Staffing Requirements

Staff shall be sufficient in number, qualifications, and training in accordance with applicable state laws and rules to meet the 24-hour scheduled and unscheduled needs of the residents and services provided. The number, qualifications, and training of staff shall depend on skills required to provide for the specific needs of the residents.

A minimum of one awake staff person, with current CPR and first aid certificates, shall be on-site at all times. If 50 or more residents of the facility regularly receive residential nursing services and/or administration of medication, at least one nursing staff person shall be on-site at all times. Residential facilities with more than 100 residents regularly receiving residential nursing services and/or administration of medication shall have at least one additional nursing staff person awake and on duty at all times for every 50 residents.

Any unlicensed employee providing more than limited assistance with ADLs must either be a certified nurse aide (CNA) or a home health aide (HHA). Existing facilities that are not licensed on the date of adoption of this rule and that seek licensure within one year of adoption of this rule, have two months in which to ensure that all employees in this category are either a CNA or an HHA.

**Administrator
Education/Training**

Administrators must have:

- (1) A baccalaureate or higher degree from an accredited institution of higher learning approved by the board, and completion of a required administrator-in-training (AIT) program; or,
- (2) An associate degree in health care from an accredited institution of higher learning approved by the board, completion of a specialized course of study in long-term health care administration approved by the board, and completion of a required AIT program; or,
- (3) Completion of a specialized course of study in long-term health care administration prescribed by the board, and completion of a required six-month administrator-in-training program.

Staff Education/Training

Prior to working independently, each employee must be given an orientation that must include specific information. There

must be an organized in-service education and training program planned in advance for all personnel in all departments at least annually. For nursing personnel, this shall include at least eight hours per calendar year; for non-nursing personnel, it shall include at least four hours per calendar year.

Continuing Education (CE) Requirements

Administrators must complete 40 hours of continuing education biannually.

Entity Approving CE Program

Health Facility Administrators Board

Medicaid Policy and Reimbursement

Medicaid Home and Community Based Services Waiver (limited number of slots) allowed for licensed facilities only. Other reimbursement is private pay or limited funding through the state Residential Assistance Care Program.

Iowa

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Licensure Term	Assisted Living Programs and Dementia Specific Assisted Living Programs (Programs are certified, not licensed.)
Opening Statement	Regulations were revised in April 2004.
Definition	Assisted living programs provide housing with services that may include, but are not limited to, health-related care, personal care, and assistance with instrumental activities of daily living (IADLs) to three or more tenants in a physical structure that provides a homelike environment. Assisted living also includes encouragement of family involvement, tenant self-direction, and tenant participation in decisions that emphasize choice, dignity, privacy, individuality, shared risk, and independence. Assisted living includes the provision of housing and assistance with IADLs only if personal care or health-related care is also included.
Disclosure Items	There are no specific disclosure or occupancy agreement forms required. However, specified information must be included in the occupancy agreement and a managed risk policy disclosure statement must be included. A managed risk statement acknowledges that shared responsibility for identifying and meeting the needs of the tenant and the process for managing risk and upholding tenant autonomy when tenant decision-making may result in poor outcomes for the tenant or others.
Facility Scope of Care	Programs may provide assistance with activities of daily living (ADLs) and IADLs. Health-related care may be provided on a part-time or intermittent basis only.
Third Party Scope of Care	A facility may contract for personal care or health-related services from a certified home health agency.
Move-In/Move-Out Requirements	A program may not knowingly admit or retain a tenant who requires more than part-time or intermittent health-related care; is bed-bound; is under the age of 18; requires routine two-person assistance to stand, transfer, or evacuate; on a routine basis, has unmanageable incontinence; is dangerous to self or others; or is in an acute stage of alcoholism, drug addiction, or mental illness. Part-time or intermittent means licensed nursing services and professional therapies that are provided no more than five days per week; licensed nursing services and

professional therapies that are provided six or seven days per week for temporary periods of time with a predictable end within 21 days; or licensed nursing services and professional therapies in combination with nurse-delegated assistance with medication or ADLs that do not exceed 28 hours per week.

DIA may grant a waiver of the occupancy and retention criteria for an individual tenant on a time-limited basis.

Resident Assessment

There is no specific assessment form required, but the selected assessment form must be submitted with the application for certification. The assessment must cover functional, cognitive, and health status at specified intervals.

Medication Management

Tenants self-administer medications unless the physician orders otherwise or the tenant delegates the administration to the facility. The regulations defer to the Iowa Nurse Practice Act, which allows nurses to delegate medication administration to unlicensed staff (injections are not included in allowable nurse delegation to unlicensed assistive personnel).

A program that administers prescription medications or provides health care professional-directed or health-related care must provide for a registered nurse to monitor, at least every 90 days or after a change in condition, each tenant receiving program-administered prescription medications for adverse reactions and ensure that the medication orders are current and the medications are administered consistent with those orders.

Physical Plant Requirements

Private tenant single occupancy units must be a minimum of 240 square feet for new construction or a minimum of 190 square feet for a structure being converted or rehabilitated for assisted living. Double occupancy tenant units must be a minimum of 340 square feet for new construction and a minimum of 290 square feet for a structure being converted or rehabilitated for assisted living.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

Each tenant unit must have a bathroom, including a toilet, sink, and bathing facilities.

Alzheimer's Unit Requirements

A program must be designed to meet the needs of residents with dementia. Service plans must include planned and spontaneous activities based on the tenant's abilities and personal interests. A program serving persons with cognitive impairment or dementia must have the means to disable or remove the lock on an entrance door and must do so if the presence of the lock presents a danger to the health and safety

of the tenant. Dementia-specific programs are exempt from some of the structural requirements for general assisted living programs, including self-closing doors are not required for individual dwelling units or bathrooms; dementia-specific programs may choose not to provide bathing facilities in the living units; and square footage requirements for tenant rooms is reduced.

Staff Training for Alzheimer's Care

Dementia-specific education or training is required for all employees. In a dementia-specific assisted living program, training for all employees includes a minimum of six hours of dementia-specific education and training prior to or within 90 days of employment. Specific topic areas must be covered in the training.

Staffing Requirements

A qualified manager must be employed by the facility. Sufficiently trained staff must be available at all times to fully meet tenants' identified needs. A dementia-specific assisted living program must have one or more staff on duty 24 hours a day in the proximate area.

Administrator Education/Training

The manager must be at least 21 years of age and be adequately trained to carry out duties.

Staff Education/Training

All personnel must be able to implement the program's accident, fire safety and emergency procedures, and assigned tasks.

Continuing Education (CE) Requirements

In programs that serve individuals with dementia, six hours annually for direct care staff, and two hours annually for others

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

A Medicaid Home and Community Based Services Waiver covers consumer-directed attendant care services in assisted living programs. The program applies to be waiver provider and the agreement for services is established between the facility and the tenant. The Department of Human Services approves waiver services. The maximum reimbursement for Elderly Waiver services is \$1,052 per month.

Kansas

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Licensure Term	Assisted Living Facilities/Residential Health Care Facilities
Opening Statement	New regulations for adult care homes, of which assisted living facilities are a subset, went into effect in October 1999. Changes occurred July 1, 2003, when the Kansas Department of Health and Environment moved some programs to the Department on Aging.
Definition	An assisted living facility is a place caring for six or more individuals who may need personal care and/or supervised nursing care to compensate for limitations of activities of daily living (ADLs).
Disclosure Items	None specified.
Facility Scope of Care	Direct care staff may provide assistance with ADLs. Skilled nursing services are not prohibited; however, they must be limited, intermittent, or routine in scope. Wellness and health monitoring is required.
Third Party Scope of Care	The negotiated service agreement can include a provision for hospice services.
Move-In/Move-Out Requirements	Residents may be admitted if the facility can meet their needs. Residents will be discharged if their safety, health, or welfare is endangered. Residents with one or more of the following conditions shall not be admitted or retained, unless the negotiated service agreement includes 24-hour hospice or family support services: unmanageable incontinence; immobility; a condition requiring a two-person transfer; ongoing skilled nursing intervention needed 24 hours per day; unmanageable behavioral symptoms; and conditions requiring the use of physical restraints. Resident functional capacity screens are conducted before admission and annually after admission or upon significant change. The facility must give the resident a 30-day notice of transfer or discharge.
Resident Assessment	On or before admission, a licensed nurse, licensed social worker, or the administrator or operator must conduct a functional capacity screen on each resident as specified by the Department on Aging. A facility may choose to integrate the specified screen in an instrument developed by the facility. A functional capacity screen must be conducted at least annually

or following a significant change in the resident's physical, mental, or psychosocial functioning.

Medication Management

Facilities can manage their residents' medication, allow residents to engage in the self-administration of medication, or provide residents with assistance of self-administration of medication.

Physical Plant Requirements

Facilities consist of apartments that meet minimum dimensions as specified in the Uniform Building Code, section 1204. The apartments must contain a living area, storage area, full bath, kitchen, and lockable door. If the facility is a designated Residential Health Care Facility, the living area is not required to have a kitchen.

Residents Allowed Per Room

None specified.

Bathroom Requirements

None specified.

Alzheimer's Unit Requirements

In facilities that admit residents with dementia, in-service education on treatment of behavioral symptoms must be provided.

Staff Training for Alzheimer's Care

None specified.

Staffing Requirements

A full-time operator (not required to be a licensed administrator if less than 61 residents are in the facility) must be employed by the facility and sufficient numbers of qualified personnel are required to ensure that residents receive services and care in accordance with negotiated service agreements.

Administrator Education/Training

Operators must be 21 years of age, possess a high school diploma or equivalent, and hold a Kansas license as an adult care home administrator, or engage in an operator training program.

Staff Education/Training

Orientation is required for all new employees and regular in-service education regarding the principles of assisted living is required for all employees. Disaster and emergency preparedness training is required for all staff.

Continuing Education (CE) Requirements

Administrators must complete 50 hours of continuing education every two years.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

A Medicaid Home and Community Based Services Waiver covers services in assisted living only to residents who meet the nursing home level-of-care criteria. A "care plan" is used to pay for services.

Kentucky

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Licensure Term	Certified Assisted Living Communities
Opening Statement	New assisted living community regulations were finalized in November 2000.
Definition	An assisted living community is a series of living units on the same site operated as one business entity to provide services for five or more adults.
Disclosure Items	An assisted living community must provide any interested person with a: (a) Consumer publication, as approved by the office, that contains a thorough description of Kentucky laws and regulations governing assisted living communities; (b) Standard consumer checklist provided by the office; and (c) Description of any special programming, staffing, or training if the assisted living community markets itself as providing special programming, staffing, or training on behalf of clients with particular needs or conditions.
Facility Scope of Care	Facilities may provide assistance with activities of daily living and instrumental activities of daily living, three meals and a snack each day, scheduled daily social activities, and assistance with self-administration of medication.
Third Party Scope of Care	Residents may arrange for additional services under direct contract or arrangement with an outside agent, professional, provider, or other individual designated by the client if permitted by the policies of the facility.
Move-In/Move-Out Requirements	Residents must be ambulatory or mobile non-ambulatory, unless due to a temporary health condition for which health services are being provided and must not be a danger to themselves or others. The assisted living community must have provisions for assisting any client who has received a discharge notice to find appropriate living arrangements prior to the actual discharge date.
Resident Assessment	As part of the lease agreement, each assisted living community must complete a functional needs assessment. The assessment is not a standardized form.

Medication Management	Medication administration is not permitted.
Physical Plant Requirements	Private and multiple-occupancy resident units in new facilities must be a minimum of 200 square feet.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit and only by mutual agreement.
Bathroom Requirements	Each living unit in new facilities must provide a private bathroom equipped with a tub or shower. Shared bathing facilities in facilities under construction on or before July 14, 2000, shall have a minimum of one bathtub or shower for each five clients.
Alzheimer's Unit Requirements	An assisted living community shall provide any interested person with a description of any special programming, staffing, or training if it markets itself as providing special programming, staffing, or training on behalf of clients with particular needs or conditions.
Staff Training for Alzheimer's Care	The assisted living community must maintain a description of dementia-specific staff training that is provided, including at a minimum the content of the training, the number of offered and required hours of training, the schedule for training, and the staff who are required to complete the training.
Staffing Requirements	A designated manager who is at least 21 years of age, has at least a high school diploma or a GED, and has demonstrated management or administrative ability to maintain the daily operations. One awake staff member shall be on-site at all times and staffing shall be sufficient in number and qualification to meet the 24-hour scheduled and unscheduled needs of the residents.
Administrator Education/Training	None specified.
Staff Education/Training	All staff and management must receive orientation and in-service education on topics applicable to their assigned duties.
Continuing Education (CE) Requirements	None specified.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	No Medicaid Home and Community Based Services Waiver at this time.

Louisiana

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Licensure Term	Adult Residential Care Homes/Facilities
Opening Statement	Regulations for adult residential care homes/facilities went into effect in March 1999.
Definition	Adult residential care homes/facilities are publicly or privately operated residences that provide 24-hour personal assistance, lodging, and meals for compensation to two or more adults who are unrelated to the residence licensee, owner, or director.
Disclosure Items	None specified.
Facility Scope of Care	Facilities may provide personal assistance with activities of daily living (ADLs) and supervision of self-administered medication.
Third Party Scope of Care	Residents may provide or arrange for care in the facility. Health-related services above those allowed for by these regulations shall not be arranged for or contracted by a facility.
Move-In/Move-Out Requirements	Residents must be discharged if they are a danger to themselves or others or if the resident is transferred to another institution during which payment is not made to retain their bed at the facility. Facilities may accept or retain residents in need of additional care beyond routine personal care if the resident can provide or arrange for his/her own care and this care can be provided through appropriate private-duty personnel. Additionally, the level of care required in order to accommodate the resident's additional needs must not amount to continuous nursing care (e.g., does not exceed 90 days).
Resident Assessment	An assessment must be completed but there is no required standard form.
Medication Management	Staff may supervise the self-administration of prescription and non-prescription medication. This assistance shall be limited to reminders, cueing, opening containers, and pouring medication. Residents may contract with an outside source for medication administration; however, facilities may not contract for this service.
Physical Plant Requirements	Efficiency/studio living units must have a minimum of 250 net square feet of floor space, excluding bathrooms and closets.

	<p>Living units with separate bedrooms must have a living area (living/dining/kitchenette) of at least 190 net square feet, excluding bathroom and closets. Each separate bedroom must have a minimum of 120 net square feet, excluding bathroom and closet or wardrobe space. Bedrooms designed for two individuals must have a minimum of 200 net square feet, excluding bathrooms and closet or wardrobe space.</p>
Residents Allowed Per Room	<p>A maximum of two residents is allowed per resident unit. Both individuals must agree in writing to this arrangement.</p>
Bathroom Requirements	<p>Common toilets, lavatories, and bathing facilities are permitted. Facilities must provide public restrooms of sufficient number and location to serve residents and visitors.</p>
Alzheimer's Unit Requirements	<p>If a facility accepts residents with dementia or residents at risk of wandering, an enclosed area must be provided adjacent to the facility so that the residents may go outside safely.</p>
Staff Training for Alzheimer's Care	<p>None specified.</p>
Staffing Requirements	<p>Facilities must be staffed to properly safeguard the health, safety, and welfare of the residents. At a minimum, a director, a designated recreational/activity staff person, and a direct care staff person are required; however, one person may occupy more than one position.</p>
Administrator Education/Training	<p>Administrators must be at least 21 years of age.</p>
Staff Education/Training	<p>Direct-care workers must complete in-service training each year in areas relating to the facility's policies and procedures; emergency and evacuation procedures; residents' rights; procedures and legal requirements concerning the reporting of abuse and critical incidents; resident care services; infection control; and any specialized training to meet residents' needs.</p>
Continuing Education (CE) Requirements	<p>Administrators must complete 12 hours of continuing education per year in areas related to the field of geriatrics, assisted living concepts, specialized training in the population served, and/or supervisory/management techniques.</p>
Entity Approving CE Program	<p>None specified.</p>
Medicaid Policy and Reimbursement	<p>There is no Medicaid Home and Community Based Services waiver in place at this time.</p>

Maine

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Web Site www.state.me.us/dhs/beas/assisted.htm

Licensure Term	Assisted Living Program and Residential Care Facility
Opening Statement	In 2002, legislation was passed that changed the umbrella name from assisted living to assisted housing programs. This term includes independent housing with services, assisted living programs, and residential care facilities. Changes to these regulations were implemented in September 2003.
Definition	An assisted living program may provide assisted living services to residents in private apartments in buildings that include a common dining area. Services are provided either directly by the assisted living program or indirectly through contracts with persons, entities, or agencies. Residential Care Facility I, II, or III (six or fewer residents) or Residential Care Facility IV (seven or more residents) may provide assisted living services, including housing and assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs.)
Disclosure Items	Facilities must disclose grievance procedures and tenancy obligations and supply residents with information packets that contain a contract listing rates charged and information about advance directives. If the facility has an Alzheimer's unit, it is required to disclose certain information.
Facility Scope of Care	Assisted living services may include personal supervision; protection from environmental hazards; assistance with ADLs and IADLs; administration of medications; and nursing services
Third Party Scope of Care	Assisted living services may be provided indirectly through written or verbal contracts with persons, entities, or agencies.
Move-In/Move-Out Requirements	Residents may be discharged if the services required cannot be met by the facility, the resident's intentional behavior results in substantial physical damage to the property, or the resident becomes a direct threat to the health or safety of others.
Resident Assessment	In assisted living and Level IV residential care facilities, assessments of residents with regular updates must be completed but there is no required form.
Medication Management	Administration of medication is permitted and includes reading labels for residents; observing residents taking their medications; checking dosage; removing the prescribed dosage;

and the maintenance of a medication record for each resident. Some injections may only be administered by trained medication aides.

Physical Plant Requirements

Facilities must be designed to meet the special needs of the population served. Private resident units must be a minimum of 100 square feet and shared resident units must provide a minimum of 80 square feet per resident. There is no minimum requirement for private apartments in assisted living programs

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

Shared bathrooms are permitted at a ratio of at least one toilet per six users. Shared bathing facilities are also permitted at a ratio of one bathing facility for every 15 users.

Alzheimer's Unit Requirements

All facilities with Alzheimer's/dementia care units must offer special weekly activities such as gross motor, self-care, social, outdoor, spiritual, and sensory enhancement activities. The regulations also require specific physical plant design for Alzheimer's units. Facilities with an Alzheimer's unit are required to disclose certain information.

Staff Training for Alzheimer's Care

Pre-service training is required for staff who work in Alzheimer's or dementia units.

Staffing Requirements

An on-site administrator must be employed by the facility. Facilities with 10 or fewer beds are required to have, at a minimum, one responsible adult present at all times to perform resident care and provide supervision. Facilities with more than 10 beds are required to have at least two responsible adults at all times. The regulations also have specific staff-to-resident ratios, depending upon time of day.

Administrator Education/Training

Administrators must be at least 21 years of age. Administrators in Level I, II, and III facilities need to have sufficient education, experience, and training to meet residents needs. Level IV administrators must either complete an approved training program or have a nursing home or residential facility administrator license.

Staff Education/Training

For Level IV facilities, Maine requires that staff complete a six-day training course. If staff administers medications, they must complete a 40-hour medication course.

Continuing Education (CE) Requirements

Administrators must complete 12 hours of continuing education per year in areas related to the care of the population served by the facility.

Entity Approving CE Program

Licensing staff determine at the time of survey the adequacy of continuing education.

Medicaid Policy and Reimbursement

A Medicaid Home and Community Based Services Waiver and a state plan option cover assisted living services. A cost-based reimbursement system is currently used; however, a case-mix, adjusted pricing system is being considered for residential care facility residents based on functional abilities and other data collected on residents.

Maryland

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Licensure Term Assisted Living Programs

Opening Statement The regulations for assisted living programs were updated in July 2002.

Definition An assisted living program is a residential- or facility-based program that provides housing and supportive services, supervision, personalized assistance, health-related services, or a combination that meets the needs of residents who are unable to perform, or who need assistance in performing, the activities of daily living or instrumental activities of daily living.

Disclosure Items None specified.

Facility Scope of Care Facilities may provide one of three levels of care: low, moderate or high. The levels of care are defined by varying service requirements pertaining to health and wellness; assistance with functioning; assistance with medication and treatment; management of behavioral issues; management of psychological or psychiatric conditions; and social and recreational concerns. If a facility wishes to continue to serve a resident requiring a higher level of care than that for which the facility is licensed for more than 30 days, the facility must obtain a resident-specific waiver. A waiver requires a showing that the facility can meet the needs of the resident and not jeopardize other residents. Waivers to care for residents at the moderate and high levels are limited to 50 percent of licensed beds. Waivers to exceed the high level are limited to 20 percent of licensed beds, up to a 20-bed maximum.

Third Party Scope of Care Home health agencies may provide services under contract with residents.

Move-In/Move-Out Requirements Facilities may not admit individuals who require more than intermittent nursing care; treatment of stage three or four skin ulcers; ventilator services; skilled monitoring, testing, and aggressive adjustment of medications and treatments where there is the presence of, or risk for, a fluctuating acute condition; monitoring of a chronic medical condition that is not controllable through readily available medications and treatment; treatment for an active, reportable communicable disease; or treatment for a disease or condition that requires

more than contact isolation.

In addition to these seven conditions, individuals may not be admitted if they are dangerous to self or others and are at high risk for health and safety complications that cannot be adequately managed. When two individuals who are in a long term or otherwise significant relationship wish to be admitted to a program together and one requires one of the above services, the Department of Health and Mental Hygiene may grant a waiver (known as the "Buddy Exception.")

Resident Assessment

A resident assessment must be completed on a form provided by or approved by the department.

Medication Management

Medication may be administered by staff who complete a 16-hour medication administration course. Staff who cue, coach, and monitor residents who self-administer medications with or without assistance must watch a video produced by the Department of Health and Mental Hygiene and complete a test on the video.

Physical Plant Requirements

Private rooms must provide a minimum of 80 square feet of functional space and double occupancy rooms must provide a minimum of 120 square feet per resident.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit; however, this limit may be waived by the state agency.

