Assisted Living
State Regulatory Review
2013

March 2013

NCAL
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Assisted living is a major long term care option preferred by many individuals and their families because of its emphasis on resident choice, dignity, and privacy. Assisted living communities provide housing, 24-hour staffing, and a growing variety of services including assistance with activities of daily living (ADLs), such as bathing and dressing, and medication administration. Many assisted living communities provide specialized services for people with Alzheimer’s disease and other dementias.

Although many federal laws impact assisted living, oversight of assisted living occurs primarily at the state level. More than two-thirds of the states use the licensure term “assisted living” or a similar term. The second most used term is “residential care.” Other licensure terms include basic care facility, community residence, enriched housing program, home for the aged, personal care home, and shared housing establishment.

In 2012, the federal government continued releasing data from the first nationally representative survey of assisted living/residential care facilities. The study found that in 2010 there were 31,100 facilities with 971,900 licensed beds serving 733,400 residents. The findings reflect how assisted living has evolved over the years to accommodate residents with greater needs. Thirty-seven percent of residents were receiving assistance with three or more ADLs and 42 percent had Alzheimer’s disease or other dementias. Thirty-nine percent of communities provided skilled nursing services by registered nurses or licensed practical nurses and 13 percent of residents received these services. The study also found that 19 percent of residents received Medicaid funding.

State Policy Developments in 2012

Eighteen states reported making regulatory, statutory, or policy changes impacting assisted living/residential care communities from January 2012 through January 2013. At least nine of these states made major changes, including Colorado, Georgia, Michigan, Missouri, New Jersey, New York.


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Ohio, Oregon, and Washington. In 2012, states continued developing new models for surveys, expanding disclosure and reporting requirements, addressing life safety and infection control issues, and allowing increased delegation of medication administration to non-nurse staff.

In 2012, New Jersey and Colorado joined the small but growing number of states with innovative survey approaches, developed in part to help better target resources. New Jersey’s Department of Health (DOH) collaborated with The Health Care Association of New Jersey Foundation to create a voluntary program called Advanced Standing. To receive this distinction, a facility must comply with all applicable regulations as well as submit quality data reaching benchmarks established by a peer review panel. Participating facilities do not receive a routine survey, but any time a facility falls below DOH standards, it can be removed for cause from the program. The state also performs follow-up surveys based on a random sample. In January 2013, Colorado began conducting risk-based re-licensure inspections for assisted living residences (ALRs), initially on a pilot basis. Under the new system, ALRs meeting criteria specified in the law will be eligible for an extended survey cycle. In 2012, Michigan also began using a new renewal inspection system.

After creating an additional level of licensure for assisted living communities a year earlier, Georgia updated rules for personal care homes in January 2013, including new requirements for additional staff training, staffing above minimal standards, and a resident needs assessment upon move-in. Also effective in January 2013, New York adopted rules stating that no adult home with a capacity of 80 residents or greater may admit or retain more than 25 percent census of residents with serious mental illness. Several states made changes to policies and rules for care provided to residents receiving Medicaid services, some to accommodate managed care contracting. In 2012, the state of Washington changed its licensure term to “assisted living facility” from the outdated “boarding home.” Oregon began requiring facilities to adopt policies for the treatment or referral of acute sexual assault victims.

A state-by-state summary of 2012 legislative and regulatory changes and copies of NCAL Assisted Living State Regulatory Review are available on NCAL’s web site at: www.ncal.org.

NCAL publishes this report as a service to its members, consumers, policy makers, researchers, the media, and others. As always, we would like to
thank the many people from state agencies and NCAL state affiliates who provided information for the report and reviewed its contents.

Karl Polzer, NCAL Senior Policy Director
March 2013
This report summarizes regulation of assisted living in each state and the District of Columbia. Information in the report is obtained from state regulatory agencies, state provider associations affiliated with NCAL, and through review of state regulations. Because many states are developing and refining their assisted living rules and guidelines, readers are encouraged to contact the identified state agencies and to obtain copies of the regulations in their entirety if they desire more detailed 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/Email** 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 (or terms) used by the state that most closely fits the general definition of “assisted living.”
- **Opening Statement** includes comments about new or recent assisted living legislation or regulations.
- **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 personal care and nursing services that may be provided by the facility.
- **Third Party Scope of Care** indicates whether third parties, 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.

• **Life Safety** summarizes fire safety requirements and other standards ensuring residents’ physical safety.

• **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 providing 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, and if background checks are required.