Bathroom Requirements

Toilets with locks must be provided to residents. Facilities must have a minimum ratio of one toilet to every four residents. Buildings with nine or more residents must have a minimum ratio of one toilet on each floor where a resident is located. There must be a minimum of one bathtub or shower for every eight residents.

Alzheimer's Unit Requirements

None specified.

Staff Training for Alzheimer's Care

None specified.

Staffing Requirements

An assisted living manager must be on-site or available on-call. On-site staff must be sufficient in number and qualification to meet the 24-hour scheduled and unscheduled needs of the residents. An alternate assisted living manager must be available when the assisted living manager is unavailable.

Administrator Education/Training

The assisted living manager must be at least 21 years of age and possess a high school diploma or equivalent.

Staff Education/Training

Staff must be at least 21 years of age (unless supervised on-site at all times by another staff person who is at least 21 years of age) and must have the ability to provide the services listed for

each level of care. Staff providing delegated nursing functions (other than medication administration) must be certified nursing assistants.

**Continuing Education
(CE) Requirements**

None specified.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver and a state funded program covers services in assisted living. Participants in the program must be nursing home eligible and pass a medical rather than functional test (e.g., must need 24-hour-per-day nursing care).

Massachusetts

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Licensure Term Assisted Living Residences

Opening Statement Regulations have been in effect since January 1996. Revisions were made in December 2002.

Definition An assisted living residence is any entity that provides room and board and personal care services for three or more adults and collects payments from or on behalf of residents for the provision of assistance with activities of daily living (ADLs).

Disclosure Items None specified.

Facility Scope of Care The facility must provide for the supervision of and assistance with ADLs and instrumental activities of daily living; self-administered medication management for all residents whose service plans so specify; timely assistance to residents and response to urgent/emergency needs; and up to three regularly scheduled meals daily (at a minimum, one meal).

Third Party Scope of Care The facility may arrange for the provision of ancillary health services by a certified provider of ancillary health services or licensed hospice.

Move-In/Move-Out Requirements An assisted living residence shall not provide, admit, or retain any resident in need of skilled nursing care unless (1) the care will be provided by a certified provider of ancillary health services or by a licensed hospice; and (2) the certified provider of ancillary health services does not train the assisted living residence staff to provide the skilled nursing care.

Resident Assessment The resident record must include a resident assessment, including the resident's diagnoses, current medications (including dosage, route, and frequency), allergies, and all dietary needs. Elder Affairs does not require a standardized form to be utilized for the assessment.

Medication Management Self-administered medication management is permitted. Limited medication administration may only be provided by a family member, a practitioner as defined in state law, or a nurse registered or licensed under the provisions of state law. Nurses employed by the assisted living residence may administer non-injectible medications prescribed or ordered by an authorized prescriber to residents by oral or other routes

	(e.g. topical, inhalers, eye and ear drops, medicated patches, as necessary oxygen, or suppositories).
Physical Plant Requirements	Facilities must provide either single or double occupancy units with lockable doors on the entry door of each unit and either a kitchenette or access to cooking facilities.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	For facilities constructed after 1995, each living unit must provide a private bathroom equipped with one lavatory, one toilet, and one bathtub/shower. All other residences must provide a private half-bathroom for each living unit equipped with one lavatory and one toilet, and at least one bathing facility for every three residents.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	All staff must receive at least two hours of training on the topic of dementia/cognitive impairment, including a basic overview of the disease process, communication skills, and behavioral management as part of the general orientation. The manager and service coordinator shall receive an additional two hours of training (at least four hours total) on these topics. In addition, as part of the ongoing in-service training, all staff must receive at least one hour per year of training on dementia/cognitive impairment topics.
Staffing Requirements	The facility must have a manager and service plan coordinator on staff. A staff person must be on the premises 24 hours per day.
Administrator Education/Training	The manager of a facility must be at least 21 years of age; hold a bachelor's degree or have equivalent experience in human services, housing, or nursing home management; and have administrative experience, and supervisory and management skills.
Staff Education/Training	Personal care staff must be licensed nurses, certified nursing assistants, certified home health aides, qualified personal care homemakers, or complete a 54-hour training course. The service coordinator must have at least two years' experience working with the elderly or disabled and hold a bachelor's degree or have equivalent experience and knowledge of aging and disability issues. All staff having direct contact with residents and all food service personnel must receive a seven-hour orientation prior to active employment.
Continuing Education (CE) Requirements	A minimum of 10 hours per year of ongoing education and training is required for all employees.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid state plan covers personal care services.

Michigan

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Licensure Term Homes for the Aged; Adult Foster Care

Opening Statement New home for the aged administrative rules became effective August 1, 2004. It is recommended that the full text of the statutory and administrative rule requirements for homes for the aged and adult foster care facilities be accessed at: <http://www.michigan.gov/fia> under the licensing section.

Definition Home for the Aged (HFA) is a supervised personal care facility, other than a hotel, adult foster care facility, hospital, nursing home, or county medical care facility, that provides room, board, and supervised personal care to 21 or more unrelated, non-transient individuals who are 60 years of age or older.

Adult Foster Care (AFC) homes are residential settings that provide 24-hour personal care, protection, and supervision for individuals who are developmentally disabled, mentally ill, physically handicapped, or aged who cannot live alone but who do not need continuous nursing care.

Disclosure Items None specified.

Facility Scope of Care HFAs are required to provide room, board, protection, supervision, assistance, and supervised personal care consistent with the resident's service plan.

AFC homes are required to provide supervision, protection, and personal care in accordance with the individual's written assessment plan and include, but are not limited to, medication administration, social activities, and assistance with activities of daily living.

Third Party Scope of Care If a hospice agency cares for a resident in either an HFA or AFC, it must be available to assess, plan, monitor, direct, and evaluate the resident's care in conjunction with the resident's physician and in cooperation with the facility. Adequate and appropriate care must be provided.

Move-In/Move-Out Requirements HFA: A home may not admit or retain an individual whose needs cannot be adequately and appropriately met within the scope of the home's program statement. Prior to admission, a written service plan is completed by the home in cooperation

with the individual identifying the person's specific needs for care, maintenance, services, and activities. A home may not accept a resident with a mental condition disturbing to other residents or personnel. A resident, who after admission to the home, shows serious mental disturbances, must be removed from the home. A person requiring nursing care other than the services provided by a home health agency may not be admitted. A resident in the home who becomes ill, injured, or disabled following admission, and requires intensive nursing care or nursing care on a 24-hour basis, may not remain in the home unless the resident's family, physician, and the facility consent to the resident's continued stay and agree to cooperate in providing the needed level of care and the necessary additional services. A HFA resident may be transferred or discharged only for medical reasons, for his or her welfare or that of other residents, or for non-payment of his or her stay, except as provided by Title XVIII of Title XIX. A home must provide a resident and his or her authorized representative with a written notice stating the reasons and specifics of the discharge 30 days before discharge. A home may discharge a resident before the 30-day notice if the home has determined and documented that either or both of the the following exists:

- (1) Substantial risk to the resident due to the inability of the home to assure the safety and well-being of the resident, other residents, visitors, or staff of the home.
- (2) A substantial risk or occurrence of the destruction of property.

AFC: A licensee shall not accept, retain, or care for a resident who requires continuous nursing care. This does not preclude the accommodation of a resident who becomes temporarily ill while in the home, but who does not require continuous nursing care. Prior to move in, the licensee must complete a written assessment of the resident and determine that: a) the amount of personal care, supervision, and protection that is required by the resident is available in the home; b) the kinds of services, skills, and physical accommodations that the resident requires are available in the home; and c) the resident appears to be compatible with other residents and members of the household.

A licensee must provide a resident and his or her designated representative with a 30-day written notice, stating the reasons for discharge, before discharge from the home. A licensee may discharge a resident before the 30-day notice when the licensee has determined and documented that any of the following exist:

- (1) Substantial risk to the resident due to the inability of the home to meet the resident's needs or assure the safety and well being of other residents of the home.

- (2) Substantial risk, or an occurrence, of self-destructive behavior.
- (3) Substantial risk, or an occurrence, of serious physical assault.
- (4) Substantial risk, or an occurrence, of the destruction of property.

Resident Assessment

Though HFAs and AFCs are required to complete an assessment at the time of admission, a particular resident assessment form is not required to be used. Sample forms are available and may be found on the department's Web site.

Medication Management

A licensee, with a resident's cooperation, shall follow the instructions and recommendations of a resident's physician or other health care professional with regard to medication. AFCs are prohibited from providing continuous nursing care.

Physical Plant Requirements

HFA: A single resident room must be a minimum of 80 square feet of usable space and 100 square feet for new construction. Multiple-bed resident rooms must provide a minimum of 70 square feet per bed of usable floor space and 80 square feet for new construction.

AFC: A single bedroom must have at least 80 square feet of usable floor space. An AFC multi-bed room must have at least 65 square feet of usable floor space per bed.

Residents Allowed Per Room

HFA: For new construction, an HFA bedroom can have no more than four beds.

AFC: A maximum of two beds are allowed per bedroom unless the facility has been continuously licensed since the effective date of the rules. There are additional exceptions for instances when there has been a change in licensee.

Bathroom Requirements

HFA: One lavatory and water closet for every eight resident beds per floor. A bathing facility shall be provided for every 15 residents.

AFC: There shall be a minimum of one toilet, one lavatory, and one bathing facility for every eight occupants of the home. At least one toilet and one lavatory that are available for resident use shall be provided on each floor that has resident bedrooms.

Alzheimer's Unit Requirements

HFA and AFC: If facilities advertise or market themselves as providing specialized Alzheimer's or dementia care, prospective resident families must be provided with a written description of the care and services provided.

Staff Training for Alzheimer's Care

None specified.

Staffing Requirements

HFA: An adequate and sufficient number of staff who are

awake, fully dressed, and capable of providing for resident needs consistent with the resident service plans shall be on duty at all times.

AFC: There must be direct care staff on duty at all times for the supervision, personal care, and protection of residents and to provide the services specified in the resident's care agreement and assessment plan, with a minimum staff ratio of one direct care staff to 12 residents and children under the age of 12.

**Administrator
Education/Training**

HFA: Administrators must be capable of assuring provision of resident care consistent with resident service plans, be at least 18 years of age and have education, training and/or experience related to the population served by the home.

AFC: Administrators must have at least one year of experience working with the population identified in the home's program statement and admission policy. The administrator must also be competent in the areas of nutrition, first aid, CPR, the foster care act, fire prevention, financial and administrative management, resident rights, and prevention and containment of communicable disease.

Staff Education/Training

HFA: Management must establish and implement a staff training program based on the home's program statement, the residents' service plans, and the needs of employees, such as reporting requirements and documentation, first aid, administration of medication, personal care, supervision, resident rights and responsibilities, safety and fire prevention, containment of infectious disease and standard precautions.

AFC: All staff must go through training to learn how to work with the population for which they are caring. The AFC group home licensee or administrator must provide inservice training in the following areas: nutrition, reporting requirements, first aid, CPR, personal care, supervision, protection, resident rights, safety and fire prevention, prevention and containment of communicable diseases. Staff must be trained in the administration of medication before performing that duty.

**Continuing Education
(CE) Requirements**

HFA: None specified.

AFC: Both the licensee of the home and the administrator must annually complete either 16 hours of training approved by FIA or six hours at an accredited college or university in an area approved by FIA.

**Entity Approving
CE Program**

HFA: None specified.

AFC: FIA.

Medicaid Policy and Reimbursement

In licensed facilities, the Medicaid state plan covers personal care services only.

Minnesota

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Licensure Term

There is no single license for an assisted living building in Minnesota. Assisted living consists of an establishment with a Housing with Services registration and a home care license to provide health-related services. Health-related services include professional nursing services, home health aide tasks, and home care aide tasks identified in Minnesota rules, or the central storage of medication for residents.

Opening Statement

In 1995, the legislature separated housing from services, requiring a facility to obtain a home care license in order to provide health-related services (e.g. central medication storage professional nursing services, and home health aide tasks, etc.). Minnesota then created a registration category called Housing with Services Establishments that applies to facilities that provide sleeping accommodations to residents ages 55 or older and one or more health-related services or two or more supportive services.

Legislation passed in 2004 that clarified, for purposes of long term care insurance policies, a housing with services establishment constitutes an assisted living residence or assisted living facility.

Definition

Housing with Services Establishments provide sleeping accommodations to one or more adult residents, at least 80 percent of whom are 55 years of age or older. These facilities offer or provide, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services.

The Housing with Services statute is subject to change and may be read at <http://www.revisor.leg.state.mn.us/stats/144D/>.

Home care statutes and regulations set forth requirements for the manner in which services are provided. Home care statutes are subject to change and may be read at <http://www.revisor.leg.state.mn.us/stats/144A/>.

The home care rules are subject to change and may be read at <http://www.revisor.leg.state.mn.us/cgi-bin/getrulechap.pl>

Disclosure Items

Housing with services establishments must comply with specific contract requirements that specify information that must be included.

Housing with services establishments that secure, segregate, or provide a special program or special unit for residents with a diagnosis of probable Alzheimer's disease or a related disorder or that advertise, market, or otherwise promote the establishment as providing specialized care for individuals with Alzheimer's disease or a related disorder are considered a "special care unit." All special care units shall provide a written disclosure to the following:

- (1) The Commissioner of Health, if requested;
- (2) The Office of Ombudsman for Older Minnesotans; and
- (3) Each person seeking placement within a residence, or the person's authorized representative, before an agreement to provide care is entered into.

Written disclosure shall include, but is not limited to, the following:

- (1) a statement of the overall philosophy and how it reflects the special needs of residents with Alzheimer's disease or other dementias;
- (2) the criteria for determining who may reside in the special care unit;
- (3) the process used for assessment and establishment of the service plan or agreement, including how the plan is responsive to changes in the resident's condition;
- (4) staffing credentials, job descriptions, and staff duties and availability, including any training specific to dementia;
- (5) physical environment as well as design and security features that specifically address the needs of residents with Alzheimer's disease or other dementias;
- (6) frequency and type of programs and activities for residents of the special care unit;
- (7) involvement of families in resident care and availability of family support programs;
- (8) fee schedules for additional services to the residents of the special care unit; and
- (9) a statement that residents will be given a written notice 30 days prior to changes in the fee schedule.

Facility Scope of Care

The facility may provide housing and food, social services, or transportation to non-medical appointments and arrangements for medical health-related services.

Third Party Scope of Care

The establishment may contract with a fully licensed home care agency or use its own fully licensed home care agency to provide assistance with activities of daily living (ADLs), arrange for

	health-related, supportive, and medical services (e.g., professional nursing services, home health aide and care tasks, central storage of medication).
Move-In/Move-Out Requirements	Providers must reference federal and local laws such as the Fair Housing Act, Americans with Disabilities Act, and Minnesota Vulnerable Adult Act.
Resident Assessment	There is no mandated resident assessment form.
Medication Management	Home care licensure laws must be followed.
Physical Plant Requirements	Facilities must comply with local building codes. There are no specific square footage requirements specified in the regulations.
Residents Allowed Per Room	None specified.
Bathroom Requirements	None specified.
Alzheimer's Unit Requirements	Other than specific disclosure items (see above), there are none specified.
Staff Training for Alzheimer's Care	Supervisors and direct care staff must be trained in dementia care. Areas of required training include: 1) An explanation of Alzheimer's disease and related disorders; 2) Assistance with ADLs; 3) Problem solving with challenging behaviors; and 4) Communication skills.
	The licensee must provide to consumers a written or electronic description of the training program, the categories of employee; trained, the frequency of training, and the basic topics covered.
Staffing Requirements	None specified.
Administrator Education/Training	None specified.
Staff Education/Training	None specified.
Continuing Education (CE) Requirements	None specified.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services in assisted living.

Mississippi

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Licensure Term	Personal Care Homes Residential Living and Personal Care Homes Assisted Living
Opening Statement	New regulations went into effect in July 2004.
Definition	<p>Personal care homes are licensed facilities that provide assistance to residents in performing one or more of the activities of daily living (ADLs), including, but not limited to, bathing, walking, excretory functions, feeding, personal grooming, and dressing.</p> <p>Personal care homes/residential living provide services to individuals who require personal care services or individuals, who due to functional impairments, may require mental health services.</p> <p>Personal care homes/assisted living provide personal care and the addition of supplemental services to include the provision of medical services (i.e., medication procedures and medication administration), and emergency response services.</p>
Disclosure Items	There is no required form but admission agreements must contain specific information.
Facility Scope of Care	Facilities may provide assistance with ADLs that may extend beyond providing shelter, food, and laundry. Assistance may include, but is not limited to, bathing, walking, toileting, feeding, personal grooming, dressing, and financial management.
Third Party Scope of Care	Limited home health services may be provided in facilities.
Move-In/Move-Out Requirements	<p>Personal care homes/assisted living facilities may only admit residents whose needs can be met by the facility. An appropriate resident is primarily an aged ambulatory person who requires domiciliary care and who may require non-medical services, medical services such as medication assistance, emergency response services, and home health services as prescribed by a physician's order and as allowed by law.</p> <p>For both personal care residential and personal care assisted</p>

living, a person may neither move in nor continue to reside in a licensed facility if the person:

- (1) Is not ambulatory;
- (2) Requires physical restraints;
- (3) Poses a serious threat to self or others;
- (4) Requires nasopharyngeal and/or tracheotomy suctioning;
- (5) Requires gastric feedings;
- (6) Requires intravenous fluids, medications, or feedings;
- (7) Requires an indwelling urinary catheter;
- (8) Requires sterile wound care; or
- (9) Requires treatment of decubitus ulcer or exfoliative dermatitis.

A resident may continue to live in a personal care home when a resident or the resident's responsible party (if applicable) consents in writing for the resident to continue to reside in the home and approved in writing by a licensed physician, unless the licensing agency determines that skilled nursing services would be appropriate. No home may allow more than two residents, or 10 percent of the total number of residents, whichever is greater, to remain under these circumstances.

Resident Assessment

A medical evaluation is required annually for each resident but there is no required form.

Medication Management

Facilities may monitor the self-administration of medication. Only licensed personnel are allowed to administer medication.

Physical Plant Requirements

Private and shared resident units must provide a minimum of 80 square feet per resident.

Residents Allowed Per Room

A maximum of four residents is allowed per resident unit.

Bathroom Requirements

Separate toilet and bathing facilities must be provided on each floor for each sex in the following ratios as a minimum: one bathtub/shower for every 12 or fewer residents; and one lavatory and one toilet for every six or fewer residents.

Alzheimer's Unit Requirements

Regulations for Alzheimer's disease/dementia care units were adopted in 2001 and apply to licensed nursing homes or licensed personal care homes and are in addition to other rules and regulations applicable to these licensed facilities. A registered nurse or licensed practical nurse must be present on all shifts and a minimum of two staff members must be on the unit at all times. Minimum requirements for nursing staff is based on the ratio of three hours of nursing care per resident per 24 hours. Licensed nursing staff and nurse aides can be included in the ratio. If the Alzheimer's/dementia care unit is not freestanding, licensed nursing staff may be shared with the rest of the facility. Facilities are only permitted to house

persons with up to Stage II Alzheimer's disease. A licensed social worker, licensed professional counselor, or licensed marriage and family therapist must provide social services to residents and support to family members. The social service consultation must be onsite and be a minimum of eight hours per month.

There are specific physical design standards for Alzheimer's/dementia units including security controls on all entrances and exits and a secure, exterior exercise pathway.

Staff Training for Alzheimer's Care

An orientation program including specific topics must be provided to all new employees assigned to the Alzheimer's/dementia unit. Ongoing in-service training must be provided to all staff who are in direct contact with residents on a quarterly basis and must include training on at least three of eight specific topics.

Staffing Requirements

A full-time operator must be designated to manage the facility. Detailed staffing ratios apply.

Administrator Education/Training

Operators must be at least 21 years of age, be a high school graduate or have passed the GED and not be a resident of the licensed facility. The administrator must verify that he or she is not listed on the Mississippi Nurses Aide Abuse Registry. Administrators must spend two concurrent days with the licensing agency for training and mentoring. This training and monitoring provision is required only one time for each administrator and an administrator who was previously employed by the licensing agency in a surveyor capacity is exempt.

Staff Education/Training

Direct care staff must be at least 18 years of age and must verify that he or she is not listed on the Mississippi Nurse Aide Abuse Registry. Personnel must receive training on a quarterly basis on topics and issues related to the population being served by the facility. All direct care staff must successfully complete a criminal history record check. When on duty, staff must be awake and fully dressed to provide personal care to the residents. The following staffing ratio applies:

- (1) One direct care staff person per 15 or fewer residents between 7:00 a.m. and 7:00 p.m.
- (2) One direct care staff person per 25 or fewer residents between the hours of 7:00 p.m. and 7:00 a.m.

Additionally, personal care homes assisted living must:

- (1) Post a list of on-call personnel in the event of an emergency during the 7:00 p.m. to 7:00 a.m. shift.
- (2) Have a licensed nurse on the premises for eight hours per day. Licensed nurses are not to be included in the resident-

attendant ratio.

(3) If a resident is unable to self-administer prescription medication, a licensed nurse must be present to administer the medication.

**Continuing Education
(CE) Requirements**

None specified.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

No Medicaid Home and Community Based Services Waiver at this time; however, the state has applied for a waiver to cover services in personal care homes.

Missouri

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Licensure Term	Residential Care Facilities
Opening Statement	The regulations for residential care facilities were updated most recently in January 2005.
Definition	Residential care facilities Levels I and II provide three or more residents with shelter, board, and protective oversight. In addition to these, Level II facilities provide supervision and assistance with personal care.
Disclosure Items	None specified.
Facility Scope of Care	Levels I and II may provide shelter, board, protective oversight and care during short-term illness or recuperation. Level II facilities may provide additional services such as dietary supervision, personal care assistance, and supervision of health care under the direction of a licensed physician.
Third Party Scope of Care	Home health services may be provided in facilities.
Move-In/Move-Out Requirements	All residents must be physically and mentally capable of evacuation and must be discharged if their needs cannot be met by the facility. Residents may remain in the facility if they are temporarily incapacitated, for a period not to exceed 45 days. There is a movement in the legislature to allow mentally incapacitated residents to remain in facilities longer, under the condition that the facility have higher staff-to-resident ratios.
Resident Assessment	There is no required assessment form.
Medication Management	Administration of medication by licensed or certified personnel is permitted. A pharmacist or registered nurse must review the drug regimen of each resident. This review must be done at least every other month in a residential care facility II and every three months in a residential care facility I.
Physical Plant Requirements	Private and shared resident units must provide a minimum of 70 square feet per resident.
Residents Allowed Per Room	A maximum of four residents is allowed per resident unit.
Bathroom Requirements	Shared bathrooms are permitted. One tub or shower must be

provided for every 20 residents and one toilet and lavatory must be provided for every six residents.

Alzheimer's Unit Requirements

None specified.

Staff Training for Alzheimer's Care

Staff involved in the delivery of care to individuals with Alzheimer's disease or related dementia must receive dementia specific training covering five areas specified in regulations. Staff who do not provide direct care for but may have daily contact with persons with Alzheimer's disease or related dementia must receive dementia-specific training covering two areas specified in regulations. All dementia-specific training must be incorporated into each facility's new employee orientation and ongoing in-service training.

Staffing Requirements

For a Level I facility, an administrator must be employed by the facility and one staff member must be on duty at all times. At a minimum, one employee must be on duty and awake for every 40 residents. When a facility has 20 or fewer residents, the required staff person may be asleep if there is a sprinkler system or a complete automatic fire detection system. Employees who are counted in meeting the minimum staffing ratio and employees who provide direct care to residents must be at least 16 years of age.

For a Level II facility, the minimum staffing ratio is one staff person for every 15 residents during the day shift, one person for every 20 residents during the evening shift and one person for every 25 residents during the night shift. Required staff must be in the facility awake, dressed, and prepared to assist residents in case of emergency. There must be a licensed nurse employed by the facility to work at least eight hours per week at the facility for every 30 residents. The nurse's duties include review of residents' charts, medications and special diets or other orders, review of each resident's adjustment to the facility, and observation of each individual's general physical and mental condition.

Administrator Education/Training

The administrator of a Level II facility must be a licensed nursing home administrator. In a Level I facility, the administrator must either be a licensed nursing home administrator or is at least 21 years of age, has never been convicted of an offense involving the operation of a long term care or similar facility and attends at least one continuing education workshop per year. All administrators must complete a course in medication administration.

Staff Education/Training

Prior to or on the first day of employment, staff must receive at least one hour of orientation appropriate to their job function

and must include specific information. Staff who administer medication must be certified as a Level I Medication Aide, which requires the completion of a 16-hour approved course.

**Continuing Education
(CE) Requirements**

None specified.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid state plan covers personal care and advanced personal care services in residential care facilities.

Montana

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Licensure Term Assisted Living Facilities

Opening Statement Montana assisted living regulations can be found on the internet at www.dphhs.mt.gov and were updated in May 2004.

Definition An assisted living facility is a congregate, residential setting that provides or coordinates personal care, 24-hour supervision and assistance, both scheduled and unscheduled, and activities and health-related services. Assisted living facilities are licensed as a Category A, B, or C facility.

Disclosure Items A written resident agreement must be entered into between the facility and each resident and must include specified information.

Each facility providing Category C services must make available, in writing, to the prospective resident's guardian or family member, the following:

- (1) The overall philosophy and mission of the facility regarding meeting the needs of residents with severe cognitive impairment and the form of care or treatment;
- (2) The process and criteria for move-in, transfer, and discharge;
- (3) The process used for resident assessment;
- (4) The process used to establish and implement a health care plan, including how the health care plan will be updated in response to changes in the resident's condition;
- (5) Staff training and continuing education practices;
- (6) The physical environment and design features appropriate to support the functioning of cognitively impaired residents;
- (7) The frequency and type of resident activities;
- (8) The level of involvement expected of families and the availability of support programs; and
- (9) Any additional costs of care or fees.

Facility Scope of Care An assisted living facility Category A, B, or C must, at a minimum, provide or make provisions for:

- (1) Personal services, such as laundry, housekeeping, food service, and local transportation;
- (2) Assistance with activities of daily living (ADLs), as specified in the facility admission agreement and that do not require the use of a licensed health care professional or a licensed practical

nurse;

- (3) Recreational activities;
- (4) Assistance with self-medication;
- (5) 24-hour on-site supervision by staff; and
- (6) Assistance in arranging health-related services, such as medical appointments and appointments related to hearing aids, glasses, or dentures.

An assisted living facility Category A, B, or C may provide, make provisions for, or allow a resident to obtain third-party provider services for:

- (1) Administration of medications consistent with applicable laws and regulations; and
- (2) Skilled nursing care or other skilled services related to temporary, short-term, acute illnesses, which may not exceed 30 consecutive days for one episode or more than a total of 120 days in one year.

A Category B facility may provide skilled nursing care or other skilled services to five or fewer residents consistent with move-in and move-out criteria specified in law.

A Category C facility provides care to meet the needs of individuals with severe cognitive impairment.

Third Party Scope of Care Third-party providers are permitted to provide skilled nursing care in Category A, B, or C facilities.

Move-In/Move-Out Requirements

An individual is permitted to move into and remain in a Category A facility when:

- (1) The resident does not require physical or chemical restraint or confinement in locked quarters;
- (2) The individual does not have a stage III or stage IV pressure ulcer;
- (3) The individual does not have a gastrostomy or jejunostomy tube;
- (4) The individual does not require skilled nursing care or other skilled services on a continued basis except for the administration of medications;
- (5) The individual is not a danger to self or others; and
- (6) The individual is able to accomplish ADLs with supervision and assistance. The individual may not be consistently and totally dependent in four or more ADLs as a result of a cognitive or physical impairment nor may the individual have severe cognitive impairment that prevents expression of needs or the ability to make basic care decisions.

An individual may move into and remain in a Category B facility when:

- (1) The individual requires skilled nursing care or other services for more than 30 days for an incident and for more than 120 days a year, that may be provided or arranged for by the facility or the resident, as provided for in the facility agreement;
- (2) The individual is consistently and totally dependent in more than four ADLs;
- (3) The individual does not require physical or chemical restraint or confinement in locked quarters;
- (4) The individual is not a danger to self or others;
- (5) The individual has a practitioner's written order for moving in and written orders for care; and,
- (6) The individual has a signed health care assessment that is renewed quarterly by a licensed health care professional who has visited the facility.

An individual may move into and remain in a Category C facility when:

- (1) The individual has a severe cognitive impairment that renders the individual incapable of expressing needs or of making basic care decisions;
- (2) The resident may be at risk for leaving the facility without regard for personal safety;
- (3) Except for the possibility of leaving the facility without regard for personal safety, the resident is not a danger to self or others; and
- (4) The resident does not require physical or chemical restraint or confinement in locked quarters.

Resident Assessment

A resident assessment is required prior to the move-in date to develop a resident service plan. The service plan will be reviewed and updated within the first 60 days of living in the facility to ensure the resident's needs are being addressed. The department must develop standardized forms but the use of these forms is voluntary.

Medication Management

All residents in a Category A facility must self-administer their medication. Those residents in Category B facilities who are capable of and who wish to self-administer medications shall be encouraged to do so. Any direct care staff member who is capable of reading medication labels may provide necessary assistance to a resident in taking their medication. In Category B & C facilities, medications must be administered by a licensed health care professional or by an individual delegated the task under the Montana Nurse Practice Act. Medication management through third party services is allowed in all facility categories.

Physical Plant Requirements

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

resident.

Residents Allowed Per Room

A maximum of four residents is allowed per resident unit in existing facilities and no more than two residents in new construction.

Bathroom Requirements

There must be:

- (1) At least one toilet for every four residents;
- (2) One bathing facility for every 12 residents; and
- (3) A toilet and sink in each toilet room. In addition, each resident must have access to a toilet room without entering another resident's room or the kitchen, dining, or living areas. All bathroom doors must open outward or be pocket doors to prevent entrapment.

Alzheimer's Unit Requirements

A Category C facility for severely cognitively impaired resident requires additional administrator and staff training and specialized accommodations. Facilities must also provide the disclosure form described above.

Staff Training for Alzheimer's Care

Direct care staff must comply with training requirements for Category A & B facilities and must receive additional documented training in:

- (1) The facility or unit's philosophy and approaches to providing care and supervision for persons with severe cognitive impairment;
- (2) The skills necessary to care for, intervene, and direct residents who are unable to perform ADLs;
- (3) Techniques for minimizing challenging behavior, including wandering, hallucinations, illusions and delusions, and impairment of senses;
- (4) Therapeutic programming to support the highest possible level of resident function including: large motor activity, small motor activity; appropriate level cognitive tasks; and social/emotional stimulation;
- (5) Promoting residents' dignity, independence, individuality, privacy, and choice;
- (6) Identifying and alleviating safety risks to residents;
- (7) Identifying common side effects of and untoward reactions to medications; and
- (8) Techniques for dealing with bowel and bladder aberrant behaviors.

Staffing Requirements

An administrator must be employed by the facility and at least one staff member must be present on a 24-hour basis. Adequate staff must be present to meet the needs of the residents, to respond in emergency situations, and provide all related services. A Category B facility must employ or contract with a registered nurse to provide or supervise nursing services. Staff in Category B and C facilities must be dressed

and awake during the night to meet resident needs.

**Administrator
Education/Training**

An administrator must hold a current Montana nursing home administrator license or have proof of holding a current and valid nursing home administrator license from another state, or have successfully completed all of the self-study modules of "The Management Library for Administrators and Executive Directors," a component of the assisted living training system published by the Assisted Living University (ALU), or be enrolled in the self-study course referenced above, with an anticipated successful completion within six months.

The administrator of a Category B facility must have one or more years experience working in the field of geriatrics or caring for individuals with disabilities in a licensed facility.

The administrator of a Category C facility must have three or more years experience working in the field of geriatrics or caring for residents with disabilities in a licensed facility; or a documented combination of education and training that is equivalent as determined by the department.

Staff Education/Training

All staff must receive orientation and training relevant to the individual's responsibilities and covering specific topics. Additionally, direct care staff must be trained to perform the services established in each resident service plan. Direct care staff must be trained in the use of the abdominal thrust maneuver and basic first aid. If the facility offers cardiopulmonary resuscitation (CPR), at least one person per shift must be certified in CPR. Additional training is required for Category B and C staff.

**Continuing Education
(CE) Requirements**

Administrators must complete at least 16 hours of continuing education per year. For administrators of Category C facilities, at least eight of the hours must pertain to caring for people with severe cognitive impairment.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers services in personal care facilities. There are a limited number of Home and Community Based Services slots.

Nebraska

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Licensure Term	Assisted Living Facilities
Opening Statement	Revisions to the regulations were implemented January 1, 2005
Definition	Assisted living facilities provide shelter, food, and care for remuneration for a period of more than 24 consecutive hours to four or more persons who require or request such services due to age, illness, or physical disability.
Disclosure Items	None specified.
Facility Scope of Care	The facility may provide: (1) Personal care; (2) Health maintenance activities (i.e., non-complex nursing interventions that can safely be performed according to exact directions); (3) Transportation; (4) Laundry; (5) Housekeeping; (6) Financial assistance/management; (7) Behavioral management; (8) Case management; (9) Shopping; (10) Beauty/barber services; and (11) Spiritual services.
Third Party Scope of Care	If residents assume responsibility, they may arrange for care through a licensed home health or hospice agency or appropriate private duty personnel.
Move-In/Move-Out Requirements	Residents requiring complex nursing interventions or whose conditions are not stable or predictable will not be admitted, readmitted, or retained by the facility unless the resident has sufficient mental ability to understand the situation; assumes responsibility for arranging for care from a third party; or has care needs that do not compromise the facility operations, or create a danger to others in the facility.
Resident Assessment	There is no required resident assessment form.
Medication Management	Residents may self-administer medications. When medication administration is provided by the facility, it must be

administered by licensed staff or medication assistants approved by the Department.

As of January 1, 2005, every person seeking admission to an assisted living facility must, upon admission and annually thereafter, provide the facility with a list of drugs, devices, biologicals, and supplements being taken or used by the person, including dosage, instructions for use, and reported use.

The assisted living facility must provide for a registered nurse (RN) to review medication administration policies and procedures and document that review at least annually.

Physical Plant Requirements

In existing facilities, private resident units must be a minimum of 80 square feet and double-occupancy units must provide a minimum of 60 square feet per resident. In new facilities, private resident units must be a minimum of 100 square feet and double-occupancy units must be a minimum of 160 square feet.

Residents Allowed Per Room

In existing facilities, a maximum of four residents is allowed per resident unit. In new facilities, a maximum of two residents is allowed per resident unit.

Bathroom Requirements

Facilities must provide a bathing facility adjacent to each room or central bathing facilities. In existing facilities, at least one bathing facility must be provided for every 16 residents. In new facilities, one bathing facility must be provided for every eight residents.

Alzheimer's Unit Requirements

Facilities serving special populations must assess each resident to identify his/her abilities and needs, provide specially trained staff, prepare service agreements, and provide a physical environment that conforms to and accommodates the special needs.

Staff Training for Alzheimer's Care

Direct care staff must be trained in the facility or unit's philosophy and approaches to providing care and supervision for persons with Alzheimer's disease; the Alzheimer's disease process; and the skills necessary to care for and intervene and direct residents who are unable to perform activities of daily living, personal care or health maintenance and who may exemplify behavior problems or wandering tendencies.

Staffing Requirements

The facility must have an administrator who is responsible for the overall management of the facility and who shall ensure staffing is appropriate to meet the needs of the residents. The facility must provide for a RN to review medication administration policies and procedures and to provide or oversee training of medication aides at the facility.

**Administrator
Education/Training**

Administrators must be 21 years of age or older. Administrators employed for the first time after January 1, 2005, must have completed initial, department-approved training that is at least 30 hours and includes six specific topic areas. Hospital or current licensed nursing home administrators are exempt from this training requirement.

Staff Education/Training

Direct-care staff must complete an initial orientation and ongoing training. A RN must provide or oversee specific areas c medication aide training.

**Continuing Education
(CE) Requirements**

All staff must complete at least 12 hours of continuing education per year on topics appropriate to the employee's job duties, including meeting the physical and mental special care needs of residents in the facility. A facility administrator must complete 12 hours of ongoing training annually in areas related to care of residents and facility management. Ongoing training does not apply to administrators who are hospital or current licensed nursing home administrators.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers services in assisted living.

Nevada

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Licensure Term	Residential Facilities for Groups
Opening Statement	Amended regulations for residential facilities for groups were implemented in August 2004. The regulations establish Category I residents and Category II residents. Category I residents are ambulatory and can evacuate with minimal assistance in the event of a fire. Category II residents are physically or mentally incapable of evacuation and require the assistance of another person.
Definition	A residential facility for groups furnishes food, shelter, assistance, and limited supervision to an aged, infirm, mentally retarded, or disabled person on a 24-hour basis. The term includes an assisted living facility.
Disclosure Items	Upon request, the following information must be made available in writing: (1) The basic rate for the services provided by the facility; (2) The schedule for pay; (3) The services included in the basic rate; (4) The charges for optional services that are not included in the basic rate; and (5) The residential facility's policy on refunds of amounts paid but not used.
Facility Scope of Care	Facilities must provide residents with assistance with activities of daily living and protective supervision as needed. Facilities must also provide nutritious meals and snacks, laundry and housekeeping, and meet the needs of the residents. Facilities must provide 24-hour supervision.
Third Party Scope of Care	Home health and hospice agencies may provide services under contract with residents and medical treatment must be provided by medical professionals who are trained to provide that service.
Move-In/Move-Out Requirements	A resident must be at least 18 years of age. Facilities may not admit or retain persons who: (1) Are bedfast; (2) Require chemical or physical restraints; (3) Require confinement in locked quarters; (4) Require skilled nursing or other medical supervision on a 24

- hour basis;
- (5) Require gastrostomy care;
- (6) Suffer from a staphylococcus infection or other serious infection; or
- (7) Suffer from any other serious medical condition.

There are other medical conditions that are specified in the regulations that, unless a resident is able to self-manage the condition, require the resident move out of the facility.

A resident may be discharged without his approval if:

- (1) He fails to pay his bill within five days after it is due;
- (2) He fails to comply with the rules or policies of the facility; or
- (3) The administrator of the facility or the Bureau determines that the facility is unable to provide the necessary care for the resident.

Resident Assessment

There is no required assessment form.

Medication Management

If a caregiver assists in the administration of any medication, the caregiver must receive not less than one hour of instruction on medication management. The caregiver must receive this training at least every three years and must provide the facility with evidence of the content of the training and his or her attendance at the training.

Physical Plant Requirements

Private resident units must be a minimum of 80 square feet and shared resident units must provide a minimum of 60 square feet of floor space per resident.

Residents Allowed Per Room

A maximum of three residents is allowed per resident unit.

Bathroom Requirements

A toilet and lavatory must be provided for every four residents and a tub or shower must be provided for every six residents.

Alzheimer's Unit Requirements

Eight hours of training is required for staff supervising residents with Alzheimer's disease. Locked quarters are allowed in Alzheimer's units. In addition, alarms, buzzers, horns, or other audible devices activated when a door is opened are to be installed on all exit doors. At least one member of the staff must be awake and on duty at all times.

Staff Training for Alzheimer's Care

Each employee of the facility that provides care to individuals with any form of dementia must successfully complete, within the first 40 hours of beginning employment, at least two hours of training in providing care, including emergency care, to a resident with any form of dementia. In addition, within three months of initial employment, at least eight hours of training in providing care to a resident with any form of dementia. If an

employee is licensed or certified by an occupational licensing board, at least three hours of required continuing education must be in providing care to a resident with dementia and must be completed on or before the first anniversary of employment. If an employee is a direct caregiver, the individual must complete at least three hours of training in providing care to a resident with dementia on or before the first anniversary of employment.

Staffing Requirements

An administrator and a sufficient number of caregivers must be employed by the facility. Facilities with more than 20 residents shall ensure that at least one employee is awake and on duty at all times.

**Administrator
Education/Training**

Administrators must be licensed by the Nevada State Board of Examiners for Administrators of Facilities for Long Term Care. Within 30 days of beginning employment, an administrator must be trained in first aid and CPR. An administrator for an Alzheimer's facility must have three years experience in caring for residents with Alzheimer's disease or related dementia.

Staff Education/Training

Caregivers must be at least 18 years of age; have personal qualities enabling them to understand the problems of the aged and disabled; be able to read, write, speak, and understand English; and possess knowledge, skills, and abilities to meet residents' needs. Within 30 days of beginning employment, a caregiver must be trained in first aid and cardiopulmonary resuscitation. Within 60 days of beginning employment, a caregiver must receive no less than four hours of training related to the care of residents.

**Continuing Education
(CE) Requirements**

All staff must complete eight hours of continuing education per year. Training must be related to the care of the elderly and, depending upon the facility's population, related to specific populations (e.g., dementia-related training for those who supervise persons with Alzheimer's disease).

**Entity Approving
CE Program**

Bureau of Licensure and Certification

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers personal care services in group residential settings.

New Hampshire

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Licensure Term	Residential Care Home Facilities/Assisted Living Facilities
Opening Statement	New assisted living facility regulations were finalized in 2004. The new regulations reflect the fact that nursing home-eligible residents may remain in assisted living facilities if appropriate care and services are provided.
Definition	<p>Residential care home facilities are non-medical and non-institutional; public or privately owned and operated; or community-based living arrangements providing shelter, food, and protective oversight to a population of adult, elderly, disabled, special needs, and/or special care residents.</p> <p>Assisted living services are designed for adults who qualify for nursing home care and can no longer manage independent living in their own homes. Assisted living facilities provide a wide variety of support services based on the specific needs of the residents. Services may include nursing care, personal care, nutrition,, homemaker services and medication management.</p>
Disclosure Items	There is a required disclosure summary form that must be made available to residents. The information provided includes the base rate charged by the facility and the services provided in that rate; staff coverage; transportation; and other services offered.
Facility Scope of Care	Facilities may provide protective services, including supervision of activities of daily living, nutrition, and medication.
Third Party Scope of Care	If a resident's health status changes permanently to non-mobile or the resident requires ongoing medical or nursing care, the resident may remain, provided their needs are met either by facility staff or through a third party.
Move-In/Move-Out Requirements	Facilities may only admit persons whose needs can be met by the facility.
Resident Assessment	There is a standard resident assessment tool that can be obtained by calling (603) 271-3021.

Medication Management	Residents may self-administer medications with or without staff supervision or licensed staff may administer medication.
Physical Plant Requirements	Private resident units must be a minimum of 80 square feet and shared resident units must be a minimum of 140 square feet.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	The number of sinks, toilets, and tubs/showers are in a ratio of one to every six residents.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Facilities must employ a full-time administrator who is responsible for day-to-day operations. Personnel levels are determined by the administrator and based on the services required by residents and the size of the facility (e.g., at least one staff member must be on duty at all times when there are more than four residents in the facility).
Administrator Education/Training	Administrators must be at least 21 years of age and have three letters of reference attesting to their knowledge, skills, and ability to run a facility. Administrators of facilities with four to 16 residents must also have a high school diploma or equivalent plus one year of work experience in a health or human services field, or an associate's degree in a health field. Administrators of facilities with 17 or more residents must additionally have a high school diploma plus five years of direct care experience, an associate's degree plus three years experience in a health or human services field, or a bachelor's degree in a health field.
Staff Education/Training	Direct-care staff must be at least 18 years of age. All personnel must have orientation and training in the performance of their duties and responsibilities.
Continuing Education (CE) Requirements	Administrators must complete a minimum of 12 hours of continuing education per year relating to resident plan of care; characteristics of client disabilities; nutrition, basic hygiene, and dental care; first aid; medication management; dementia; resident assessment; aging; and resident rights.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services in assisted living.