• **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 offers Medicaid coverage to pay for services in assisted living.
Licensure Term

Assisted Living Facilities and Specialty Care Assisted Living Facilities

Opening Statement

The regulations were amended most recently in October 2008.

Definition

An assisted living facility provides or offers to provide a residence and personal care to individuals who are in need of assistance with activities of daily living (ADLs). 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 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 abilities and awareness of the need for medical attention or nursing services.

Third Party Scope of Care

Home health services may be provided by a certified home health agency. Hospice care may be provided by a licensed hospice agency.

Move-In/Move-Out Requirements

To be admitted to an assisted living facility, 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
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 on the Physical Self Maintenance Scale 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 a registered nurse (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.

Life Safety

The state of Alabama has two types of licensed assisted living facilities for the elderly: standard assisted living facilities and specialty care assisted living facilities for residents with dementia or Alzheimer's symptoms. Each of these is divided into the three categories of Family (2-3 residents), Group (4-16 residents), and Congregate (17 or more residents). A Family facility is usually set up in an individual's home. The home is reviewed and modified as necessary for compliance with the
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 an 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 on the Physical Self Maintenance Scale 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 assisted living facilities and 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 and personal care staff as needed to provide adequate care and promote orderly operation of the facility.

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 Alabama Board of Examiners of Assisted Living Administrators.

Staff Education/Training

In an assisted living facility, staff having contact with residents including the administrator must have required initial training and refresher training as needed. In a specialty care assisted living facility, each staff member must have initial training in the basics and complete the Dementia Education and Training
Series on dealing with dementia and complete at least six hours of continuing education per year.

| Continuing Education (CE) Requirements | Alabama State Board of Health rules require administrators to complete six hours of continuing education per year. The Alabama Board of Examiners of Assisted Living Administrators requires 12 hours of continuing education for licensed administrators of assisted living facilities, and 18 hours of continuing education for licensed administrators of specialty care assisted living facilities. |
| Entity Approving CE Program | None specified. |
| Medicaid Policy and Reimbursement | There is no Medicaid waiver program at this time. |
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 those services.

Definition
An assisted living home (or 'home') provides a system of care in a homelike environment for elderly persons and persons with mental health, developmental, or physical disabilities who need assistance with activities of daily living (ADLs).

Disclosure Items
None specified.

Facility Scope of Care
Facilities may provide 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 for 45 days or less 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
Facilities must have a residential services contract in place for each resident prior to admission to the facility. 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 involuntarily 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
Resident Allowed Per Room
No more than two residents may be assigned to a bedroom.

Bathroom Requirements
A minimum of one sink, toilet, and shower/bath is required per six residents.

Life Safety
Assisted living homes of all sizes must have a smoke detector in each bedroom and each level of the home. A carbon monoxide detector is required outside of each sleeping area and on each level of the home. Evacuation drills are required quarterly for each employee shift. Homes that provide services to six or more residents must have a fire safety inspection completed every two years and follow the recommendations of that inspection. The height of window sills, size of openable window areas, and emergency exit time requirements with or without a suppression system are specified in regulation. State and municipal fire authorities have adopted International Fire Code Standards. Some municipalities have different requirements for sprinkler systems based on occupancy.

Alzheimer's Unit Requirements
Alaska does not have specific Alzheimer’s unit requirements. The facility must provide a safe environment for residents with Alzheimer's disease. Any home that provides care to residents with cognitive delays or other disabilities is required to have a department-approved delayed exit system or alarm system to alert staff if someone exits the home.

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 and other residents of the home who are not considered an assisted living resident.

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
| **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. |
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  Assisted Living Facility means a residential care institution, including Adult Foster Care, 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  There are three licensed levels of care. "Supervisory Care Services" means general supervision, including daily awareness of resident functioning and continuing needs, the ability to intervene in a crisis, and assistance in the self-administration of medications. "Personal Care Services" means assistance with activities of daily living and includes the coordination or provision of intermittent nursing services and the administration of medications and treatments. A facility licensed to provide Personal Care Services may not accept or retain residents unable to direct their own care. "Directed Care Services" means programs and services provided to persons who are incapable of recognizing danger, summoning assistance, expressing need, or making basic care decisions.

Residents in facilities licensed to provide Personal Care Services or Directed Care Services may not be bed bound, have stage III or IV pressure sores, or require continuous nursing services unless the resident is under the care of a licensed hospice service agency or continuous nursing services are provided by a private duty nurse.