New Jersey

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Licensure Term	Assisted Living Residences/Comprehensive Personal Care Homes and Assisted Living Programs
Opening Statement	New regulations (with no major revisions) went into effect November 1999.
Definition	An assisted living residence provides apartment-style housing and congregate dining and assures that assisted living services are available when needed for four or more adult persons. There are three categories of assisted living: assisted living residences (new construction), comprehensive personal care homes (converted/residential boarding home that may not meet all building code requirements) and assisted living programs (services provided).
Disclosure Items	None specified.
Facility Scope of Care	Facilities provide a coordinated array of supportive personal and health services 24 hours per day, including assistance with personal care, nursing, pharmacy, dining, activities, recreational, and social work services to meet the individual needs of each resident.
Third Party Scope of Care	Facilities may contract with licensed home health agencies.
Move-In/Move-Out Requirements	New Jersey has no entry requirements or restrictions. Mandatory discharge is required if a resident requires specialized long term care, such as respirators, ventilators, or severe behavior management. Facilities may specify other discharge requirements, such as if the resident is bedridden for more than 14 consecutive days; requires 24-hour nursing supervision; is totally dependent on assistance with four or more activities of daily living; or is a danger to self or others.
Resident Assessment	There is no required assessment form but certain information must be included in the form used by providers.
Medication Management	Staff who have completed a medication aide course and passed a certifying exam are permitted to administer medication to residents under the delegation of a registered nurse (RN). The only injections allowed in this case are pre-drawn insulin injections.

Physical Plant Requirements	Private resident units must provide a minimum of 150 square feet of clear and usable floor area and semi-private resident units must provide a minimum of 80 additional square feet for an additional resident.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	Bathrooms may be shared but a bathroom with a toilet, bathtub/shower, and sink must be located in each resident unit. Additional toilet facilities must be provided to meet the needs of residents, staff, and visitors to the facility.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Staffing must be sufficient to meet residents' needs. At least one awake personal care assistant and one additional employee must be on site 24-hours per day. An RN must be available 24 hours per day.
Administrator Education/Training	Administrators must be at least 21 years of age and possess a high school diploma or equivalent. Administrators must also either hold a current New Jersey license as a nursing home administrator or be a New Jersey certified assisted living administrator.
Staff Education/Training	Personal care assistants must either successfully complete an approved nurse aide training course, an approved homemaker/home health aide training program, or other equivalent approved training program.
Continuing Education (CE) Requirements	Administrators must complete a minimum of 20 hours of continuing education every two years relating to assisted living concepts and related topics. Personal care assistants must complete at least 20 hours of continuing education every two years in assisted living concepts and related topics, including cognitive and physical impairment and dementia. Medication aides must complete an additional 10 hours of continuing education related to medication administration and elderly drug use every two years.
Entity Approving CE Program	The New Jersey Nursing Home Administrators Licensing Board approves courses.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services in assisted living.

New Mexico

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Licensure Term	Adult Residential Care Facilities
Opening Statement	A workgroup has recommended changes to the Department of Health and is waiting for an announcement of a public hearing date for promulgation of amendments to revise the standards, including administrator/management staff education, training and continuing education requirements.
Definition	An adult residential care facility provides programmatic services, room, board, assistance with one or more activities of daily living (ADLs), and/or general supervision to two or more adults who have difficulty living independently or managing their own affairs.
Disclosure Items	None specified.
Facility Scope of Care	The facility may provide assistance with ADLs and periodic professional nursing care for adults with physical or mental disabilities.
Third Party Scope of Care	None specified.
Move-In/Move-Out Requirements	Facilities may not retain residents requiring continuous nursing care, which may include, but is not limited to, the following conditions: ventilator dependency; stage III or IV pressure sores; or any condition requiring either chemical or physical restraints.
Resident Assessment	The state must approve the facility's assessment form that is required to establish a baseline in the resident's functional status. The form must include an assessment of cognitive patterns, communication/hearing patterns, vision patterns, physical functioning and structural problems, continence, psychosocial well-being, mood and behavior patterns, activity pursuit patterns, disease diagnoses, health conditions, oral/nutritional status, oral/dental status, skin conditions, medication use, and special treatment and procedures.
Medication Management	Licensed health care professionals are responsible for the administration of medications. If a resident gives written consent, trained facility staff may assist a resident with medications.

Physical Plant Requirements	Private resident units must be a minimum of 100 square feet and semi-private 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.
Bathroom Requirements	A minimum of one toilet, sink, and bathing unit must be provided for every eight residents.
Alzheimer's Unit Requirements	None specified. However, in its program description and outline of services, a facility must specify that it provides care that meets the needs of the residents.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	The minimum staff-to-resident ratio is one staff person to 15 or fewer awake residents. When residents are sleeping, there must be one direct care worker for 15 or fewer residents; one direct care worker and one staff person for 16 to 60 residents; two direct care workers and one staff person for every 61 to 120 residents; and at least three direct care workers and one staff person for every 120 or more residents. All employees must complete a criminal background check.
Administrator Education/Training	Administrators must be at least 21 years of age, possess management and administrative skills, and have a high school diploma or equivalent.
Staff Education/Training	Direct care staff must be at least 18 years of age and have adequate education, training, or experience to provide for the needs of residents. Staff are required to complete ongoing training programs relating to fire safety; first aid; safe food handling practices; confidentiality of records and resident information; infection control; resident rights; reporting requirements for abuse, neglect, and exploitation; transportation safety for assisting residents and operating vehicles to transport residents; and providing quality resident care based on current resident needs.
Continuing Education (CE) Requirements	None specified.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	A Medicaid Home and Community Based Services Waiver covers services in assisted living. The waiver payment for assisted living services is a flat rate.

New York

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Licensure Term Assisted Living

Opening Statement In 2004, legislation passed that created a new structure of adult care in New York. The system can be viewed as a continuum within the Adult Care Facility (ACF)/assisted living structure, and it is the ACF provider's option to determine the level within the continuum at which they would like to operate. Any facility that meets the definition of "assisted living residence" must have or obtain an adult home or enriched housing program license. Regulations to further clarify the new law are under development.

Definition Assisted living and assisted living residence means an entity that provides or arranges for housing, on-site monitoring, and personal care and/or home care services, either directly or indirectly, in a home-like setting for five or more adults unrelated to the assisted living provider. An approved assisted living residence must also provide daily food service, 24-hour on-site monitoring, case management services, and the development of an individualized service plan for each resident. An assisted living provider must provide each resident with considerate and respectful care and promote the resident's dignity, autonomy, independence, and privacy in the least restrictive and most home-like setting consistent with the resident's preferences and physical and mental status.

Enhanced assisted living is a certification issued by the Department of Health and may be obtained for either a portion of or an entire residence. The certification authorizes an assisted living residence to provide "aging in place" by retaining residents who desire to continue to live in that residence and who:

- (1) Are chronically chairfast and unable to transfer, or chronically require the physical assistance of another person to transfer;
- (2) Chronically require the physical assistance of another person in order to walk;
- (3) Chronically require the physical assistance of another person to climb or descend stairs;
- (4) Are dependent on medical equipment and require more than

intermittent or occasional assistance from medical personnel; or
(5) Have chronic unmanaged urinary or bowel incontinence.

Enriched housing programs provide long term residential care to five or more adults (generally aged 65 years of age or older), in community-integrated settings resembling independent housing units and must provide or arrange for room, board, housekeeping, personal care, and supervision.

Adult homes provide long term residential care, room, board, housekeeping, personal care, and supervision to five or more adults.

Special needs assisted living is a certification that allows a facility to serve individuals with special needs such as dementia or cognitive impairment. A facility must apply to the Department of Health and submit a special needs plan demonstrating how the special needs of the residents will be safely and appropriately met. The Department of Health is developing standards to ensure adequate staffing and training.

Disclosure Items

When any marketing materials or a copy of the residency agreement is distributed, the assisted living operator must provide the following on a separate information sheet:

- (1) The consumer information guide developed by the Commissioner of the Department of Health.
- (2) A statement listing the residence's licensure and if the residence has an enhanced assisted living and/or special needs enhanced assisted living certificate, and the availability of enhanced and/or special needs beds.
- (3) Specific ownership information related to entities that provide care, material, equipment or other services to the residents.
- (4) A statement regarding the ability of residents to receive services from providers with whom the operator does not have an arrangement.
- (5) A statement that residents have the right to choose their health care providers.
- (6) A statement regarding the availability of public funds for payment for residential, supportive or home health services, including the availability of Medicare for coverage of home health services.
- (7) The toll free number for the Department of Health for complaints regarding home care services and services provided by the assisted living operator.
- (8) Information regarding the availability of ombudsman services and the telephone number of state and local ombudsman.

Facility Scope of Care

Adult homes and enriched housing programs can provide supervision, personal care, housekeeping, case management, activities, food service, and assistance with medication.

A certified enhanced assisted living residence may allow residents to age in place when the provider, the resident's physician and, if necessary, the resident's licensed or certified home care agency agree that the additional needs of the resident can be safely met.

Third Party Scope of Care

Facilities may contract with a home health agency or a long term home health care program.

Move-In/Move-Out Requirements

In adult homes and enriched housing, residents who have stable medical conditions and are capable of self-preservation with assistance may be admitted. Persons may not be admitted who need continuous nursing care; are chronically bedfast or chairfast; or are cognitively, physically, or mentally impaired to the point that the resident's safety or safety of others is compromised.

In certified enhanced assisted living residences, a resident in need of 24-hour skilled nursing care or medical care may continue residency when all of the following conditions are met

- (1) The resident in need of 24-hour skilled care hires appropriate nursing, medical, or hospice staff to meet his or her needs.
- (2) The resident's physician and home care services agency determine and document that the resident can be safely cared for in the residence.
- (3) The assisted living provider agrees to retain the resident and coordinate the care for all providers.
- (4) The resident is otherwise eligible to reside at the residence.

Resident Assessment

Each assisted living resident will have an individualized service plan (ISP) developed when they move into a residence. The ISP is developed jointly by the resident, the resident's representative if applicable, the assisted living operator, a home care agency (as determined by the resident's physician) and in consultation with the resident's physician. The ISP must address the medical, nutritional, rehabilitation, functional, cognitive, and other needs of the resident. The ISP must be reviewed and revised at least every six months or when required by the resident's changing care needs.

Medication Management

Assistance with self-administration of medication is permitted in facilities. This includes prompting, identifying the medication for the resident, bringing the medication to the resident, opening containers, positioning the resident, disposing of used supplies, and storing the medication.

Physical Plant Requirements	Enriched housing programs must provide single-occupancy units, unless residents want to share. Adult Homes may provide either single- or double-occupancy resident units.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	Enriched housing programs must provide one toilet, lavatory, shower, or tub for every three residents. Adult homes must provide at least one toilet and lavatory for every six residents and one tub/shower for every 10 residents.
Alzheimer's Unit Requirements	Special requirements exist for dementia units.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Adult homes must have a case manager and staffing sufficient to provide the care needed by residents. The regulations list specific staffing ratios.
Administrator Education/Training	Administrators generally must be at least 21 years of age and have varying levels of education and experience based in part on the number of residents in the facility.
Staff Education/Training	Personal care staff of a home health agency must complete a personal care aide or home health aide training course or other approved examination. Enriched housing programs and adult homes must provide an orientation and inservice training in the characteristics and needs of the population served, resident rights, program rules and regulations, duties and responsibilities of all staff, general and specific responsibilities of the individual being trained, and emergency procedures.
Continuing Education (CE) Requirements	Administrators not holding a current New York license as a nursing home administrator must complete a minimum of 60 hours of continuing education every two years.
Entity Approving CE Program	None specified.
Medicaid Policy and Reimbursement	Legislation authorizing a Medicaid Home and Community Based Services Waiver is pending.

North Carolina

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Web Site <http://facility-services.state.nc.us/>

Licensure Term Assisted Living Residences

Opening Statement Legislation passed in July 1995 establishing an umbrella term of "assisted living residences" that includes "adult care homes" and "multi-unit assisted housing with services" (MAHS). Adult care homes are licensed and MAHS are registered.

Definition Assisted living residences provide group housing with at least one meal per day and housekeeping services and provides personal care services directly or through a formal written agreement with a licensed home care or hospice agency. The department may allow nursing service exceptions on a case-by-case basis.

Adult care homes are further categorized as "family care" (housing two to six residents), and "adult care homes" (seven or more residents).

A MAHS is a residence in which hands-on personal care services and nursing services are arranged by housing management and provided by a licensed home care or hospice agency, through an individualized written care plan. The housing management has a financial interest or financial affiliation or formal written agreement that makes personal care services accessible and available through at least one licensed home care or hospice agency. The resident may choose any provider for personal care and nursing services.

Disclosure Items A MAHS must provide a disclosure statement to prospective residents and the department that includes:

- (1) Charges for services;
- (2) Policies regarding limitations of services;
- (3) Policies regarding limitations of tenancy;
- (4) Information regarding the nature of the relationship between the housing management and each home care or hospice agency with which the housing management has a financial or legal relationship;
- (5) Policies regarding tenant grievances and procedures for review and disposition of resident grievances; and
- (6) Specific contact information including licensed home care

agencies in the county and various public services.

An adult care home does not have a disclosure requirement but must provide specific information to a resident upon move-in, including such items as a written copy of all house rules and facility policies, a copy of the Declaration of Residents' Rights, and a copy of the home's grievance procedures. Regulations also require specific information to be included in the resident contract.

An adult home with a special care unit for individuals with Alzheimer's disease must disclose the unit's policies and procedures for caring for the residents and the special services that are provided.

Facility Scope of Care

In a MAHS, housing and assistance with coordination of personal and health care services through licensed home care agencies is permitted.

In adult care homes, housing, personal care, and some specified health care services are provided by staff while licensed home care agencies may provide other health care services that unlicensed staff cannot perform. Adult care homes also have a requirement for 24-hour staff monitoring and supervision of residents.

Third Party Scope of Care

Hospice care and home health care may be requested by the resident and provided in all assisted living residences.

In a MAHS, personal care and nursing services are provided through agencies licensed by the Department of Health and Human Services. MAHS management must have an arrangement with at least one licensed agency to meet the scheduled needs of residents and residents may choose the agency.

Move-In/Move-Out Requirements

MAHS providers are not permitted to care for residents who require, on a consistent basis, 24-hour supervision or are not able, through informed consent, to enter into a contract. Except when a physician certifies that appropriate care can be provided on a temporary basis to meet the resident's needs and prevent unnecessary relocation, a MAHS may not care for individuals with any of the following conditions or care needs:

- (1) Ventilator dependency;
- (2) Dermal ulcers III or IV, except when a physician has determined that stage III ulcers are healing;
- (3) Intravenous therapy or injections directly into the vein, except for intermittent intravenous therapy managed by a home care or hospice agency licensed by the state;
- (4) Airborne infectious disease in a communicable state that

- requires isolation or requires special precautions by the caretaker to prevent transmission of the disease;
- (5) Psychotropic medications without appropriate diagnosis and treatment plans;
 - (6) Nasogastric tubes;
 - (7) Gastric tubes except when the individual is capable of independently feeding himself and caring for the tube, or managed by a state licensed home care or hospice agency;
 - (8) Individuals who require continuous licensed nursing care;
 - (9) Individuals whose physician certifies that placement is no longer appropriate;
 - (10) Requires total dependence in four of more activities of daily living as documented on a uniform assessment instrument unless the resident's independent physician determines otherwise;
 - (11) Individuals whose health needs cannot be met in the MAHS; and
 - (12) Other medical and functional care needs that the Social Services Commission determines cannot be properly met in a MAHS.

In adult care homes, a more mentally or physically dependent population is housed and 24-hour supervision and assistance with scheduled and unscheduled personal needs is required. An individual requiring the following may not move into an adult care home:

- (1) Treatment of mental illness or alcohol or drug abuse;
- (2) Maternity care;
- (3) Professional nursing care under continuous medical supervision;
- (4) Lodging, when the personal assistance and supervision offered for the aged and disabled are not needed; or
- (5) Pose a direct threat to the health or safety of others.

A 30-day discharge notice by the facility is required in Adult Care Homes except for situations of threat to health and safety of residents.

Resident Assessment

A MAHS provider must screen prospective residents to determine the facility's capacity and legal authority to meet the needs of the prospective resident and to determine the need for an in-depth assessment by a licensed home care agency.

In an adult care home, an initial assessment is required within 72 hours of moving into the facility, and an assessment of each resident must be completed within 30 days following admission and at least annually thereafter on a form created or approved by the department.

Medication Management	In a MAHS, assistance with self-administration of medications may be provided by appropriately trained staff when delegated by a licensed nurse according to the home care agency's established plan of care. Adult care homes require medications to be administered by staff whose competency is validated by a registered nurse and who pass a written exam administered by the state.
Physical Plant Requirements	In adult care homes, private resident units must be a minimum of 100 square feet and shared resident units must provide a minimum of 80 square feet per resident.
Residents Allowed Per Room	A bedroom may not be occupied by more than two residents.
Bathroom Requirements	Shared bathroom and toilet facilities are permitted in adult care homes as long as one toilet and hand lavatory is provided for every five residents and a tub or shower is provided for every 10 residents.
Alzheimer's Unit Requirements	More detailed rules applying to Alzheimer's units became effective in January 2000 and include requiring additional staffing and staff training in dementia care and disclosure statement of policies and special services. These requirements only apply to advertised special care units.
Staff Training for Alzheimer's Care	The staff in special care units must have the following training: (1) Six hours of orientation within the first week of employment; (2) 20 hours of dementia-specific training within six months of employment; and (3) 12 hours of continuing education annually.
Staffing Requirements	Adult care homes have specific staffing requirements and ratios for the type of staff (aide, supervisor and administrator or administrator in charge), first, second or third shift, and the number of residents.
Administrator Education/Training	Adult care home administrators must be certified by the state, which requires completion of a 120-hour administrator-in-training program.
Staff Education/Training	Staff in adult care homes of seven or more beds who perform or directly supervise staff who perform personal care tasks must complete an 80-hour training program within six months of hire
Continuing Education (CE) Requirements	Administrators of adult care homes of seven or more beds must complete 30 hours of continuing education every two years. Supervisors in charge must complete 12 hours of continuing education per year. Staff who administer medications and their supervisors must complete six hours of continuing education

per year.

**Entity Approving
CE Program**

Persons or agencies seeking to be continuing education providers must apply to the Adult Care Licensure Section of the Division of Facility Services for approval.

**Medicaid Policy and
Reimbursement**

A state plan service through Medicaid covers personal care services in adult care homes.

North Dakota

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Licensure Term Basic Care Facility (regulated by the Department of Health)
Assisted Living Facility (regulated by the Department of Human Services)

Opening Statement North Dakota has licensed basic care facilities and licensed assisted living facilities.

Definition A basic care facility means a facility licensed by the Department of Health under North Dakota Century Code chapter 23-09.3. The focus of the facility is to provide room and board and health, social, and personal care to assist the residents to attain or maintain their highest level of functioning, consistent with the resident assessment and care plan, for five or more residents not related to the owner or manager by blood or marriage. These services must be provided on a 24-hour basis within the facility, either directly or through contract, and shall include assistance with activities of daily living (ADLs) and instrumental activities of daily living (IADLs); provision of leisure, recreational, and therapeutic activities; and supervision of nutritional needs and medication administration.

A licensed assisted living facility means a building or structure containing a series of living units operated as one entity to provide services for five or more individuals who are not related by blood, marriage, or guardianship to the owner or manager of the entity and which is kept, used, maintained, advertised, or held out to the public as a place that provides or coordinates individualized support services to accommodate the individual's needs and abilities to maintain as much independence as possible. An assisted living facility does not include a facility that is a congregate housing facility, licensed as a basic care facility, or licensed under Chapter 23-16.

Disclosure Items None specified.

Facility Scope of Care A basic care facility may provide assistance with ADLs defined as prompting, encouragement, or minimal hands-on assistance. It must provide personal care services to assist residents to

attain and maintain their highest level of functioning consistent with the resident assessments and care plans.

In assisted living, tenants choose and pay for only those services needed or desired.

An assisted living facility may provide assistance to adults who may have physical or cognitive impairments and who require at least a moderate level of assistance with one or more ADLs and assistance with IADLs.

Third Party Scope of Care	In basic care facilities, home health agencies may provide services under contract with residents. Long term care insurance may pay in basic care and assisted living facilities.
Move-In/Move-Out Requirements	<p>In basic care facilities, residents must be physically and mentally capable of evacuating with minimal assistance, capable of independent transfer, may not require physical or chemical restraints, or be dependent in any ADLs.</p> <p>Basic care and assisted living facilities develop their own admission and discharge criteria.</p>
Resident Assessment	In basic care and assisted living facilities, the facility develops and utilizes their own forms.
Medication Management	In assisted living and in basic care facilities, unlicensed staff may administer medication except for "as needed" controlled prescription drugs. In Spring 1997, a medication administration bill was passed allowing for the administration of limited medications by unlicensed personnel. This provision requires those personnel to have specific training and be monitored by a registered nurse.
Physical Plant Requirements	<p>In basic care facilities, private resident units must be a minimum of 100 square feet; semi-private resident units must provide a minimum of 80 square feet per resident; and units for three or more individuals must provide a minimum of 70 square feet per resident. Generally, basic care facilities have semi-private units.</p> <p>Generally, in an assisted living facility, units are efficiency or one or two bedroom apartments.</p>
Residents Allowed Per Room	Not specified for either basic care or assisted living facilities.
Bathroom Requirements	Common toilets, lavatories, and bathing facilities are permitted. In basic care facilities, there must be at least one toilet for every four residents and a bathtub or shower for every 15 residents.

Alzheimer's Unit Requirements	Alzheimer's units are available in basic care facilities. They are not available in assisted living facilities.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Staff must be available 24-hours per day to meet the needs of the residents.
Administrator Education/Training	None specified.
Staff Education/Training	<p>Personal care aides in basic care facilities must have inservice training.</p> <p>None specified for assisted living facilities.</p>
Continuing Education (CE) Requirements	<p>Administrators of basic care facilities must complete at least 12 hours of continuing education per year relating to care and services for residents.</p> <p>None specified for assisted living facilities.</p>
Entity Approving CE Program	None specified for either basic care or assisted living facilities.
Medicaid Policy and Reimbursement	<p>A personal care option pays for services in a basic care facility. The individual must be Medicaid eligible to qualify for the personal care option. Personal funds or state general funds pay for room and board.</p> <p>Individuals in assisted living facilities may be eligible for services funded by state resources of Medicaid waiver services. Generally low income individuals have limited access to assisted living. No funds are available for rental assistance (except HUD in limited situations).</p>

Ohio

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Licensure Term	Residential Care Facilities
Opening Statement	Residential care facilities regulations were amended in November 2001.
Definition	Residential care facilities provide accommodations for 17 or more unrelated individuals; supervision and personal care services for three or more of those individuals who are dependent on the services of others by reason of age or physical or mental impairment; or accommodations for three or more individuals and skilled nursing care services for at least one individual.
Disclosure Items	None specified.
Facility Scope of Care	Facilities provide supervision, personal care services, administer medication, supervise special diets, and perform dressing changes. Facilities may also provide up to 120 days of nursing services on a part-time, intermittent basis.
Third Party Scope of Care	Skilled nursing services may be provided by a licensed hospice agency or certified home health agency.
Move-In/Move-Out Requirements	Facilities may admit or retain individuals who require skilled nursing care beyond the supervision of special diets, application of dressings, or administration of medication only if the care is on a part-time/intermittent basis for not more than a total of 120 days in any 12-month period.
Resident Assessment	A resident assessment must be completed but there is no mandated form.
Medication Management	Residents must either be capable of self-administering medications or the facility must provide for medication administration by a home health agency, hospice, or qualified staff person (e.g., a registered nurse (RN), licensed practical nurse (LPN), or physician). Trained, unlicensed staff may assist with self-administration only if the resident is mentally alert and able to participate in the medication process. Assistance includes reminders, observing, handing medications to the resident, and verifying the resident's name on the label, etc. An RN, LPN, or physician must be on duty when medications are being administered.

Physical Plant Requirements	Private resident units must be a minimum of 100 square feet and multiple-occupancy resident units must provide a minimum of 80 square feet per resident.
Residents Allowed Per Room	A maximum of four residents is allowed per resident unit.
Bathroom Requirements	One toilet, sink, and tub/shower is required for every eight residents. Additionally, if there are more than four persons of one gender to be accommodated in one bathroom on a floor, a bathroom must be provided for each gender residing on that floor.
Alzheimer's Unit Requirements	Facilities that have special units must disclose information about unit placement, transfer and discharge policies, special assessments, unit services and resident activities, unit staffing and staff qualifications, special physical design features, family involvement, and costs for services on unit.
Staff Training for Alzheimer's Care	No special requirements, but if the facility has residents with behavioral problems or increased emotional needs, staff members are required to receive training on appropriate interventions.
Staffing Requirements	A facility must have an administrator who is responsible for its daily operation. At least one staff member must be on duty at all times and sufficient additional staff members must be present to meet the residents' total care needs. Sufficient nursing staff is required to provide needed skilled nursing care. At night, a staff member may be on call if the facility meets certain call signal requirements.
Administrator Education/Training	Administrators must be 21 years of age and meet one of the following criteria: be licensed as a nursing home administrator; have 2,000 hours of direct operational responsibility; complete 100 credit hours of post-high school education in the field of gerontology or health care; be a licensed health care professional; or hold a college degree.
Staff Education/Training	Staff members providing personal care services must be at least 16 years of age, have first aid training and complete a specified training program. All staff must be able to understand and communicate job-related information in English and be appropriately trained to implement residents' rights.
Continuing Education (CE) Requirements	Administrators must complete nine hours of continuing education in gerontology, health care, business administration, or residential care administration per year.
Entity Approving CE Program	None specified.

Medicaid Policy and Reimbursement

There is no Medicaid Home and Community Based Services Waiver at this time; however, a pilot program is being developed.

Oklahoma

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Licensure Term	Assisted Living Centers
Opening Statement	Regulations for assisted living were revised in 2002.
Definition	An assisted living center is a home or establishment offering, coordinating, or providing services to two or more persons who by choice or functional impairment need or may need assistance with personal care or nursing supervision; intermittent or unscheduled nursing care; medication assistance; and assistance with transfer and/or ambulation.
Disclosure Items	There is a required disclosure form that must be completed by all facilities that provide care to residents with Alzheimer's disease or related disorders in a special unit or under a special program. The form must be given to the Department of Health, the State Long Term Care Ombudsman, and any person seeking placement on behalf of a person with Alzheimer's disease or related disorders. Information provided in the form includes the type of services provided and any additional cost associated with those services; the admission process; the transfer/discharge process; planning and implementation of care including specific structured activities that are offered; staffing and staff training to address the needs of the population; and safety features of the physical environment.
Facility Scope of Care	An assisted living center may not care for any resident needing care in excess of the level that the assisted living center is licensed to provide or capable of providing. Providers may define their scope of services, admission criteria, and the nature of the residents they serve. Facilities may provide assistance with personal care; nursing supervision; intermittent or unscheduled nursing care; medication administration; assistance with cognitive orientation and care or service for Alzheimer's disease and related dementias; and assistance with transfer or ambulation.
Third Party Scope of Care	Facilities and/or residents may contract with licensed home health agencies as defined in the facility's description of services.
Move-In/Move-Out Requirements	A resident may not be admitted if his/her need for care or services exceeds what the facility can provide; a physician determines that physical or chemical restraints are needed in

non-emergency situations; a threat is posed to self or others; or the facility is unable to meet the resident's needs for privacy or dignity.

Resident Assessment

There is a required resident assessment form.

Medication Management

Medication administration is permitted. Unlicensed staff administering medications must have completed a training program that has been reviewed and approved by the Department of Health.

Physical Plant Requirements

Design shall be appropriate to the mental or physical disabilities of the residents served.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

Shower and bathing facilities must not be occupied by more than one resident at a time and no more than four residents may share a bathing facility unless the Department of Health has approved use by more than four residents based on documentation that the design of the bathing facility is appropriate to the special needs of each resident using it.

Alzheimer's Unit Requirements

The center must disclose whether it has special care units. If it does, it must outline the scope of services provided within the unit and specific staffing to address the needs of the population

When a center that cares for individuals with Alzheimer's disease or related dementias has only one direct care staff member on duty and awake during the night shift, the center must disclose this fact to the resident or the resident's representative prior to move in, and must have in place a plan that is approved by the Department of Health for dealing with urgent or emergency situations, including resident falls.

Staff Training for Alzheimer's Care

Staff working in a specialized unit must be trained to meet the specialized needs of residents.

Staffing Requirements

Each center shall designate an administrator who is responsible for its operation. All staff are subject to criminal arrest checks applicable to nurses aides in Oklahoma. Facilities shall provide adequate staffing as necessary to meet the services described in the facility's contract with each resident. Staff providing socialization, activity, and exercise services must be qualified by training. All direct care staff must be trained in first aid and CPR. Dietary and nurse staffing shall be provided or arranged. Certified nursing assistants (CNA) must be under the supervision of a registered nurse.

**Administrator
Education/Training**

An administrator must either hold a nursing home administrator's license, a residential care home administrator's certificate of training, or a nationally recognized assisted living certificate of training and competency approved by the Department of Health.

Staff Education/Training

All staff shall be trained to meet the specialized needs of residents. Direct care staff shall be trained in first aid and CPR and be trained at a minimum as a CNA.

**Continuing Education
(CE) Requirements**

Administrators must complete 16 hours of continuing education per year.

**Entity Approving
CE Program**

The entity that issued the license or certificate.

**Medicaid Policy and
Reimbursement**

There is no Medicaid Home and Community Based Services Waiver at this time; however, proposals to provide this program have been studied.

Oregon

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Web Site www.dhs.state.or.us/seniors/choosing_care/comm_care.htm

Licensure Term Assisted Living

Opening Statement Assisted living regulations have been in effect since April 1999 and were most recently modified in February 2004.

Definition Assisted living means a building, complex or distinct part thereof consisting of fully self-contained individual living units where six or more seniors and persons with disabilities may reside. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living (ADLs), health, and social needs of the residents as described in these rules. A program approach is used to promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, independence, and home-like surroundings.

Disclosure Items There is a state-designated disclosure statement that must be provided to each person who requests information about a facility and must be provided to all potential residents prior to move in. The information required in the disclosure statement includes;

- (1) Terms of occupancy, including policy on the possession of firearms and ammunition;
- (2) Payment provisions;
- (3) A description of the service planning process and the relationship between the service plan and the cost of services;
- (4) The philosophy of how health care and ADL services are provided to the resident;
- (5) Resident rights and responsibilities;
- (6) Criteria, actions, circumstances or conditions that may result in a move-out notification or intra-facility move and resident's rights pertaining to notification of move-out; and
- (7) Staffing plan.

The following information must be provided to individuals and their families prior to admission to an Alzheimer's Care Unit:

- (1) The philosophy of how care and services are provided to the residents;
- (2) The admission, discharge, and transfer criteria and procedures;

- (3) The training topics, amount of training spent on each topic, and the name and qualifications of the individuals used to train the direct care staff; and
- (4) The number of direct care staff assigned to the unit during each shift.

Facility Scope of Care Facilities may care for individuals with all levels of care needs.

Third Party Scope of Care Not specified.

Move-In/Move-Out Requirements While there are no entry requirements, a resident may be asked to leave only if the resident:

- (1) Has needs that exceed the level of ADL services the facility provides;
- (2) Exhibits behaviors or actions that repeatedly and substantially interfere with the rights or well-being of other residents;
- (3) Is unable to respond to verbal instructions, recognize danger, make basic care decisions, express need, or summon assistance;
- (4) Has a medical condition that is complex, unstable, or unpredictable and treatment cannot be appropriately developed and implemented in the facility; or
- (5) Has not paid for services.

Resident Assessment A standardized assessment form is used by state caseworkers to determine Medicaid eligibility and service level payment.

Medication Management Medication may be administered by specially trained, unlicensed personnel over the age of 18. In addition, Oregon applies nurse delegation rules to these regulations. All medications administered by the facility to a resident must be reviewed every 90 days by the prescriber, registered pharmacist, or registered nurse.

Physical Plant Requirements Newly constructed private resident units must be a minimum of 220 square feet (not including the bathroom) and must include a kitchen and fully accessible bathroom. Pre-existing facilities being remodeled must be a minimum of 160 square feet (not including the bathroom). Resident units may only be shared by couples who choose to live together. Other extensive physical plant requirements apply.

Residents Allowed Per Room None specified.

Bathroom Requirements Private bathrooms are required.

Alzheimer's Unit Requirements A facility that advertises that it provides care to residents with Alzheimer's disease must apply to the state for an Alzheimer's Special Care Unit Endorsement.

Staff Training for Alzheimer's Care

There are specific training requirements for staff.

Staffing Requirements

The facility must have qualified staff sufficient in number to meet the 24-hour scheduled and unscheduled needs of each resident and respond in emergency situations. Staff under 18 years of age may not assist with medication administration or delegated nursing tasks and must be supervised when providing bathing, toileting, or transferring services. A staff member on each shift must be trained in the use of the Heimlich maneuver, CPR, and first aid. All staff must have sufficient communication and language skills to enable them to perform their duties and interact effectively with residents and other staff. Prior to providing care, staff must receive documented department-approved orientation and training on specific topics.

Administrator Education/Training

The administrator is required to be at least 21 years of age, and

- (1) Possess a high school diploma or equivalent; and
- (2) Have two years of professional or management experience in a health or social service related field or program; or
- (3) Have a combination of experience and education; or
- (4) Possess an accredited bachelor's degree in a health or social service related field.

Additionally, all administrators must:

- (1) Complete a state-approved training course of at least 40 hours; or
- (2) Complete a state-approved administrator training program that includes both a classroom training of less than 40 hours and a state-approved 40-hour internship with a state-approved administrator.

Staff Education/Training

Direct-care staff must complete an orientation and training in the following:

- (1) Principles of assisted living;
- (2) Changes associated with aging processes, including dementia;
- (3) Resident's rights;
- (4) How to perform direct ADL care;
- (5) Location of resident service plans and how to implement them;
- (6) Fire safety/emergency procedures;
- (7) Response to behavior issues;
- (8) Standard precautions for infection control;
- (9) Food preparation, service, and storage; and
- (10) Observation/reporting skills.

Continuing Education (CE) Requirements

Administrators must complete 20 hours of continuing education per year.

**Entity Approving
CE Program**

Office of Licensing and Quality Care

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers services to nursing home level residents in assisted living. It is a tiered system of reimbursement based on the services provided.

Pennsylvania

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Contact David Kauffman **Phone** (717) 705-7744
E-mail dkauffman@state.pa.us
Web Site www.dpw.state.pa.us

Licensure Term Personal Care Homes

Opening Statement The Pennsylvania Department of Public Welfare is in the process of updating regulations for personal care homes. The updated regulations will most likely be published in April 2005.

Definition A Personal Care Home provides food, shelter, and personal assistance or supervision for four or more adults who do not need nursing home care. Residents may require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation, and medication prescribed for self-medication.

Disclosure Items None specified.

Facility Scope of Care The facility may provide assistance with activities of daily living and self-administered medications.

Third Party Scope of Care Home health is permitted per physician's orders.

Move-In/Move-Out Requirements Admission of nonambulatory residents is allowed only if the facility complies with certain additional staffing and physical plant/fire safety requirements. There are seven exclusionary factors that prohibit residents from being admitted to a personal care home. They are:

- (1) Totally and permanently confined to bed;
- (2) Non self-care gastrointestinal feedings;
- (3) Stage III or multiple decubiti;
- (4) Naso-gastric feedings;
- (5) Restraints;
- (6) Intravenous fluids; or
- (7) Has been determined in a medical assessment to need a higher level of care.

Residents may be discharged if they require a higher level of care or if they become a danger to themselves or others.

Resident Assessment Residents are required to have an initial standardized screening instrument including mobility assessment, completed by the administrator/staff or a human service agency within 30 days prior to admission. The initial standardized screening instrument may be obtained through the Department's Field

Licensing offices.

Additionally, a person admitted to a personal care home must have a medical evaluation completed and signed by a physician within 60 days prior to or within 30 days after admission using a form designated by the Department. Copies of this form are available from the Department's Field Licensing offices.

The assessment and medical evaluation are to be updated annually or if the condition of the resident materially changes prior to the annual evaluations.

Medication Management

Personnel can offer assistance with self-administered medications.

Physical Plant Requirements

Private resident units must be a minimum of 80 square feet and multiple-occupancy resident units must provide a minimum of 60 square feet per resident.

Residents Allowed Per Room

A maximum of four residents is allowed per resident unit.

Bathroom Requirements

Shared bathing and lavatory facilities are permitted.

Alzheimer's Unit Requirements

Secured Alzheimer's units require a waiver approval.

Staff Training for Alzheimer's Care

The waiver requirements call for a "well-trained" staff to carry out a "well-developed program that addresses the physical, psychological, emotional, and social needs of residents with dementia."

Staffing Requirements

An administrator or designee must be on the premises 24-hours per day. Sufficient staff must be present to provide one hour of personal care per day for mobile residents and two hours per day for immobile residents, 75 percent of which should be given during waking hours. A sufficient number of CPR-certified staff member must be on the premises at all times.

Administrator Education/Training

An administrator must have a high school diploma or GED, be 21 years of age or older, pass a criminal background check, and have completed a 40-hour approved training course.

Staff Education/Training

Direct-care staff must be at least 16 years of age, complete facility training in specified areas and pass a criminal history background check.

Continuing Education (CE) Requirements

Administrators must complete six hours of continuing education annually through a recognized training source.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

While Medicaid funding is not available for personal care homes, the Commonwealth does provide a state supplement to Supplemental Security Income for residents in personal care homes. Recommendations have been made to introduce some form of Medicaid funding for assisted living. A pilot program is underway in the Philadelphia area, where Medicaid waiver money, together with a grant from the Robert Wood Johnson Foundation, is paying for case management and services in a select number of personal care homes.

Rhode Island

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Licensure Term Assisted Living Residences

Opening Statement New regulations went into effect in February 2004.

Definition Assisted living residence means a publicly or privately operated residence that provides directly or indirectly by means of contracts or arrangements, personal assistance to meet the resident's changing needs and preferences, lodging and meals to two or more adults who are unrelated to the licensee or administrator, excluding, however, any privately operated establishment or facility licensed pursuant to Chapter 23-17 of the General Laws of Rhode Island, as amended, and those facilities licensed by or under the jurisdiction of the Department of Mental Health, Retardation and Hospitals, the Department of Children, Youth and Families or any other state agency. Assisted living residences include sheltered care homes, board and care residences, or any other entity by any other name providing the above services that meet the definition of assisted living residences.

Every residence is licensed with a fire code classification and a medication classification (see Medication Management). Some residences may also have a dementia classification.

Fire Code Classifications

Level F1 licensure is for a residence that has residents who are not capable of self preservation and these residences must comply with a more stringent life safety code.

Level F2 licensure is for residences that will have residents who are capable of self preservation.

Dementia Classification

Dementia care licensure is required when one or more resident's dementia symptoms impact their ability to function as demonstrated by any of the following:

- (1) Safety concerns due to elopement risk or other behaviors;
- (2) Inappropriate social behaviors that adversely impact the rights of others;
- (3) Inability to self preserve due to dementia; or
- (4) A physician's recommendation that the resident needs

dementia support consistent with this level.

Additionally, if a residence advertises or represents special dementia services or if the residence segregates residents with dementia, this licensure is required.

Disclosure Items

Any assisted living residence that refers clients to any health care facility or a certified adult day care in Rhode Island and has a financial interest in that entity must disclose the following information to the individual:

- (1) That the referring entity has a financial interest in the residence or provider to which the referral is being made; and
- (2) That the client has the option of seeking care from a different residence or provider that is also licensed and/or certified by the state to provide similar services to the client.

Additionally, each assisted living residence must disclose, in a print format, at least the following information to each potential resident, the resident's interested family, and the resident's agent early in the decision-making process and at least prior to the admission decision being made:

- (1) Identification of the residence and its owner and operator;
- (2) Level of license and an explanation of each level of licensure
- (3) Admission and discharge criteria;
- (4) Services available;
- (5) Financial terms to include all fees and deposits, including any first month rental arrangements, and the residence's policy regarding notification to tenants of increases in fees, rates, services, and deposits;
- (6) Terms of the residency agreement; and
- (7) The names, addresses, and telephone numbers of: the Department of Health; the Medicaid Fraud and Patient Abuse Unit of the Department of Attorney General, the State Ombudsperson, and local police offices.

Facility Scope of Care

Facilities may provide assistance with activities of daily living; arrange for support services; and monitor residents' recreational, social, and personal activities. Residents requiring any more than temporary nursing services must move to a nursing facility.

Third Party Scope of Care

None specified.

Move-In/Move-Out Requirements

Residences are licensed based on the level of service they provide and only residents meeting the classification criteria specified in the license may move in. Admission and residency is limited to persons possessing the physical mobility and judgmental ability to take appropriate action in emergency situations, except in special dementia care units.

The residence can require that a resident move out only for certain reasons and with 30 days advance written notice of termination of residency agreement with a statement containing the reason, the effective date of termination, the resident's right to an appeal under state law, and the name/address of the state ombudsperson's office. In cases of a life-threatening emergency or non-payment of fees and costs, the 30-day notice is not required. If termination due to non-payment of fees and costs is anticipated, the residence must make a good faith effort to counsel the resident of this expectation. Reasons for requiring that a resident move out are:

- (1) If a resident does not meet the requirements for residency criteria stated in the residency agreement or requirements of state or local laws or regulations. The residence must make a good faith effort to counsel the resident if the resident shows indications of no longer meeting residence criteria.
- (2) If a resident is a danger to self or the welfare of others, and the residence has made reasonable accommodation without success to address resident behavior in ways that would make termination of residency agreement or change unnecessary. These attempts must be documented in the resident's records.

Resident Assessment

Prior to a resident moving into a residence, the administrator must have a comprehensive assessment of the resident's health physical, social, functional, activity, and cognitive needs and preferences conducted and signed by a registered nurse. The assessment must be on a form designed or approved by the Department of Health. The form designed by the department is available as Appendix "C" to the regulations or online at <http://www.health.ri.gov>.

Medication Management

Facilities are further classified by the degree to which they manage medications.

Medication Classifications

Level M1 is for a residence that has one or more residents who require central storage and/or administration of medications. In Level M1 facilities, licensed staff or unlicensed persons who have completed a state-approved course are permitted to administer medications and monitor health indicators.

Level M2 is for residences that have residents who require assistance with self-administration of medications (this term is defined in the regulations).

Nurse review is necessary under all levels of medication licensure.

Physical Plant Requirements

Private resident units must be a minimum of 100 square feet in area and eight feet wide; semi-private resident units must be a minimum of 160 square feet in area and 10 feet wide.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

The facility must provide a minimum of one bath per 10 residents and one toilet per eight residents.

Alzheimer's Unit Requirements

A residence that offers or provides services to residents with Alzheimer's disease or other dementia, by means of an Alzheimer Dementia Special Care Unit/Program, must disclose the type of services provided, in addition to those services required by the state. A standard disclosure form created by the licensing agency must be completed and submitted to the licensing agency for review to verify the accuracy of the information reported on it. The form must also be provided to any individual seeking to move in to the residence. The information disclosed must explain the additional care that is provided through:

- (1) The residence's philosophy;
- (2) Pre-occupancy, occupancy, and termination of residence;
- (3) Assessment, service planning, and implementation;
- (4) Staffing patterns and staff training;
- (5) Physical environment;
- (6) Resident activities;
- (7) Family role in care; and
- (8) Program costs.

Staff Training for Alzheimer's Care

In addition to training required for staff in all assisted living residences, staff in a residence licensed for dementia care level must receive at least 12 hours of orientation and training on (1) understanding various dementias; (2) communicating effectively with dementia residents; and (3) managing behaviors; within 30 days of hire and prior to beginning work alone in the assisted living residence.

Staffing Requirements

Each residence must have an administrator who is certified by the Department of Health. All residences must provide staffing that is sufficient to provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychosocial well being of the residents, according to the appropriate level of licensing. At least one staff person who has completed employee training must be on the premises at all times. In addition, each residence must have responsible adults who are employees or who have a contractual relationship with the residence to provide the services required who is at least 18 years of age and:

- (1) Awake and on the premises at all times;
- (2) Designated in charge of the operation of the residence; and
- (3) Physically and mentally capable of communication with emergency personnel.

All staff having contact with residents must have a criminal records check.