Third Party Scope of Care  Residents in Assisted Living Facilities may also receive nursing services or health-related services from a licensed home health agency, licensed hospice service agency, or private duty nurse.
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

A resident assessment and service plan must be initiated at the time of resident move-in and completed within 14 days of acceptance. The service plan must be updated every three months for direct care, every six months for personal care, and annually for supervisory care. Service plans must be updated, for any resident, with any change of condition.

Medication Management

Medication administration is permitted by licensed nurses. Certified assisted living managers and trained caregivers may also provide medication assistance to residents and may provide medication administration with a physician order and proper training.

Physical Plant Requirements

Facilities must comply with all local building codes, ordinances, fire codes, and zoning requirements. Private resident bedrooms must be a minimum of 80 square feet and shared resident bedrooms must provide a minimum of 60 square feet per resident.

Residents Allowed Per Room

A maximum of two residents is allowed per bedroom.

Bathroom Requirements

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

Life Safety

All facilities must follow either local jurisdiction requirements or state rules, whichever are more stringent. Under state rules, if a center is licensed for personal or directed care services, it must have a fire alarm system installed according to the National Fire Protection Association (NFPA) 72: National Fire Alarm Code (Chapter 3, Section 3-4.1.1(a)), and a sprinkler system installed according to NFPA 13 standards, or have an alternative method to ensure residents’ safety approved by the local jurisdiction and granted an exception by the Department. Fire inspections must be conducted no less than every 36 months by a local fire department or state fire marshal.

State rules for homes require an all-purpose fire extinguisher with a minimum of a 2A-10-BC rating, serviced every 12 months. Smoke detectors are to be installed according to the manufacturer’s instructions in at least the following areas: bedrooms, hallways that adjoin bedrooms, storage and laundry rooms, attached garages, rooms or hallways adjacent to the kitchen, and other places recommended by the manufacturer. Smoke detectors must be in working order and inspected as often as recommended by the manufacturer. Smoke detectors may be battery operated. However, if more than two violations of an inoperative battery-operated smoke detector are cited in a 24-month period, the licensee is subject to ensuring the smoke detector is hard-wired into the electrical system.
Facility staff, including assisted living managers and administrators, (and contractors and registry workers contracted by a facility) providing supervisory, personal, or direct care in the facility must be fingerprinted and maintain a valid fingerprint clearance card. Individuals contracted directly by residents are not required to have a card.

**Alzheimer's Unit Requirements**
Facilities must follow directed care rules.

**Staff Training for Alzheimer's Care**
An overview of Alzheimer's disease and other dementia is required for directed care.

**Staffing Requirements**
The regulations require that sufficient staff must be present at all times to provide services 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 and CPR 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 certified managers: training for all levels of care plus an additional eight hours.

**Continuing Education (CE) Requirements**
All staff must have six hours of annual training 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. They must have an additional two hours for Personal Care Services and an additional four hours for Directed Care Services.

**Entity Approving CE Program**
The Board of Examiners of Nursing Home Administrators and Assisted Living Facility Managers approves CE programs for certified managers.

**Medicaid Policy and Reimbursement**
A Medicaid home and community-based services waiver covers services in assisted living.
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
Assisted living facilities must provide each prospective resident or the prospective resident’s representative with a comprehensive consumer disclosure statement before the prospective resident signs an admission agreement. 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
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.

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).

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
The facility must not admit or retain residents whose needs are greater than the facility is licensed to provide. Level I facilities may not provide services to residents who:
(1) Need 24-hour nursing services except as certified by a
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.

<table>
<thead>
<tr>
<th>Resident Assessment</th>
<th>Each resident must have an initial evaluation completed by the assisted living residence. There is no required standard form.</th>
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<tbody>
<tr>
<td>Medication Management</td>
<td>Level I facility staff must provide assistance to enable residents to self-administer medications.</td>
</tr>
<tr>
<td>Physical Plant Requirements</td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>Residents Allowed Per Room</td>
<td>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.</td>
</tr>
<tr>
<td>Bathroom Requirements</td>
<td>Each apartment or unit must have a separate and complete bathroom with a toilet, bathtub or shower, and sink.</td>
</tr>
<tr>
<td>Life Safety</td>
<td>Each Assisted Living Facility built after these regulations became effective (April 2001 by Act 1230) must meet the requirements adopted by local municipalities based on National</td>
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</table>
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.