**Administrator
Education/Training**

The Department of Health Facilities shall issue an initial certificate for an administrator of an assisted living residence for a period of up to one year if the applicant meets all of the requirements. Persons holding a degree in a health-centered field from an accredited college or university that includes coursework in gerontology, personnel management, and financial management; and have satisfactorily completed a field experience of at least 40 hours within a 12-month period in a training capacity in a licensed assisted living residence that includes specified training are eligible for certification. Also eligible are persons holding a current Rhode Island nursing home administrator's license.

If an individual does not meet the above specified training requirements, a written examination as determined by the Department to test the qualifications of the individual as an assisted living residence administrator must be successfully completed.

Staff Education/Training

All new employees must receive at least two hours of orientation and training in the areas listed below within 30 days of hire and prior to beginning work alone, in addition to any training that may be required for a specific job classification at the residents. Training areas include:

- (1) Fire and emergency procedures;
- (2) Recognition and reporting of abuse, neglect, and mistreatment;
- (3) Assisted living philosophy (goals/values: dignity, independence, autonomy, choice);
- (4) Resident's rights; and
- (5) Confidentiality.

New employees who will have regular contact with residents and provide residents with personal care must receive at least 10 hours of orientation and training in the areas listed below within 30 days of hire and prior to beginning work alone in the assisted living residence, in addition to the areas identified above. Training areas include:

- (1) Basic sanitation and infection control (i.e., universal precautions);
- (2) Food service;
- (3) Medical emergency procedures;
- (4) Basic knowledge of aging-related behaviors;
- (5) Personal assistance;

- (6) Assistance with medications;
- (7) Safety of residents;
- (8) Record-keeping;
- (9) Service plans;
- (10) Reporting; and
- (11) Where appropriate, basic knowledge of cultural differences

Employees must have on-going inservice training as appropriate for their job classifications and that includes the topics identified above.

Continuing Education (CE) Requirements

To be eligible for recertification, an administrator must complete 32 hours of Department of Health approved continuing education within the previous two years. Twenty-four of the required 32 hours of continuing education must be contact hours. The remaining eight hours of continuing education may be non-contact hours.

Entity Approving CE Program

Approved continuing education programs in assisted living related areas include those offered or approved by:

- (1) Rhode Island Association of Facilities and Services for the Aging;
- (2) Rhode Island Assisted Living Association;
- (3) Rhode Island Health Care Association;
- (4) Alliance for Better Long Term Care;
- (5) Rhode Island Chapter, Alzheimer's Association;
- (6) Appropriate coursework from any regionally accredited college;
- (7) A national affiliate of any of the organizations listed above; and
- (8) Any other organizations as may be approved by the Assisted Living Residence Administrator Certification Board.

Medicaid Policy and Reimbursement

Two Medicaid Home and Community Based Waivers cover services in assisted living, one for assisted living residents relocating from nursing homes and the other for the elderly and adults with physical disabilities.

South Carolina

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Division of Health Licensing

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Licensure Term	Community Residential Care Facilities
Opening Statement	Regulations have been in effect since 1986. Revised regulations took effect July 2001.
Definition	A community residential care facility offers room and board and a degree of personal assistance for a period of time in excess of 24 consecutive hours for two or more persons 18 years or older. It is designed to accommodate residents' changing needs and preferences, maximize residents' dignity, autonomy, privacy, independence, and safety, and encourage family and community involvement. Included in this definition is any facility that offers a beneficial or protected environment specifically for individuals who have mental illness or disabilities and facilities that are referred to as "assisted living," provided they meet the definition of community residential care facility.
Disclosure Items	Facilities caring for persons with Alzheimer's disease must disclose the form of care and treatment that distinguishes it as being suitable for persons with Alzheimer's disease; the admission/transfer and discharge criteria; care planning process; staffing and training; physical environment; activities; the role of family members; and the cost of care.
Facility Scope of Care	A facility must not admit or retain any person whose needs cannot be met by the accommodations and services provided by the facility. Facilities may not provide nursing services.
Third Party Scope of Care	Individuals requiring short-term, intermittent nursing care while convalescing from illness or injury may utilize the services of home health nurses.
Move-In/Move-Out Requirements	Facilities may not admit or retain residents who are dangerous to themselves or others, in need of daily attention of a licensed nurse, or require hospital or nursing care.
Resident Assessment	A resident assessment is required but there is not a specific required form.
Medication Management	Medication administration by unlicensed staff who have been trained to perform these tasks is permitted.

Physical Plant Requirements	Private resident units must be a minimum of 100 square feet and multiple-occupancy resident units must provide a minimum of 80 square feet per resident.
Residents Allowed Per Room	A maximum of three residents is allowed per resident unit. Facilities that were licensed prior to July 27, 2001, may have a maximum of four residents per unit.
Bathroom Requirements	One toilet is required for every six residents and one tub/shower is required for every eight residents.
Alzheimer's Unit Requirements	Facilities offering special care units or programs for residents with Alzheimer's disease must disclose the form of care or treatment provided that distinguishes it as being especially suitable for the resident requiring special care.
Staff Training for Alzheimer's Care	Training must be provided to all staff members/direct care volunteers prior to resident contact and as often as the facility determines is necessary, but at least annually. Training may be done by licensed/registered persons or through the use of video tapes or books. Training should be specific to the needs of residents in the facility, including communication techniques, understanding and coping with behaviors, resident safety, and appropriate activities.
Staffing Requirements	An administrator must be in charge of all functions and activities of the facility and must be available and responsible within a reasonable time and distance. There must be at least one staff person for every eight residents during all periods of peak resident activity. During night-time hours, at least one staff member must be on duty for every 30 residents.
Administrator Education/Training	Administrators must have an associate's degree, at least one year of experience, and be licensed by the South Carolina Board of Long Term Care Administrators.
Staff Education/Training	Staff must complete inservice training programs that include training in basic first aid; procedures for checking vital signs (for designated staff); communicable diseases; medication management; care of persons specific to the physical/mental condition being cared for in the facility; use of restraints (for designated staff); OSHA standards regarding bloodborne pathogens; CPR; confidentiality; and fire response and emergency procedures. In-service training must be provided on a continuing basis and not less than annually.
Continuing Education (CE) Requirements	Administrators must complete 18 hours of continuing education per year. Courses must meet the domains of practice.
Entity Approving CE Program	The South Carolina Board of Long Term Care Administrators approves continuing education courses; however, NAB-approved courses are automatically approved.

Medicaid Policy and Reimbursement

There is no Medicaid Home and Community Based Services Waiver at this time.

South Dakota

Agency Department of Health, Office of Health Care Facilities Licensure and Certification **Phone** (605) 773-3356
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Web Site www.state.sd.us/doh/Facility/levels.htm

Licensure Term	Assisted Living Centers
Opening Statement	New regulations went into effect November 2004.
Definition	Assisted living centers are defined as any institution, rest home, boarding home, place, building, or agency that is maintained and operated to provide personal care and services that meet some need beyond basic provision of food, shelter, and laundry to five or more persons in a free-standing, physically separated facility.
Disclosure Items	None identified.
Facility Scope of Care	Facilities must provide supportive services, activities, and services to meet the spiritual needs of residents. Facilities must also provide for the availability of physician services. Nothing in regulation limits or expands the rights of any healthcare worker to provide services within the scope of the professional's license, certification, or registration, as provided by South Dakota law.
Third Party Scope of Care	Outside services utilized by residents must comply with and complement facility care policies. An unlicensed employee of a licensed facility may not accept any delegated skilled tasks from unemployed, noncontracted skilled nursing or therapy providers, or hospice providers.
Move-In/Move-Out Requirements	Before admission, residents must be in reasonably good health and free from communicable disease, chronic illness, or disability that would require any services beyond supervision, cueing, or limited hands-on physical assistance to carry out normal activities of daily living (ADLs) and instrumental activities of daily living (IADLs). Facilities may not admit or retain residents who require more than intermittent nursing care or rehabilitation services. If individuals live in the center who are not capable of self-preservation, the center must comply with the Life Safety Code pertaining to individuals who do not have this capability.
Resident Assessment	As assisted living center must ensure an evaluation of each resident's care needs is documented at the time of admission, 30 days after admission, and annually thereafter to determine

if the facility can meet the needs for each resident. The resident evaluation instrument must be approved by the department and must address at least the following:

- (1) Nursing care needs;
- (2) Medication administration needs;
- (3) Cognitive status, including IADLs;
- (4) Mental health status;
- (5) Physical abilities including ADLs, ambulation, and the need for assistive devices; and
- (6) Dietary needs.

Medication Management

Facilities that admit or retain residents who require administration of medications must employ or contract with a licensed nurse to review and document resident care and condition at least weekly. Unlicensed staff must receive annual training for medication administration.

Physical Plant Requirements

Private resident units must be a minimum of 120 square feet and shared resident units must provide a minimum of 100 square feet per resident.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

Bathrooms must adjoin the resident rooms. Each resident room must have a toilet and a lavatory.

Alzheimer's Unit Requirements

Each facility with secured units must comply with the following

- (1) Physician's order for confinement of the resident that includes medical symptoms that warrant seclusion that must be reviewed periodically;
- (2) Therapeutic programming must be provided and documented in the resident's plan of care;
- (3) Confinement may not be used as a punishment or for the convenience of staff;
- (4) Confinement and its necessity must be based on comprehensive assessment of a resident's physical, cognitive and psychosocial needs, and risks and benefits of confinement must be communicated to the resident's family;
- (5) Comply with Life Safety Code regarding locked doors; and
- (6) Staff working in secured unit must have specific training regarding the needs of residents in the unit and at least one caregiver must be on the secured unit at all times.

Any new secured unit must be located at grade level and have direct access to an outside area. Every new secured unit must have an outdoor area that is accessible to the residents and enclosed by a fence.

Staff Training for Alzheimer's Care

Staff working in secured unit must have specific training regarding the needs of residents in the unit and at least one

caregiver must be on the secured unit at all times.

Staffing Requirements

An administrator must be responsible for the daily overall management of the facility. There must be a sufficient number of qualified, awake personnel to provide effective care (at least 0.8 hours per resident per day). At least one staff person must be on duty at all times.

Administrator Education/Training

Administrators must be licensed health care professionals or hold a high school diploma or equivalent and complete a training program and competency evaluation. The department shall determine if other training programs are substantially equivalent to meet the regulation.

Staff Education/Training

The facility must have a formal orientation program and ongoing education for all staff. Ongoing education programs must cover the following subjects annually:

- 1) Fire prevention and response (the facility must conduct fire drills quarterly for each shift);
- 2) Emergency procedures and preparedness;
- 3) Infection control and prevention;
- 4) Accident prevention and safety procedures;
- 5) Proper use of restraints;
- 6) Patient and resident rights;
- 7) Confidentiality of resident information;
- 8) Incidents and diseases subject to mandatory reporting and facility's reporting mechanism;
- 9) Care of residents with unique needs; and
- 10) Dining assistance, nutritional risks, and hydration needs of residents.

Continuing Education (CE) Requirements

None specified.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

A broad Medicaid Home and Community Based Services Waive coupled with state funds covers services in assisted living.

Tennessee

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Licensure Term Assisted Care Living Facilities (ACLF)

Opening Statement The regulations have been in effect since April 1998. Major revisions to the rules became effective in November 2002 and additional revisions became effective in February and August 2004. Facilities are also regulated by statute [T.C.A. 68-11-201(4) and (5)].

Definition An assisted care living facility is a building, establishment, complex, or distinct part that accepts primarily aged persons for domiciliary care. ACLFs provide the following on-site to residents: room, board, non-medical living assistance services appropriate to the residents' respective needs, and medical services as prescribed by each resident's treating physician, limited to the extent not covered by a physician's order to a home care organization and not actually provided by a home care organization.

Disclosure Items The residence must have an accurate written statement regarding fees and services that will be provided to the resident upon admission.

Facility Scope of Care The facility may provide protective care and supervision to residents, assistance with medications, and assistance with all activities of daily living (ADLs). All other services (part-time or intermittent nursing care; physical, occupational and speech therapy; medical social services; medical supplies other than drugs and biologicals; and durable medical equipment) that a home care organization is licensed to provide may be provided in the facility except for home health aide services, or by the appropriate licensed staff of a nursing home if the assisted care facility is located on the same physical campus as the licensed nursing home. Regular home health visits cannot exceed three per week.

Third Party Scope of Care Skilled nursing services, including part-time or intermittent nursing care, physical, occupational and speech therapy, and medical social services, provided in the facility must be by a licensed home care organization.

Move-In/Move-Out Requirements A facility cannot admit or permit the continued stay of any resident if they:

- (1) Are in the latter stages of Alzheimer's disease;
- (2) Require physical or chemical restraints;
- (3) Pose a serious threat to self or others;
- (4) Require nasopharyngeal and tracheotomy aspiration;
- (5) Require initial phases of a regimen involving administration of medical gases;
- (6) Require a nasogastric tube;
- (7) Require arterial blood gas monitoring;
- (8) Cannot communicate his or her needs;
- (9) Require gastrostomy feedings;
- (10) Require intravenous or daily intramuscular injections or intravenous feedings;
- (11) Require insertion, sterile irrigation, and replacement of catheters, except for routine maintenance of Foley catheters;
- (12) Require sterile wound care; or
- (13) Require treatment of extensive Stage III or IV decubitis ulcer or exfoliative dermatitis.

A self-care exception exists to the regulations. Individuals who are able to care for their own medical conditions can be admitted to and reside in the facility if:

- (1) Their condition is stable;
- (2) They can care for that condition without the assistance of others; and
- (3) They have cared for themselves and their condition for at least one year.

The resident must not otherwise be inappropriate for ACLF care according to the rules, and the exception only applies to individuals who have the one of the following circumstances:

- (1) Have in place a gastrostomy or percutaneous endoscopic gastrostomy (PEG) tube;
- (2) Require a nasopharyngeal suctioning to have a tracheostomy tube; or
- (3) Has in place a catheter that is the person's sole physical means of elimination of waste;
- (4) Requires the routine administration of oxygen.

If the individual is no longer able to care for the condition, he or she must be transferred. If all requirements are met, the individual will fall within the self-care exception and the assisted care facility may admit him or her and allow his or her continued stay. However, whenever any person admitted under this exception no longer meets the requirements listed above and/or is no longer able to self-care for his or her condition, the ACLF must transfer the person immediately to a licensed nursing home or hospital.

A facility may allow a resident to remain in the facility (but not initially admit him or her) for no longer than 21 days, if he or she:

- (1) Requires intravenous or daily intramuscular injections or intravenous feedings;
- (2) Requires insertion, sterile irrigation and replacement of catheters, except for the routine maintenance of Foley catheters; or
- (3) Requires sterile wound care.

The facility can apply to the Department of Health for one additional 21-day extension.

Individuals in all but the latter stages of Alzheimer's Disease may be admitted after an interdisciplinary team that includes a physician experienced in treatment of Alzheimer's Disease, a social worker, a registered nurse, and a family member (or patient care advocate) has determined that care can appropriately and safely be provided in the facility. The interdisciplinary team must review these residents at least quarterly for appropriateness of placement in the facility.

Resident Assessment

There is no specific resident assessment required.

Medication Management

Medication must be self-administered or administered by a licensed professional. The facility may assist residents with medication, including reading labels, reminders, and observation. Medication administration, except in emergencies, is limited to oral medications, topicals, suppositories, and injections (excluding intravenous) pursuant to a physician's order.

Physical Plant Requirements

A minimum of 80 square feet of bedroom space must be provided to each resident. All new facilities shall conform to the 1997 edition of the Standard Building Code, Residential R4 Occupancy requirements (excluding Chapter 1 and Section 508, Handicapped Accessibility); the handicap code as required by T.C.A. 68-120-204(a); the 1997 edition of the Standard Mechanical Code; the 1997 edition of the Standard Plumbing Code; the 1997 Standard Gas Code; the most current edition of the ASHRAE Handbook of Fundamentals; the 1997 edition of the National Fire Protection Code (NFPA) 101, Chapter 22; and New Residential Board and Care Occupancies, including Annex A, which incorporates the 1997 edition of the Life Safety Code and the 1997 National Electrical Code.

Residents Allowed Per Room

A maximum of two residents is allowed per resident unit.

Bathroom Requirements

Each toilet, lavatory, bath, or shower shall serve no more than six residents.

Alzheimer's Unit Requirements

Facilities are permitted to have secured Alzheimer's units and can retain residents up to the last stages of Alzheimer's disease consistent with the above admission/discharge criteria. Facilities utilizing secured units must provide to survey staff specific information and documentation accumulated during the previous 12 months regarding staffing patterns, care provided, and other health-related issues.

Staff Training for Alzheimer's Care

Any staff working on a secured unit must have annual inservice training, including at least the following subject areas:

- (1) Basic facts about the causes, progression, and management of Alzheimer's disease and related disorders;
- (2) Dealing with dysfunctional behavior and catastrophic reactions in the residents;
- (3) Identifying and alleviating safety risks to the resident;
- (4) Providing assistance with ADLs for the resident; and
- (5) Communication with families and other persons interested in the resident.

Staffing Requirements

Facilities must employ an administrator, an identified responsible attendant, and a sufficient number of staff to meet the needs, including medical services as prescribed, of the residents. A licensed nurse must be available as needed.

Administrator Education/Training

Administrators must hold a high school diploma or equivalent, and must not have any history of elder abuse or criminal conviction.

Staff Education/Training

The responsible attendant and direct care staff must be at least 18 years of age.

Continuing Education (CE) Requirements

Administrators must complete 24 hours of continuing education per year in courses related to Tennessee rules and regulations, health care management, nutrition and food service, financial management, and healthy lifestyles.

Entity Approving CE Program

Tennessee Board of Licensing Health Care Facilities. All NAB-approved courses are automatically accepted. However, there is no licensing board for ACLF administrators.

Medicaid Policy and Reimbursement

Tennessee has both a state-only funded and a Medicaid funded Home and Community Based Services Waiver program. ACLF services are not included in the waiver, with the exception that facilities can provide respite care to otherwise eligible individuals.

Texas

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Licensure Term Assisted Living Facilities

Opening Statement The assisted living facility (ALF) regulations were revised in September 2003. Administrative penalty criteria were added as an enforcement tool.

Definition ALFs may provide assistance with activities of daily living (ADLs). There are several types of ALFs.

In a Type A ALF, a resident must be mentally and physically capable of evacuating the facility unassisted in the event of an emergency; may not require routine attendance during sleeping hours; and must be capable of following directions.

In a Type B ALF, a resident may require staff assistance to evacuate; be incapable of following directions under emergency conditions; require attendance during sleeping hours; or may not be permanently bedfast, but may require assistance in transferring to and from bed.

A Type C ALF is a four-bed, adult foster care, contracted facility that must meet the contracting requirements.

In a Type E ALF, a resident must be physically and mentally capable of evacuating the facility unassisted within three minutes without staff assistance; must not require routine attendance during nighttime sleeping hours; and must be capable of following directions.

Disclosure Items There is a state-approved disclosure form that is required of all facilities. Facilities that provide services to residents with Alzheimer's disease are required to disclose the services and care provided.

Facility Scope of Care Facilities may provide assistance with ADLs, assist with the administration and management of medication, and occasional nursing care within the scope of practice of the licensed employee and within the ALF regulations.

Third Party Scope of Care If additional services are necessary, residents may contract to have home health services delivered.

Move-In/Move-Out Requirements	Facilities must not admit or retain persons whose needs cannot be met by the facility or by the resident contracting with a home health agency.
Resident Assessment	A resident comprehensive assessment is required. There is no state-mandated form. Facilities must include specific criteria from the licensing regulations on their assessment form.
Medication Management	Residents who choose not to or cannot self-administer medication must have medication administered by a person who holds a current license to administer medication; holds a current medication aide permit (this person must function under the direct supervision of a licensed nurse on duty or on call); or is an employee of the facility to whom the administration of medication has been delegated by a registered nurse.
Physical Plant Requirements	<p>Bedroom usable floor space for Type A and Type E facilities must be at least 80 square feet for a single-bed room and not less than 60 square feet per bed for a multiple-bed room. Bedroom usable floor space for Type B facilities must be at least 100 square feet per bed for a single-bed room, and not less than 80 square feet per bed for a multiple-bed room. In a Type C facility, bedrooms must have at least 80 square feet of floor space in a single-occupancy room and at least 60 square feet of floor space per client in a double-occupancy room.</p> <p>The regulations list extensive fire safety requirements under Chapters 12 or 21 of the NFPA Life Safety Code. Type A ALFs are classified as "slow" evacuation; Type B facilities are "impractical" evacuation; and Type E ALFs are classified as "prompt" evacuation.</p> <p>For Type C facilities, there must be a conspicuously posted emergency/disaster evacuation plan. An evacuation drill must be held every six months with at least one of the required drills occurring during sleeping hours. Each facility must have an operational smoke detection system and a portable ABC-type fire extinguisher charged and ready for use.</p>
Residents Allowed Per Room	A maximum of four residents is allowed per resident unit. No more than 50 percent of residents can be in units with more than two residents.
Bathroom Requirements	All bedrooms must be served by separate private, connecting, or general toilet rooms for each gender. A minimum of one water closet, lavatory, and bathing unit must be provided on each sleeping floor. One water closet and one lavatory for every six residents and one tub or shower for every ten residents is required.

Alzheimer's Unit Requirements

Any facility that advertises, markets, or promotes itself as providing specialized care for persons with Alzheimer's disease or related disorders must be certified. Alzheimer's certified facilities are required to have a Type B license. The facility must provide a disclosure statement that describes the nature of its care or treatment of residents with Alzheimer's disease and related disorders.

Staff Training for Alzheimer's Care

All staff must receive dementia-specific orientation prior to assuming job responsibilities.

Staffing Requirements

Each facility must designate a manager to have authority over its operation. A facility must have sufficient staff to maintain order, safety, and cleanliness; assist with medication regimens; prepare and service meals; assist with laundry; provide supervision and care to meet basic needs; and, to ensure evacuation in case of an emergency. There is no specific staffing ratio. Facilities must disclose their staffing patterns and post them monthly.

Administrator Education/Training

In small facilities, managers must have a high school diploma or certification of equivalency of graduation. In large facilities, a manager must have an associate's degree in nursing, health care management, or a related field; a bachelor's degree; or, proof of graduation from an accredited high school or certification of equivalency and at least one year of experience working in management or in health care management. Managers hired after August 2000 must complete a 24-hour course in assisted living management within their first year of employment.