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; and Residents' Bill of Rights;  
2. Within 30 calendar days of hire: medication assistance or monitoring; communicable diseases; and 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. |
| **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. |
Licensure Term
Residential Care Facilities for the Elderly

Opening Statement
Legislation enacted in 2012 impacting Residential Care Facilities for the Elderly (RCFEs) includes: Assembly Bill (AB) 40, AB 2066, Senate Bill (SB) 1329, and SB 345. AB 40 requires mandated reporters of elder or dependent adult abuse to report specified incidents of physical abuse directly to the California Department of Social Services (CDSS), law enforcement officials, and the State Ombudsman, utilizing the suspected abuse form (SOC 341). The legislation creates four different reporting standards based upon the reporter’s analysis of the facts, which includes filing a report within specific time frames and to several different entities. (General legislative information may be found at: http://www.leginfo.ca.gov/pub/11-2/bill/asm/ab_0001-0050/ab_40_bill_20120927_chaptered.pdf.)

AB 2066 requires the CDSS to establish a closure date of a RCFE of 60 days after the CDSS order of revocation of a license. The CDSS has the authority to reset the date to one sooner than 60 days after revocation if substantive health and/or safety threats develop. The legislation allows a licensee to contract for the services of an unrelated entity to oversee the daily operations of the facility as an interim 60-day co-licensee, as approved by the CDSS Community Care Licensing Division (CCLD). It provides resident safeguards requiring that the licensee provide refunds of paid pre-admission fees. (General legislative information may be found at: http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_2051-2100/ab_2066_bill_20120927_chaptered.pdf.)

SB 1329 allows RCFEs with 16 or more residents, and other specified entities, to donate unused medication to a prescription drug depository and distribution program providing medication to medically indigent patients free of charge. The bill also expands which pharmacies are eligible to dispense donated medication. (General legislative information may be found at: http://leginfo.ca.gov/pub/11-12/bill/sen/sb_1301-1350/sb_1329_bill_20120928_chaptered.pdf.)

SB 345 aligns, through amendment and repeal, Welfare and Institutions Code Sections related to the Office of the State Long Term Care Ombudsman and its roles and responsibilities to federal law, the Older Americans Act, Title VII, Chapter 2,
Definition

An RCFE is a voluntarily chosen housing arrangement 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. Any resident age 18-59 must have needs compatible with other residents.

Disclosure Items

Prior to accepting a resident, the licensee or designated representative must complete an admission agreement with the resident and his/her responsible party. The admission agreement must include available basic and optional services, service rates, payment provisions, and refund conditions. Written notice must be given to the resident 60 days prior to any basic rate change. For any rate increase due to a change in the resident's level of care, the licensee shall provide the resident and the resident's representative, if any, written notice of the rate increase within two business days after initially providing services at the new level of care. The notice shall include a detailed explanation of the additional services to be provided at the new level of care and an accompanying itemization of the charges. Admission agreements also are required to disclose: a comprehensive description of any items and services provided under a single fee; a description and schedule of all items and services not included in the single fee; a description of any preadmission fee (a licensee cannot require a preadmission fee from a recipient under the State Supplementary Program for the Aged, Blind and Disabled); an explanation of the use of third-party services; a comprehensive description of billing and payment policies and procedures; conditions under which rates may be increased; policy concerning family visits and refunds; and conditions under which the agreement may be terminated. The admission agreement shall include eviction policies and procedures and must state the responsibilities of the licensee and the rights of the resident when a licensee evicts a resident. A new law requires an RCFE's eviction notice to contain language stating that the licensee must file an unlawful detainer action in superior court and receive a written judgment signed by a judge in order to evict a resident who remains in the facility after the effective date of a 30-day or three-day eviction. The admission agreement must include information about the relocation assistance offered by the facility and the facility's closure plan in order to assist residents in the event of a facility closure. Additional disclosures are required if the facility advertises or promotes specialized care, such as care of persons with dementia.

Facility Scope of Care

An RCFE provides care and supervision to its residents, including assistance with activities of daily living (ADLs), observation and reassessment, and, when appropriate, self-
releasing postural supports. Residents with the following conditions or in need of the following incidental medical services may be admitted or retained as long as the applicable statutes and regulations are followed, and those procedures and services requiring a nurse or physical therapist are provided by an appropriately skilled professional: administration of oxygen, catheter care, colostomy/ileostomy care, contractures, diabetes, enemas/suppositories, incontinence, injections, intermittent positive pressure breathing machines, stage I and II dermal ulcers, and wound care. Dementia and hospice care may be provided if statutory and regulatory requirements are met.

**Third Party Scope of Care**

Facility staff, unless an appropriately skilled medical professional acting within his or her scope of practice, are prohibited from providing any care beyond that allowed within the parameters of the RCFE license. However, outside agencies such as those providing home health or hospice services may provide licensed medical services within their scope of practice to residents at the facility. This is restricted to treatment of those conditions allowed in a licensed RCFE setting.

Private paid personal assistants (PPPAs) or caregivers may only provide services other than those the licensee is required to provide. The licensee must provide the basic services and assistance with ADLs, as specified in regulations. PPPAs, who must have a criminal background clearance, can provide services such as companionship or additional baths beyond what the licensee is required to provide. They may assist with the self-administration of medication, but only if the resident’s physician documents that the resident can store and administer his/her own medications.

**Move-In/Move-Out Requirements**

Residents may not be admitted or retained if they have active communicable tuberculosis; require 24-hour skilled nursing or intermediate care; 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. A facility may issue a 30-day notice to a resident for: nonpayment of the rate for basic services within 10 days of due date; failure to comply with state or local law; failure to comply with general facility policies; a need not previously identified if it is determined after a reappraisal that a facility is unable to meet that new need; or if there is a change in the use of the facility. The department may grant a three-day eviction notice if sufficient evidence supports the licensee’s assertion that the resident poses a threat to himself or others.

**Resident Assessment**

Residents must be assessed prior to move in, including an evaluation of functional capacity, mental condition, and social factors. While no standardized form is required, an assessment form is available at www.ccld.ca.gov. The appraisal must be
updated at least once a year or upon significant change in condition. A comprehensive physician report is also considered part of the resident assessment tool and must be updated upon significant change in a resident's condition.

**Medication Management**

Facility staff, unless he/she is an appropriately skilled medical professional acting within his/her scope of practice, may not administer medications to residents, but may assist residents with the self-administration of medications.

**Physical Plant Requirements**

The regulations allow for private or semi-private resident rooms. Resident rooms must be furnished by the licensee or resident and be of sufficient size to allow for mobility of the resident and equipment.

**Residents Allowed Per Room**

A maximum of two residents is allowed per resident bedroom.

**Bathroom Requirements**

Private and shared toilets, bathing, and lavatory facilities are allowed. There must be at least one toilet and washbasin for each six persons, and one bathtub or shower for each 10 persons, including residents, family, and facility-dwelling staff.

**Life Safety**

Prior to licensure, each licensee must secure and maintain an appropriate facility fire clearance approved by the fire authority having jurisdiction. To obtain a fire clearance, the licensee must meet standards established by the State Fire Marshal and the local fire authority having jurisdiction for the protection of life and property against fire. For example, RCFEs licensed for seven or more residents must have sprinklers. (In California, sprinkler systems should meet National Fire Protection Association standards.) All RCFEs must have smoke detectors. In addition, each licensee must have a current, written emergency disaster plan that contains a plan for evacuation, addresses elements of sheltering in place, identifies temporary relocation sites, and details staff assignments in the event of a disaster or an emergency. The emergency disaster plan must be posted prominently in the facility and be available to emergency responders.

**Alzheimer's Unit Requirements**

RCFEs may admit residents who are diagnosed by a physician as having dementia if certain requirements are met, including an annual medical assessment, adequate supervision, enhanced physical plant safety requirements, and an appropriate activity program. Use of egress alert devices, delayed egress, and locked facility doors and perimeters are also allowed if specified additional requirements are met. Delayed egress and locked doors/perimeters require special fire clearances, and are only allowed with prior approval from CCLD. Resident and/or responsible person consent is also required prior for use of delayed egress devices or locked facility doors.

**Staff Training for Alzheimer's Care**

All staff who care for residents with dementia must receive training in dementia care. There are additional training requirements for direct care staff who work in a facility where
Staffing Requirements

Facility personnel must be sufficient at all times to provide the services necessary to meet resident needs. In RCFEs caring for 16 or more residents, there must be awake night staff.

In facilities with dementia residents, there must be an adequate number of direct care staff to support each resident’s physical, social, emotional, safety, and health care needs as identified in his/her current appraisal. In facilities with fewer than 16 residents, there must be at least one night staff person awake and on duty if any resident with dementia is determined through a pre-admission appraisal, reappraisal, or observation to require awake night supervision.

Administrator Education/Training

Administrators must complete a 40-hour initial Certification Training Program from one of the department's approved training vendors and pass a written test. Administrators who possess a valid Nursing Home Administrator license are exempt from completing an approved initial Certification Training Program and taking the related written test, but must complete 12 hours in the core areas of laws and regulations, use and misuse of medication, and resident admission, retention, and assessment procedures. Administrators in facilities with a capacity of 16 or more residents must also have specified levels of college education and experience providing care to the elderly.