Staff Education/Training

Full-time facility attendants must be at least 18 years of age or hold a high school diploma. The regulations list specific training requirements for licensed nurses, nurse aides, and medication aides.

Continuing Education (CE) Requirements

Direct care staff must annually complete 12 hours of inservice education regarding Alzheimer's disease.

Direct care staff in assisted living facilities must annually complete six hours of inservice education.

Managers must complete 12 hours of continuing education per year in courses related to at least two of the following areas:

- (1) Resident and provider rights and responsibilities;
- (2) Abuse/neglect, and confidentiality;
- (3) Basic principles of supervision;
- (4) Skills for working with residents, families, and other professional service providers;
- (5) Resident characteristics and needs;

- (6) Community resources;
- (7) Accounting and budgeting;
- (8) First aid; and
- (9) Federal laws, such as the Americans With Disabilities Act and Fair Housing Act.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers services in assisted living.

Utah

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Licensure Term Assisted Living Facilities

Opening Statement Regulations have been in effect since 1998. Revised regulations were adopted in 2001.

Definition Type I Assisted Living Facilities provide assistance with activities of daily living (ADLs) and social care to two or more residents who are capable of achieving mobility sufficient to exit the facility without the assistance of another person. Type II Assisted Living Facilities are home-like and provide an array of 24-hour coordinated supportive personal and health care services.

Disclosure Items None specified.

Facility Scope of Care Facilities must provide personal care, food service, housekeeping, laundry, maintenance, activity programs, administration, and assistance with self-administration of medication, and arrange for necessary medical and dental care. Facilities may provide intermittent nursing care.

Third Party Scope of Care Residents have the right to arrange directly for medical and personal care with an outside agency.

Move-In/Move-Out Requirements Residents in a Type I facility must meet the following criteria before being admitted:
(1) Be ambulatory or mobile and capable of taking life-saving action in an emergency;
(2) Have stable health;
(3) Require no assistance or only limited assistance from staff with ADLs; and
(4) Require and receive regular or intermittent care or treatment in the facility from a licensed health professional.
Type I facilities must not accept or retain persons who require significant assistance during the night; are unable to take life-saving action in an emergency without assistance; and require close supervision and a controlled environment.

Both Type I and II facilities must not admit or retain persons who:
(1) Manifest behavior that is a danger to self or others;
(2) Have active tuberculosis or other communicable diseases; or

(3) Require inpatient hospital or nursing care.

Type II facilities may accept or retain residents who require significant assistance in more than two ADLs. Residents admitted to a Type II facility must not be "dependent."

For both Type I and Type II facilities, a resident may be discharged, transferred, or evicted if the facility is no longer able to meet the needs of the resident; the resident fails to pay for services as required by the admission agreement; and/or, the resident fails to comply with policies or rules.

Resident Assessment

There is a mandated assessment form that is available on the agency Web site. The form must be updated every six months.

Medication Management

Licensed staff may administer medication and unlicensed staff may assist with self-medication.

Physical Plant Requirements

Private resident units (without living rooms, dining areas, or kitchens) must be a minimum of 120 square feet and double-occupancy resident units must be a minimum of 200 square feet

Residents Allowed Per Room

A maximum of two residents is allowed per unit.

Bathroom Requirements

Common toilet, lavatory, and bathing facilities are permitted.

Alzheimer's Unit Requirements

A Type II facility with approved secured units may admit residents with a diagnosis of Alzheimer's/dementia if the resident is able to exit the facility with limited assistance from one person.

Staff Training for Alzheimer's Care

There must be at least one staff with documented training in Alzheimer's/dementia care in the secured unit at all time.

Staffing Requirements

Facilities must employ an administrator. Direct care staff are required on-site 24 hours per day to meet resident needs as determined by assessments and service plans.

In Type I facilities, all staff must be at least 18 years of age and have related experience in the job to which they are assigned in the facility or receive on-the-job training.

In Type II facilities, staff providing personal care must be certified nursing assistants or complete this training and become certified within four months of their date of hire.

Administrator Education/Training

Administrators must be 21 years of age and successfully complete criminal background screening.

For Type I facilities, an associate's degree or two years experience in a health care facility is required.

For Type II facilities, administrators must complete a Department-approved, national certification program within six months of hire and meet at least one of the following: hold an associate's degree in the health care field; have at least two years' management experience in the health care field; have one year experience in the health care field as a licensed health care professional.

In addition to these requirements, the administrator of a large Type II facility must have one or more of the following:

- (1) A health facility administrator license;
- (2) A bachelor's degree in a health care field to include management training or one or more years of management experience;
- (3) A bachelor's degree in any field, to include management training or one or more years of management experience and one or more years experience in a health care field; or
- (4) An associate's degree and four years or more management experience in a health care field.

Staff Education/Training

All staff must complete orientation to include job descriptions; ethics, confidentiality, and resident rights; fire and disaster plan; policies and procedures; and report responsibility for abuse, neglect, and exploitation. Staff must also complete extensive in-service training.

Continuing Education (CE) Requirements

None specified.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

There is no Medicaid Home and Community Based Services Waiver at this time. A state-operated, managed care program covers some personal care services and includes elderly beneficiaries in urban areas.

A resident needing skilled nursing care may arrange for that care to be provided in the facility by a licensed nurse as long as it does not interfere with other residents.

Third Party Scope of Care Facilities must provide access or coordinate access to ancillary services for medical-related care, regular maintenance of assistive devices and equipment, barber/beauty services, social/recreational opportunities, hospice, home health, and other services necessary to support the resident.

Residents may arrange for third-party services not available through the assisted living residence through a provider of their choice.

Move-In/Move-Out Requirements Assessment must be done by a registered nurse (RN) within 14 days of move-in. Residents may be discharged if they pose an immediate threat to themselves or others or if their needs cannot be met with available support services and arranged supplemental services. However, if a facility is able to, it may retain residents who need:

- (1) 24-hour on-site nursing care;
- (2) Are bedridden for more than 14 consecutive days;
- (3) Are dependent in four or more activities of daily living;
- (4) Have severe cognitive decline;
- (5) Have Stage III or IV pressure sores; or,
- (6) Have a medically unstable condition.

Resident Assessment There is a required assessment form: Vermont Residential Care Home/Assisted Living Residence Assessment Tool. This tool is not available online.

Medication Management If residents are unable to self-administer medications, they may receive assistance with administration of medications from trained facility staff. If staff are deemed competent by the RN, they may administer "as needed" medications.

Physical Plant Requirements Private resident units must be a minimum of 225 (160 in pre-existing structures) square feet, excluding bathrooms and closet. Each resident unit shall include a private bedroom, private bathroom, living space, kitchen capacity, adequate space for storage, and a lockable door.

The licensing agency may grant variances for pre-existing structures in specified instances.

Residents Allowed Per Room All resident units must be private occupancy unless a resident voluntarily chooses to share the unit.

Bathroom Requirements All resident units must have a private bathroom.

Alzheimer's Unit Requirements None specified.

Staff Training for Alzheimer's Care

None specified.

Staffing Requirements

Staff must have access to the director and/or designee at all times. At least one personal care assistant must be on-site and available 24-hours per day to meet residents' scheduled and unscheduled needs. On-site trained staff must be available in sufficient number to meet the needs of each resident. An RN or licensed practical nurse must be on site as necessary to oversee service plans.

Administrator Education/Training

The director must be at least 21 years of age and have demonstrated experience in a gerontological field.

Staff Education/Training

All staff providing personal care must be at least 18 years of age. All staff must be oriented to the principles and philosophy of assisted living and receive training on an annual basis regarding the provision of services in accordance with the resident-driven values of assisted living. All staff providing personal care must receive training in the provision of personal care activities (e.g., transferring, toileting, infection control, Alzheimer's, and medication assistance and administration). Staff who have any direct care responsibility must have training in communications skills specific to persons with Alzheimer's disease and other types of dementia.

Continuing Education (CE) Requirements

Directors/administrators must complete 20 hours of continuing education per year in courses related to assisted living principles and the philosophy and care of the elderly and disabled individuals. All personal care services staff must receive 24 hours of continuing education in courses related to Alzheimer's disease, medication management and administration, behavioral management, documentation, transfers, infection control, toileting, bathing, etc. A program for approving courses will be set up in 2001.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

Two programs cover assisted living services: The Assistive Community Care Services Program is a Medicaid State Plan service that pays for services below nursing home level of care. Any resident who qualifies for the setting and is enrolled in Medicaid is eligible.

The Enhanced Residential Care program is a 1915c program that is limited to a maximum number of enrollees who meet nursing home level of care and are at priority risk for nursing home placement.

Vermont has applied for an 1115 Medicaid Waiver Program to

replace its existing 1915c programs for the aged and disabled.
The application is pending.

Virginia

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Licensure Term Assisted Living Facilities

Opening Statement New legislation affecting assisted living was signed into law in March 2005. The law includes provisions that:

- (1) Require administrators of most assisted living facilities to be licensed by the Board of Long Term Care Administrators within the Virginia Department of Health Professions;
- (2) Permit the Department of Social Services commissioner to issue an order of summary suspension of a license to operate an assisted living facility in cases of immediate and substantial threat to the health, safety, and welfare of residents;
- (3) Increase civil penalties for a facility out of compliance with licensure requirements; and
- (4) Require medication aids in assisted living facilities to be registered with the Board of Nursing.

The state will develop regulations to implement the new law.

Definition An assisted living facility is a congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance for the maintenance or care of four or more adults who are aged, infirm, or disabled and who are cared for in a primarily residential setting. Facilities may be licensed to provide two levels of care: residential living care and assisted living care, or just residential living care.

Disclosure Items None specified.

Facility Scope of Care Facilities provide residents assistance with activities of daily living, other personal care services, social and recreational activities, and protective supervision. Services are provided to meet the needs of residents, consistent with individualized service plans. Service plans support individuality, personal dignity, and freedom of choice.

Third Party Scope of Care In facilities providing the assisted living level of care, a licensed health care professional must be either directly employed or retained on a contractual basis to provide periodic health care oversight. If skilled nursing treatments are needed by a resident, they must be provided by a licensed nurse employed by the facility or by contractual agreement with a licensed

Move-In/Move-Out Requirements

nurse, a home health agency, or a private duty licensed nurse.

The regulations list several specific criteria for residents who may not be admitted or retained, including, but not limited to, those with:

- (1) Ventilator dependency;
- (2) Some Stage III and all Stage IV dermal ulcers;
- (3) Nasogastric tubes;
- (4) Imminent physical threat or danger to self or others; and
- (5) The need for continuous licensed nursing care.

Resident Assessment

The Uniform Assessment Instrument (UAI) is the department-designated form used to assess all assisted living facility residents. There are two versions of the UAI, one for residents receiving Auxiliary Grants (AGs) and one for private pay residents. Social and financial information that is not relevant because of a resident's payment status is not included on the private pay version. The UAI must be completed prior to admission and updated at least once every 12 months, or more often if needed. The forms are available on the agency Web site.

Medication Management

Medication may be administered by staff licensed to administer medications or by staff who have successfully completed a Board of Nursing-approved medication training program.

Physical Plant Requirements

Private resident bedrooms must be a minimum of 100 square feet if the building was approved for construction or a change in use group on or after February 1, 1996, otherwise a minimum of 80 square feet is required. Shared resident bedrooms must be a minimum of 80 square feet per resident if the building was approved for construction or change in use group on or after February 1, 1996, otherwise a minimum of 60 square feet per resident is required. Other physical plant requirements also apply.

Residents Allowed Per Room

No more than four residents may be in one bedroom.

Bathroom Requirements

On floors where there are resident bathrooms, there must be at least one toilet and one wash basin for every seven persons and at least one bathtub or shower for every 10 persons. When more than seven persons live on a floor, toilets, wash basins, and bathtubs or showers must be in separate rooms for men and women. There are other requirements for bathrooms on floors used by residents where there are no resident bedrooms.

Alzheimer's Unit Requirements

The regulations cover facilities caring for adults with serious cognitive impairments due to a primary psychiatric diagnosis of dementia who cannot recognize danger or protect their own safety and welfare. At least two direct care staff members must be in the special care unit at all times. Doors leading to the outside are required to be monitored or secured. There must be

protective devices on bedroom and bathroom windows and on common area windows that are accessible to residents with dementia. Free access to an indoor walking corridor or other area that may be used for walking must be provided. There are other specific requirements for special care units and who may be in them.

Staff Training for Alzheimer's Care

The administrator and direct care staff must complete four hours of training in cognitive impairments due to dementia within two months of employment. The administrator and direct care staff must also complete at least six more hours of training in caring for residents with cognitive impairment due to dementia within the first year of employment. Topics that must be included in the training are specified. There are annual training requirements for direct care staff and for the administrator.

Staffing Requirements

The facility must have an administrator who is responsible for overseeing its operation. The facility is required to have staff adequate in knowledge, skills, and abilities and sufficient in number to provide services to maintain the physical, mental, and psychosocial well-being of each resident, and to implement the fire plan. There must be a staff member on the premises at all times who has a current first aid certificate issued within the past three years, unless the facility has an on-duty registered nurse or licensed practical nurse. There must also be a staff member on the premises at all times who has certification in CPR issued within the current year. If the assisted living level of care is provided, a licensed health care professional must be on-site at least quarterly to provide health care oversight. There are additional requirements to meet skilled nursing and rehabilitative needs of residents.

Administrator Education/Training

An administrator must be a high school graduate or have a GED, and have at least one year of post-secondary education from an accredited college or institution or administrative or supervisory experience in caring for adults in a group care facility. If the assisted living level of care is provided, the administrator must be a high school graduate or have a GED, and have at least two years of post-secondary education or one year of courses in human services or group care administration from an accredited college or institution or have completed a department approved curriculum. In addition, the administrator is required to have at least one year of experience in caring for adults with mental or physical impairments in a group care facility.

Staff Education/Training

Staff are required to be trained in specified areas to protect the health, safety, and welfare of residents. When the assisted living level of care is provided, direct care staff must be

registered as a certified nurse aide or complete one of the other specified educational curricula.

**Continuing Education
(CE) Requirements**

Administrators must complete 20 hours of continuing education per year in topics related to management or operation of the facility or related to the resident population. Direct care staff must complete at least eight hours annually (for the residential living level of care) or 12 hours annually (for the assisted living level of care) of continuing education relevant to the population in care.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

No Medicaid Home and Community Based Services Waiver at this time.

Washington

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Licensure Term Boarding Home

Opening Statement The Washington State Department of Social and Health Services/ Aging and Disability Services Administration (DSHS/ADSA) is responsible for the licensing and contracting of boarding homes. ADSA has completed a three-year project to review and revise their boarding home regulations. The new regulations became effective September 2004. The licensing regulations are found in chapter 388-78A Washington Administrative Code (WAC). They are online at: <http://www.leg.wa.gov/wac/index.cfm?fuseaction=chapterdigest&chapter=388-78A>

Training requirements for boarding home administrators and staff are found in chapter 388-112 WAC and posted online at: <http://www.leg.wa.gov/WAC/index.cfm?fuseaction=chapterdigest&chapter=388-110>

Long term care resident rights are found in chapter 70.129 Revised Code of Washington and posted online at: <http://www.leg.wa.gov/RCW/index.cfm?fuseaction=chapterdigest&chapter=70.129>

Definition A boarding home is any home or institution, however named, that is advertised, announced, or maintained for the express or implied purpose of providing housing, basic services, and assuming general responsibility for the safety and well-being of the residents, and may also provide domiciliary care for seven or more residents after July 1, 2000. However, a boarding home that is licensed for three to six residents prior to or on July 1, 2000, may maintain its boarding home license as long as it is continually licensed as a boarding home.

Disclosure Items Boarding homes are required to disclose to interested persons on a standardized form the scope of care and services the boarding home offers, including:

- (1) Activities
- (2) Food and diets
- (3) Services related to arranging and coordinating health care services

- (4) Laundry
- (5) Housekeeping
- (6) Level of assistance with activities of daily living (ADLs), including:
 - (a) Bathing
 - (b) Toileting
 - (c) Transferring
 - (d) Personal hygiene
 - (e) Eating
 - (f) Dressing
 - (g) Mobility
- (7) Nursing services
- (8) Medication services
- (9) Services for persons with dementia, mental illness, and developmental disabilities
- (10) Transportation services
- (11) Smoking and pets policies
- (12) Any limitation on end-of-life care
- (13) Payments/charges/costs
- (14) "Bed hold" policy
- (15) Policy on acceptance of Medicaid payments
- (16) Building's fire protection features
- (17) Security services

Facility Scope of Care

Boarding homes must provide:

- (1) Housing;
- (2) Activities;
- (3) Housekeeping;
- (4) Laundry;
- (5) Meals, including nutritious snacks and prescribed general low sodium diets, general diabetic diets, and mechanical soft diets;
- (6) Medication assistance;
- (7) Arranging for health care appointments;
- (8) Coordinating health care services with the boarding home's services;
- (9) Monitoring of residents' functional status; and
- (10) Emergency assistance.

Boarding homes may provide the following optional services:

- (1) Assistance with ADLs;
- (2) Intermittent nursing services;
- (3) Health support services;
- (4) Medication administration;
- (5) Adult day care;
- (6) Care for residents with dementia, mental illness, and developmental disabilities;
- (7) Specialized therapeutic diets; and
- (8) Transportation services.

Third Party Scope of Care The boarding home must allow a resident to arrange to receive on-site care and services from licensed health care practitioner; and licensed home health, hospice, or home care agencies, if the resident chooses to do so. The boarding home may permit the resident to independently arrange for other persons to provide on-site care and services to the resident.

Move-In/Move-Out Requirements

The boarding home may admit and retain an individual as a resident only if:

- (1) The boarding home can safely and appropriately serve the individual with appropriate available staff who provide the scope of care and services described in the boarding home's disclosure information; and make reasonable accommodations for the resident's changing needs;
- (2) The individual does not require the frequent presence and frequent evaluation of a registered nurse, excluding those individuals who are receiving hospice care or individuals who have a short-term illness that is expected to be resolved within 14 days as long as the boarding home has the capacity to meet the individual's identified needs; and
- (3) The individual is ambulatory, unless the boarding home is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents.

Resident Assessment

The boarding home must conduct a preadmission assessment before each prospective resident moves into the boarding home. The preadmission assessment must include specified information, unless the information is unavailable. The boarding home must complete a full assessment addressing more detailed information within 14 days of the resident's move in date.

Medication Management

- (1) All boarding homes must provide medication assistance services (differentiated from medication administration). Medication assistance may be provided by staff other than licensed nurses without nursing supervision.
- (2) Boarding homes have the option to provide medication administration services directly through licensed nurses or through formal nurse delegation.
- (3) Residents may self-administer medications, or the boarding home may permit family members to administer medications to residents.
- (4) Residents have the right to refuse medications.
- (5) A boarding home may alter the form in which medications are administered under certain conditions.
- (6) Residents who are assessed as capable have the right to store their own medications. The boarding home must ensure that residents are protected from gaining access to other residents' medications.
- (7) Nurses may fill medication organizers for residents under

certain conditions.

Physical Plant Requirements

Resident rooms must be a minimum of 80 square feet for a single occupancy room and shared resident units must provide a minimum of 70 square feet per resident. Boarding homes receiving Medicaid funding under an assisted living contract with the state must provide a private room with a kitchen and bathroom, which, in total, must be a minimum of 220 square feet. Boarding homes with other contracts with DSHS/ADSA must meet the licensing requirements for room size.

Residents Allowed Per Room

A maximum of four residents is allowed per resident unit for boarding homes licensed before July 1, 1989. For boarding homes licensed after this date, a maximum of two residents are allowed per unit. Under an assisted living contract with DSHS/ADSA, only one resident per room is allowed.

Bathroom Requirements

One toilet and one sink are required for every eight residents and one bath/shower is required for every 12 residents. A private bathroom is required for all residents served under an assisted living contract with DSHS/ADSA.

Alzheimer's Unit Requirements

Boarding homes must collect additional assessment information for residents who meet screening criteria for having dementia. Additionally, a boarding home that operates a dementia care unit with restricted egress must ensure that residents or a legally authorized representative give consent to living in such units, and:

- (1) Make provision for residents leaving the unit;
- (2) Ensure the unit meets applicable fire codes;
- (3) Make provisions to enable visitors to exit without sounding an alarm; and
- (4) Make provisions for an appropriate secured outdoor area for residents.

Staff Training for Alzheimer's Care

If a boarding home serves residents with dementia, the boarding home must provide specialized training with specific learning outcomes to staff who work with those residents.

Staffing Requirements

The boarding home must have a qualified administrator who is responsible for the overall 24-hour operation of the boarding home. The boarding home must have adequate trained staff to:

- (1) Furnish the services and care needed by each resident consistent with his or her negotiated service agreement,
- (2) Maintain the boarding home free of safety hazards, and
- (3) Implement fire and disaster plans.

Administrator Education/Training

The administrator must be at least 21 years of age and not a resident of the boarding home. One of the following six combinations of education, training and experience qualify a person to be a boarding home administrator:

- (1) The individual was employed as a Washington state boarding home administrator on September 1, 2004, and was "grandfathered" as a qualified administrator;
- (2) The individual holds a current Washington state nursing home administrator license and is in good standing;
- (3) The individual has three years of paid experience providing care to vulnerable adults or managing others who provide such care and has obtained certification for completing a recognized administrator training course or passing an administrator examination from the department or by a department-recognized national accreditation health or personal care organization;
- (4) The individual holds an associate's degree in a related field of study and has either:
 - Obtained certification for completing a recognized administrator training course or of passing an administrator examination, from the department or by a department-recognized national accreditation health or personal care organization; or
 - Two years of paid experience providing care to vulnerable adults or managing others who provide such care; or
 - Completed a qualifying administrator training program supervised by a qualified administrator;
- (5) The individual holds a bachelor's degree in a related field of study and has either:
 - Obtained certification for completing a recognized administrator training course or passing an administrator examination from the department or by a department-recognized national accreditation health or personal care organization; or
 - One year of paid experience providing care to vulnerable adults or managing others who provide such care; or
 - Completed a qualifying administrator training program supervised by a qualified administrator; or
- (6) The individual has five years of paid experience providing care to vulnerable adults or managing others who provide such care.

Additionally, boarding home administrators must meet the training requirements of chapter 388-112 WAC, including continuing education and department training on Washington state statutes and administrative rules related to the operation of a boarding home.

Staff Education/Training

Caregivers must complete an orientation program before having routine interaction with residents. The orientation provides basic introductory information appropriate to the residential care setting and population served. Caregivers must complete a basic training class and demonstrate competency in the core

knowledge and skills that caregivers need in order to provide personal care services effectively and safely. DSHS/ADSA must approve basic training curricula. Caregivers must complete the basic training within 120 days of when they begin to provide hands-on personal care. Until competency in the basic training has been demonstrated, caregivers must have direct supervision when providing hands-on personal care.

Caregivers must complete special needs training whenever the boarding home serves a resident with a developmental disability, dementia, or mental illness. The specialty training provides instruction in caregiving skills that meet the needs of individuals with mental illness, dementia, or developmental disabilities.

Nursing assistants who accept delegated nursing tasks must complete nurse delegation training.

**Continuing Education
(CE) Requirements**

Boarding home administrators (or their designees) and caregivers must complete 10 hours of continuing education each calendar year.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

A Medicaid Home and Community Based Services Waiver covers Assisted Living, Enhanced Adult Residential Care, and Adult Residential Care contracted services in boarding homes that contract with DSHS/ADSA to serve Medicaid clients. Medicaid payments to boarding homes are based on the assessed needs of the residents. Additionally, boarding homes may contract with DSHS/ADSA to provide specialized dementia care.

West Virginia

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Bureau for Public Health, Office of Health Facilities
Licensure and Certification

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Licensure Term	Assisted Living Residences and Residential Care Community
Opening Statement	The regulations for assisted living residences went into effect in September 2003. Regulations for residential care communities were last updated in July 1999.
Definition	<p>An assisted living residence (ALR) is any living facility or place of accommodation in the state, however named, available for four or more residents that is advertised, offered, maintained, or operated by the ownership or management for the express or implied purpose of providing personal assistance, supervision, or both to any residents who are dependent upon the services of others by reason of physical or mental impairment and who may also require nursing care at a level that is not greater than limited and intermittent. A small ALR has a resident capacity of four to 16 residents. A large ALR has a resident capacity of 17 or more.</p> <p>A residential care community (RCC) is any group of 17 or more residential apartments that are part of a larger independent living community that provides personal assistance or supervision on a monthly basis to 17 or more persons who may be dependent upon the services of others by physical or mental impairment or who may require limited or intermittent nursing services or hospice care.</p>
Disclosure Items	None specified.
Facility Scope of Care	The facility may provide assistance with activities of daily living and/or supervision and has the option of providing limited and intermittent nursing services. They may also make arrangements for hospice or a Medicare-certified home health agency.
Third Party Scope of Care	If a resident has individual, one-on-one needs that are not met by the allowable service provision in the facility and the resident has medical coverage or financial means that permit accessing additional services, the facility shall seek to arrange for the provision of these services, which may include intermittent nursing care or hospice care. The provision of

	services must not interfere with the provision of services to other residents.
Move-In/Move-Out Requirements	Residents in need of extensive or ongoing nursing care or with needs that cannot be met by the facility shall not be admitted or retained (they may be retained only if they are dying). The licensee must give the resident 30-day written notice and file a copy of the notice in the resident's record prior to discharge, unless an emergency situation arises that requires the resident's transfer to a hospital or other higher level of care, or if the resident is a danger to self or others.
Resident Assessment	Each resident must have a written, signed, and dated health assessment by a physician or other licensed health care professional authorized under state law to perform this assessment not more than 60 days prior to the resident's admission, or no more than five working days following admission, and at least annually after that. Each resident must have a functional needs assessment completed in writing by a licensed health care professional that is maintained in the resident's medical record. This assessment must include a review of health status and functional, psychosocial, activity, and dietary needs.
Medication Management	Only licensed staff may administer or supervise the self-administration of medication by residents. As of July 1999, Approved Medication Assistive Personnel (for which specific training and testing is required) can administer medications in the facility.
Physical Plant Requirements	Double-occupancy resident units must provide a minimum of 80 square feet per resident. New facilities, construction or renovations, require at least 100 square feet of floor area in a single-occupancy room and 90 square feet of floor area per resident in a double-occupancy room.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	Common toilet, lavatory, and bathing facilities are permitted.
Alzheimer's Unit Requirements	If the facility advertises or promotes a specialized memory loss, dementia or Alzheimer's unit, a separate license must be obtained.
Staff Training for Alzheimer's Care	A minimum of 30 hours of training related to the care of residents with Alzheimer's disease or related dementia is required.
Staffing Requirements	An administrator must be on staff and at least one personal care staff member who can read and write must be present 24 hour hours per day. If nursing services are provided, a

registered nurse must be employed to provide oversight and supervision. Personal care staff-to-resident ratios are dependent on the needs of the residents. One employee who has current first aid training and current CPR training as applicable, must be on duty at all times.

**Administrator
Education/Training**

For RCC and a large ALR, the administrator must be at least 21 years of age and hold an associate's degree or its equivalent in a related field. For a small ALR, the administrator must be 21 years of age and have a high school diploma or GED.

Staff Education/Training

Personal care staff must complete an orientation and annual in-service training sessions.

**Continuing Education
(CE) Requirements**

Administrators must complete at least eight hours per year of continuing education related to the operation and administration of an assisted living residence.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

There is no Medicaid Home and Community Based Services Waiver at this time.

Wisconsin

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Division of Disability and Elder Services, Bureau of
Quality Assurance, Assisted Living Section

Contact Kevin Coughlin **Phone** (608) 243-2367

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Licensure Term Assisted Living Facilities

Opening Statement There are three types of assisted living in Wisconsin: community-based residential facilities (CBRF), adult family homes (AFH), and residential care apartment complexes (RCAC). Assisted living facilities are designed to provide residential environments that enhance independence to the extent possible and are the least restrictive of each resident's freedom. Regulatory oversight is provided by the Bureau of Quality Assurance in the Division of Disability Elder Services and Elder Services. For more information on provider types, see <http://dhfs.wisconsin.gov/bqaconsumer/AssistedLiving/AsLivingIndex.htm>.

Definition CBRF: Provides care, treatment and other services to five or more unrelated adults who need supportive or protective services or supervision because they cannot or do not wish to live independently yet do not need the services of a nursing home or a hospital. CBRFs are limited to those who do not require care above intermediate nursing care or more than three hours of nursing care per week unless there is a waiver approved by the department. CBRFs are categorized by size, the resident's ability to evacuate and disability/condition or status (e.g. advanced age, irreversible dementia, mental illness, developmental disability, alcoholism, physical disability, AIDS). CBRFs provide a living environment that is as homelike as possible and is the least restrictive of each person's freedom and is compatible with the person's need for care and services. Residents are encouraged to move toward functional independence in daily living or to continue functioning independently to the extent possible.

RCAC: Provides each tenant with an independent apartment in a setting that is home-like and residential in character; makes available personal, supportive, and nursing services that are appropriate to the needs, abilities, and preferences of individual tenants; and operates in a manner that protects tenants' rights, respects tenant privacy, enhances tenant self-reliance and

supports tenant autonomy in decision-making, including the right to accept risk. RCACs consist of five or more independent apartments, each of which has an individual, lockable entrance and exit; a kitchen, including a stove; individual bathroom, sleeping, and living areas; and provide residents up to 28 hours per week of personal, supportive, and nursing services.

AFH: Three or four adults not related to the licensee receive care, treatment, or services above the level of room-and-board. No more than seven hours per week of nursing care may be provided. Residents are defined as adults unrelated to the licensee who live and sleep in the home and receive care, treatment, or services in addition to room and board.

Disclosure Items

None specified.

Facility Scope of Care

CBRF: Provides general services, client-specific services, and medication administration and assistance. General services include supervision, information and referral, leisure time activities, transportation, and health monitoring. Client-group-specific services include personal care, activity programming for persons with dementia, independent living skills, communication skills, and up to three hours of nursing care per week (unless hospice is involved).

RCAC: Provides services that are sufficient and qualified to meet the care needs identified in the tenant service agreements, meet unscheduled care needs of its tenants and make emergency services available 24 hours per day. At a minimum, facilities must provide supportive services, including meals, housekeeping, access to medical services, personal services, including assistance with all activities of daily living; and nursing services, including health monitoring and medication administration.

AFH: Provides supportive and personal care services to individuals who are defined as having one or more of the following disabilities, conditions, or statuses: a functional impairment that commonly accompanies advanced age or irreversible dementia such as Alzheimer's disease; a developmental disability; an emotional disturbance or mental illness; alcoholism; a physical disability; pregnant women who need counseling services; a diagnosis of terminal illness; or AIDS.

Third Party Scope of Care

CBRF: May provide or contract for services. Residents may enter into contracts with outside providers as long as the contract agency complies with facility policies and procedures.

RCAC: May contract for the services it is required to provide

Move-In/Move-Out Requirements

and residents may contract for additional services not included in the service agreement, as long as the providers comply with applicable facility policies and procedures.

AFH: A resident may contract with outside agencies to provide services to meet needs that are identified in the assessment and individual service plan.

CBRF: Must ensure that residents of different ages, development levels, or behavior patterns, as identified in their assessment and individual service plans, are compatible. Facilities may not admit persons who are confined to bed, destructive to property or self, or have physical, mental, psychiatric, or social needs that are not compatible with the CBRF client group or with the care, treatment, or services offered by the CBRF. Persons requiring more than three hours of nursing care per week or restraints may be admitted only if the licensing authority is satisfied that granting a waiver will meet the best interests of the resident or potential resident. Residents may not be involuntarily discharged without 30 days' notice and appeal rights.

RCAC: Unless residents are admitted to share an apartment with a competent spouse or other person who has legal responsibility, facilities may not admit persons who have a court determination of incompetence and are subject to guardianship; have an activated power of attorney for health care; or have been found by a physician or psychologist to be incapable of recognizing danger, summoning assistance, expressing need, or making care decisions. Facilities may discharge residents for the following reasons: their needs cannot be met at the facility's level of services; the time required to provide services to the tenant exceeds 28 hours per week; their condition requires the immediate availability of a nurse 24 hours per day; their behavior poses an immediate threat to the health or safety of self or others; they refuse to cooperate in a physical examination; fees have not been paid; or they refuse to enter into a negotiated risk agreement.

AFH: New residents must have a health screening within 90 days prior to admission or within seven days after admission. The facility is required to have a service agreement with each resident that specifies the names of the parties to the agreement; services that will be provided and a description of each; charges for room and board and services and any other fees; a method for paying fees; and conditions for transfer or discharge and how the facility will assist in the relocation. A facility may terminate a resident's placement upon 30-day notice to the resident, the resident's guardian, if any, the

service coordinator, and the placing agency. The 30-day notification is not required for an emergency termination necessary to prevent harm to the resident or other household members.

Resident Assessment

CBRF: Prior to admission, each person is assessed to identify needs and abilities. Based on the assessment, an individualized service plan is developed.

RCAC: A comprehensive assessment is performed with the active participation of the prospective resident prior to admission. Regulations identify components of the assessment but do not specify format.

AFH: Within 30 days of admission a written assessment and individual service plan are completed for each resident. The assessment identifies the person's needs and abilities. Although the assessment is required, the format is developed by each facility.

Medication Management

CBRF: Medication administration and management are performed by licensed nurses or pharmacists unless medications are packaged by unit dose. All direct-care staff and administrative personnel must complete an eight-hour approved medication administration and management course.

RCAC: Medication administration and management must be performed by a nurse or as a delegated task to unlicensed staff, under the supervision of a nurse or pharmacist.

AFH: All prescription medications must be securely stored in the original container. Before a licensee or service provider dispenses or administers medication to a resident, the licensee must obtain a written order from the prescribing physician. The order must specify who by name or position is permitted to administer the medication and under what circumstances the medication is to be administered. Written doctor's orders are kept in the resident's file.

Physical Plant Requirements

CBRF: Facilities must comply with all local building codes, ordinances, and zoning requirements. In addition, CBRFs must comply with HFS 83, Subchapters V, VI, and VII relating to physical environment and safety, structural requirements and additional requirements for facilities with more than 20 residences. The minimum number of beds in a CBRF is five. Minimum sleeping room size is 60 to 100 square feet depending on the license classification (ambulatory, semi-ambulatory or non-ambulatory), existing vs. new construction and single vs. private occupancy. Construction requirements, fire protection, and accessibility are all predicated on the size of the facility an

the class. Ambulating and the ability to be mentally and physically capable of responding to an electronic fire alarm and exiting the facility without assistance or verbal or physical prompting defines class.

RCAC: All resident units must be independent with lockable entrances/exits and provide a minimum of 250 square feet of interior floor space, excluding closets. They must meet building codes required for multi-family dwellings. Multiple occupancy of an independent apartment is limited to a spouse or a roommate chosen at the initiative of the resident.

AFH: Must be located so that residents can easily get to community activities and support services. They are to be safe, clean, and well maintained and provide a home-like environment. The home must be physically accessible to all residents. There must be at least 60 square feet per person in a shared bedroom and 80 square feet in a single occupancy room. For a person in a wheelchair, the bedroom space is 100 square feet.

Residents Allowed Per Room

CBRF: Resident bedrooms in a CBRF constructed after January 1, 1979, can accommodate only two residents.

RCAC: Maximum of two residents is allowed per unit.

AFH: Maximum of two residents is allowed per room.

Bathroom Requirements

CBRF: Small CBRFs (fewer than nine beds) must have at least one bathroom and one toilet or combination for the use of residents that is accessible from public, non-sleeping areas. Each medium-size CBRF (nine to 20 beds) must have at least two separate bathrooms and toilet rooms. Each large CBRF (20 or more beds) must have at least one toilet, sink, and tub or shower for 10 residents.

RCAC: Each apartment must have a bathroom that has floor-to-ceiling walls, a door, a toilet, a sink, and a bathtub or shower.

AFH: There must be at least one bathroom with at least one sink, toilet, shower or tub for every eight household members and towel racks with sufficient space for each household member. The door of each bathroom shall have a lock that can be opened from outside in an emergency. Toilet and bathing facilities used by a resident not able to walk must have enough space to provide a turning radius for a wheelchair. Grab bars must be provided for toilet and bath facilities. If any resident has limited manual dexterity, the home shall have levered handles on all doors.

Alzheimer's Unit Requirements

CBRF: Must identify the client group(s) it can serve. Two categories are persons with functional impairments that commonly accompany advanced age and persons with irreversible dementia such as Alzheimer's. A full description of residents' special needs and how those needs will be met are provided as part of the licensing process. Structured activity programming must be integrated into the daily routines of residents with irreversible dementia.

RCAC: None specified.

AFH: Functional impairments that commonly accompany advanced age and irreversible dementia such as Alzheimer's disease are two "types" of conditions that are served. As part of the licensing process, the proposed AFH must develop a program statement that describes the number and types of individuals the applicant is willing to accept and how the entity will meet the needs of the residents.

Staff Training for Alzheimer's Care

None specified.

Staffing Requirements

CBRF: The ratio of staff to residents must be adequate to meet the needs of residents as defined in their assessments and individual service plans. At least one qualified resident care staff person shall be in the facility when one or more residents are in the facility. Staffing ratios vary based on the residents' ability to evacuate during an emergency and their care needs. There must be awake staff at night in facilities with one or more residents requiring continuous care.

RCAC: Staffing must be adequate to provide all services identified in the residents' service agreements. A designated service manager must be available on short notice.

AFH: The licensee or service provider must have a sufficient number of staff to meet the needs of the residents. Additionally, the licensee or service provider must be present and awake at all times if any resident is in need of continuous care. Residents have the right to prompt and adequate treatment.

Administrator Education/Training

CBRF: Administrators must be 21 years of age, have completed high school or equivalent, have administrative experience or one post-high school course in business management and one year experience working with the client group or one post-high school course related to the needs of the client group. Administrators must have a clean criminal background check. Administrators who have two years of documented experience in their current or similar positions working with the client

groups served by the facility are exempt from training on resident rights, recognizing and responding to challenging behaviors, and client group specific training. The administrator may also be exempt from training in dietary needs, food preparation, and sanitation if the facility has a dietitian on staff or under contract.

RCAC: Service managers must be capable of managing a multi-disciplinary staff.

AFH: Licensee must be at least 21 years of age and be physically, emotionally, and mentally capable of providing care for residents. The licensee shall ensure that the home and its operation comply with all applicable rules, regulations, and statutes. The licensee is responsible for ensuring that staffing meets the needs of all residents. The licensee must have a "clean" criminal background check.

Staff Education/Training

CBRF: Minimum initial training for all resident care staff consists of client-related training, needs assessment of prospective residents, development of service plans, universal precautions, fire safety, first aid, and procedures to alleviate choking. Resident care staff who administer medications must be trained by a registered nurse or pharmacist. Food service care staff receive training in dietary needs, menu planning, food preparation, and sanitation. If the CBRF provides training to its staff, the training content must be approved by the state. Training is required immediately and up to six months depending on the area. In addition, within 30 days of employment, staff must be trained in their specific job duties, general administration, personnel policies, emergency plan and evacuation procedures, and resident rights.

RCAC: Resident care staff must have documented training or experience in the needs and techniques for assisting with activities of daily living; the physical, functional, and psychological characteristics associated with aging; and the purpose and philosophy of assisted living, including respect for tenant privacy, autonomy, and independence. All staff are required to have training in fire safety, first aid, standard precautions, and the facility's policies and procedures relating to tenant rights.

AFH: Service providers must be at least 18 years of age, responsible, mature, and of reputable character and exercise and display the capacity to successfully provide care for three or four unrelated adult residents. The licensee and each service provider must complete 15 hours of training related to the health, safety and welfare of residents, resident rights, and

**Continuing Education
(CE) Requirements**

treatment appropriate to residents including fire safety and first aid. They must have a clean criminal background check.

CBRF: Administrator and resident care staff receive 12 hours annually of relevant continuing education.

RCAC: None specified.

AFH: The licensee and each service provider must complete eight hours of training annually related to the health, safety, welfare, rights, and treatment of residents.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

CBRF: Community Option Program (COP) and COP-Waiver funds may be available, depending on eligibility and waiting lists.

RCAC: Certification is required for a facility to receive Medicaid waiver reimbursement. COP and COP-waiver funds may be available, depending on eligibility and waiting lists.

AFH: COP and COP-waiver funds may be available, depending on eligibility and waiting lists.

Wyoming

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Licensure Term	Assisted Living Facilities
Opening Statement	Regulations have been in effect since October 1994 that renamed and modified the board and care licensure category. If a board and care facility wishes to provide limited skilled nursing services and medication administration, it may be licensed as an assisted living facility.
Definition	Assisted living facilities provide limited nursing care, personal care, and boarding home care, but may not provide rehabilitative care.
Disclosure Items	None specified.
Facility Scope of Care	The facility shall provide: (1) Assistance with transportation; (2) Assistance with obtaining medical, dental, and optometric care; (3) Assistance in adjusting to group activities; (4) Partial assistance with personal care; (5) Limited assistance with dressing; (6) Minor non-sterile dressing changes; (7) Stage I skin care; (8) Infrequent assistance with mobility; (9) Cueing; (10) Limited care to residents with incontinence and catheters (if the resident can care for his/her condition independently); and (11) 24-hour supervision of each resident.
Third Party Scope of Care	The facility may provide or arrange access for barber/beauty services, hospice care, Medicare/Medicaid home health care, and any other services necessary to support the resident.
Move-In/Move-Out Requirements	A resident must be discharged if the facility cannot meet his or her needs with available support services or such services are not available; if the resident fails to pay; or, if the resident has a history of engaging in behavior that imposes an imminent danger to self or others. Wyoming supports the philosophy of "aging in place."
Resident Assessment	There is no required assessment form but each resident must have an assessment upon admission, at least annually and

whenever there is a significant change in the resident's condition.

Medication Management	Residents are permitted to self-medicate or receive medication assistance including, but not limited to, reminders, assistance with removal of cap or medication, and observation.
Physical Plant Requirements	Private resident units must be a minimum of 120 square feet and shared resident units must provide a minimum of 80 square feet per resident.
Residents Allowed Per Room	A maximum of two residents is allowed per resident unit.
Bathroom Requirements	At least one flush toilet and lavatory must be provided for every two residents and at least one tub or shower must be provided for every 10 residents.
Alzheimer's Unit Requirements	None specified.
Staff Training for Alzheimer's Care	None specified.
Staffing Requirements	Staffing must be sufficient to meet the needs of all residents. For facilities with eight or more residents, there must be at least one staff person on duty and awake at all times. The facility must designate a manager who is responsible for the facility and the 24-hour supervision of residents. There must be personnel on duty to maintain order, safety, and cleanliness of the premises; prepare and serve meals; assist the residents with personal needs and recreational activities; and meet the other operational needs of the facility. There must be a registered nurse, licensed practical nurse or certified nursing assistant (CNA) on every shift.
Administrator Education/Training	The manager must be at least 21 years of age; pass an open book test on the state's assisted living licensure and program administration rules; and meet at least one of the following: (1) Be a CNA; (2) Have completed at least 48 or 72 hours of post secondary education in health care, elderly care, health case management, facility management, or other related field from an accredited college or institution; (3) Have at least two years experience working with elderly or disabled individuals; or (4) Demonstrate knowledge, skills, and abilities in the administration and management of an assisted living facility.
Staff Education/Training	None specified.

**Continuing Education
(CE) Requirements**

None specified.

**Entity Approving
CE Program**

None specified.

**Medicaid Policy and
Reimbursement**

There is no Medicaid Home and Community Based Services
Waiver at this time.



A Covenant For Affordable
And Ethical Long Term Care

The National Center For Assisted Living (NCAL) is committed to quality and performance excellence in the assisted living profession and actively supports Quality First, a covenant for healthy, affordable, and ethical long term care, and adherence to its principles and goals. NCAL represents more than 2,100 non-profit and for-profit assisted living residences that are dedicated to professional and compassionate care for the elderly and disabled.