Staff Education/Training

All staff must have on-the-job training or related experience in the job assigned to them. Staff who assist residents with personal ADLs must receive at least 10 hours of initial training within the first four weeks of employment and at least four hours annually thereafter. All trainings must be documented and retained in facility files/records. Food service and activity directors in facilities with a capacity of 16 or more must have specified experience and education or training. Staff providing direct care to residents shall receive appropriate training in first aid from persons qualified by such agencies as the American Red Cross. Each RCFE licensee shall provide training in recognizing and reporting elder and dependent adult abuse, as prescribed by the California Department of Justice.

Prior to the admission of a resident with a restricted health condition, the licensee shall ensure that facility staff who will participate in meeting the resident’s specialized care needs complete training provided by a licensed professional to meet those needs. Training shall include hands-on instruction in both general procedures and resident-specific procedures. Staff shall
have knowledge and the ability to recognize and respond to problems and shall contact the physician, appropriately skilled professional, and/or vendor as necessary.

Direct care staff who assist residents with the self-administration of medication in RCFEs, excluding licensed health care professionals, must meet specified medication training requirements. In facilities licensed to provide care for 15 or fewer persons, direct care staff shall complete six hours of initial training, which includes two hours of hands-on shadowing training. In facilities licensed to provide care for 16 or more persons, the employee shall complete 16 hours of initial training, which includes eight hours of hands-on shadowing training. Direct care staff must pass an exam and complete additional training in each succeeding 12-month period. The training material and exam must be developed by or in consultation with a licensed nurse, pharmacist, or physician. Facilities licensed for 16 or more residents are also required to maintain documentation that demonstrates that a consultant pharmacist or nurse has reviewed the facility’s medication program and procedures at least twice a year.

### Continuing Education (CE) Requirements

Administrators must complete 40 hours of continuing education units every two years in areas related to any of the uniform core knowledge areas. These 40 hours must include eight hours in Alzheimer's disease and dementia training. Licensed Nursing Home Administrators with a current license are only required to complete 20 of the 40 hours of continuing education. Per statute and with prior course approval, 20 of the 40 hours of CE may be completed through on-line training.

### Entity Approving CE Program


### Medicaid Policy and Reimbursement

California's Assisted Living Waiver (ALW) was renewed for five years effective March 1, 2009 by the Centers for Medicare & Medicaid Services. The program is in, or scheduled to in, the following counties: Sacramento, San Joaquin, Los Angeles, Sonoma, Fresno, San Bernardino, and Riverside. The ALW enrolls eligible beneficiaries residing in skilled nursing facilities or the community and places them in RCFEs. Additional information may be found at: http://www.dhcs.ca.gov/services/ltc/pages/ALWPP.aspx.
Assisted Living Residence

On Jan. 1, 2013, the Assisted Living Residence (ALR) program began conducting risk-based re-licensure inspections, initially on a pilot basis. Under the new system resulting from passage of HB12-1294 during the 2012 Colorado legislative session, ALRs meeting the following criteria specified in the law will be eligible for an extended survey cycle: licensed for at least three years, and, within that prior three years, having had no enforcement activity, no pattern of deficient practice, and no significant deficiency cited in response to a complaint that negatively affected the life, health, or safety of residents.

The Board of Health is expected to vote in early 2013 on a proposed rule to require disclosure of whether a residence has 24-hour awake staff.

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. Another type of assisted living is a residential treatment facility for the mentally ill, which has received program approval from the Department of Human Services and provides treatment for psychiatric needs for no more than 16 mentally ill individuals not related to the licensee.

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; the onsite availability of first aid certified staff; and the facility policy on CPR and lift assistance.
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. An individual resident also may enter into a contract with an agency for additional services.

Move-In/Move-Out Requirements

Only residents whose needs can be met by the facility within its licensure category shall be admitted. The facility's ability to meet resident needs shall be based upon a comprehensive pre-admission assessment of the resident's physical, health, and social needs; preferences; and capacity for self-care.

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. A facility may keep a resident that becomes bedridden while residing in it if there is documented evidence of the following: an order from a physician describing the services required to meet the resident's health needs (including the frequency of assessment and monitoring by the physician or other licensed medical professionals); ongoing assessment and monitoring by a licensed or certified home health agency or hospice (at least weekly assessment); and adequate staffing by individuals trained in the provision of care to bedridden residents.

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
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. A full bathroom shall consist of at least the following fixtures: a toilet, hand washing sink, toilet paper dispenser, mirror, tub or shower, and towel rack. However, any facility licensed to provide services specifically for the mentally ill prior to January 1, 1992 may have one bathroom for every eight residents until either a substantial remodeling or a change of ownership occurs.

There shall be a bathroom on each floor having resident bedrooms that is accessible without requiring access through an adjacent bedroom. If one or more residents utilizes an auxiliary aid, the facility shall provide at least one full bathroom with fixtures positioned so as to be fully accessible to any resident utilizing an auxiliary aid.

Life Safety

Current life safety-related regulations for Colorado's Assisted Living Residence program became effective May 30, 2004. All new requests for licensure require compliance with the National Fire Protection Association (NFPA) Life Safety Code, 2003 edition, Chapter 32, New Residential Board and Care Occupancies. The chapter addresses both small facilities (16 beds or less) and large facilities (17 beds or more). Automatic sprinklers and smoke detection are required, per the Life Safety Code, in these facilities. Automatic sprinkler systems utilizing antifreeze are not allowed in new facilities.

Existing facilities are required to meet the 2003 Life Safety Code, Chapter 33, Existing Residential Board and Care Occupancies, or NFPA 101A Guide on Alternative Approaches to Life Safety (2004 edition). Requirements for sprinklers, fire alarm systems, and smoke detection systems are dependent upon a facility's level of evacuation capability.

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 secured care, at least one trained staff member must be in the secured unit at all times. |
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Facilities are reimbursed for services on a flat rate based on residents' income.
### Connecticut

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<thead>
<tr>
<th>Agency</th>
<th>Phone</th>
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<tbody>
<tr>
<td>Department of Public Health, Facility Licensing &amp; Investigations Section</td>
<td>(860) 509-7400</td>
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Contact Loan Nguyen Phone (860) 509-7400 E-mail loan.nguyen@ct.gov Web Site www.dph.state.ct.us

#### Licensure Term
Assisted Living Services Agencies

#### Opening Statement
The regulations have been in effect since November 1994 and cover nursing services and assistance with activities of daily living (ADLs) provided to residents by assisted living services agencies within a managed residential community. Physical plant 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. The operators of assisted living services agencies must be licensed. Managed residential communities may contract with assisted living services agencies or home health agencies to make available health services for tenants.

#### 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
Alzheimer's special care units or programs must provide a written disclosure, verified annually, including at a minimum information concerning: philosophy; preadmission, admission and discharge; assessment; care planning and implementation; staffing patterns and training ratios; physical environment; resident's activities; family role in care; and program costs.

#### Facility Scope of Care
Assisted living services agencies may provide nursing services and assistance with ADLs to residents with chronic and stable conditions as determined by a physician or health care practitioner. A managed residential community shall provide or arrange to make available core services including regularly scheduled meals, laundry service, transportation, housekeeping, and other services.

#### Third Party Scope of Care
Services may be provided by through a home health agency or "other appropriate arrangements."

#### Move-In/Move-Out Requirements
There are no set discharge or admission requirements; however, each agency must develop written policies for the discharge of clients. 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.
<table>
<thead>
<tr>
<th><strong>Resident Assessment</strong></th>
<th>There is no standard required resident assessment form. A client service program must be completed by an RN in consultation with the client, family, and others in the care of the client within seven days of admission and reviewed as the client’s condition requires. The service program shall include the client’s problems and needs; types and frequency of services and equipment required; medications, treatments, and other required nursing services; and other items. State law requires a yearly written certification by the resident’s attending physician that the resident’s condition is chronic and stable.</th>
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<tr>
<td><strong>Medication Management</strong></td>
<td>A licensed nurse may administer medications and/or pre-pour medications for clients who are able to self-administer medications. With the approval of the client or his or her representative, an assisted living aide may supervise a client’s self-administration of medications.</td>
</tr>
<tr>
<td><strong>Physical Plant Requirements</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Residents Allowed Per Room</strong></td>
<td>Managed residential communities may not require tenants to share units.</td>
</tr>
<tr>
<td><strong>Bathroom Requirements</strong></td>
<td>Each unit must include a full bath.</td>
</tr>
<tr>
<td><strong>Life Safety</strong></td>
<td>Fire safety is not under the jurisdiction of the state Department of Public Health. Fire safety issues are the purview of local authorities. Managed residential communities must provide the department with evidence of compliance with local building codes and the Connecticut Fire Safety Code and Supplement.</td>
</tr>
<tr>
<td><strong>Alzheimer's Unit Requirements</strong></td>
<td>See Disclosure Items section.</td>
</tr>
<tr>
<td><strong>Staff Training for Alzheimer's Care</strong></td>
<td>All licensed and registered direct care staff in Alzheimer's special care units or programs must receive Alzheimer’s and dementia-specific training annually that includes, but is not limited to: (1) not less than eight hours of dementia-specific training, which shall be completed not later than six months after the date of employment, and not less than eight hours of such training annually thereafter, and (2) annual training of not less than two hours in pain recognition and administration of pain management techniques. In such settings, at least one hour of Alzheimer’s/dementia specific training must be provided to all non-direct care staff within six months of hire.</td>
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<td><strong>Staffing Requirements</strong></td>
<td>The supervisor of assisted living services is responsible for ensuring that there are sufficient numbers of assisted living aides to meet client needs. A managed residential community must employ an on-site service coordinator with specified duties that include ensuring that services are provided to all tenants</td>
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and assisting tenants in making arrangements for their personal needs. In an assisted living services agency serving no more than 30 clients on a daily basis, one individual may serve as both the supervisor of assisted living services and the service coordinator under certain circumstances.

**Administrator Education/Training**

No administrator is required. However, the supervisor of assisted living services must be a registered nurse with a baccalaureate degree in nursing and at least two years experience in nursing, including one year in a home health agency or community health program, or with a diploma/associates degree in nursing with four years clinical experience in nursing including one year in a home health agency or community health program.

**Staff Education/Training**

Service coordinators hired after December 1, 1994 must have specified levels of education and/or experience. All staff must complete a 10-hour orientation program. Assisted living aides must pass a competency exam. Assisted living aides must have successfully completed a training and competency evaluation program as either a certified nurse's aide or home health aide.

**Continuing Education (CE) Requirements**

Assisted living aides must complete six 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

Contact  Mary Peterson

E-mail  Mary.Peterson@state.de.us

Web Site  Under development

Licensure Term  Assisted Living Facilities

Opening Statement  In 2011, the Division of Long Term Care Residents Protection changed the assisted living regulations in order to conform with U.S. Centers for Disease Control and Prevention guidelines for tuberculin testing. Delaware's assisted living facility regulations can be found at: http://regulations.delaware.gov/AdminCode/title16/3000/3225.shtml#TopOfPage.

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 with an exception for a completely covered subcutaneously implanted venous port, provided the assisted living facility meets the following standards:
(a) Facility records must include the type, purpose, and site of the port, the insertion date, and the last date medication was administered or the port flushed.
(b) The facility must document the presence of the port on the Uniform Assessment Instrument, the service plan, interagency referrals, and any facility reports.
(c) The facility shall not permit the provision of care to the port or surrounding area, the administration of medication or the flushing of the port or the surgical removal of the port within the facility by facility staff, physicians, or third party providers.
(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. In addition, assisted living facilities must develop, implement, and adhere to a documented, ongoing quality assurance program that includes an internal monitoring process that tracks performance and measures resident satisfaction. On at least a semi-annual basis, each facility must survey each resident regarding his/her satisfaction with services.
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’ (AWSAM) training course. Facilities must keep records on file for those who have completed the course and must complete and submit an annual AWSAM report on a form provided by the Board of Nursing. 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.

Life Safety

Assisted living facilities must comply with all applicable state and local fire and building codes. Facilities must develop and implement a plan for fire safety and emergencies through staff training and drills and a plan for relocation and/or evacuation and continuous provision of services to residents in the event of permanent or temporary closure of the facility. The evacuation plan must be approved by the fire marshal having jurisdiction and include the evacuation route, which must be conspicuously posted on each floor and in each unit. Facilities are required to orient staff and residents to the emergency plan, conduct fire drills in accordance with state fire prevention regulations, conduct other emergency drills or training sessions on all shifts at least annually, and maintain records identifying residents needing assistance for evacuation.

Specified incidents must be reported within eight hours to the Division of Long Term Care Residents Protection including fire due to any cause, abuse, neglect, mistreatment, financial...
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
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.

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.

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 facility licensed Nursing
Home Administrators. The Delaware Division of Long Term Care Residents Protection approves continuing education courses for Certified Nurse Aides.

**Medicaid Policy and Reimbursement**

A Medicaid home and community-based services waiver covers assisted living services.
Licensure Term

In 2007, the District of Columbia moved from one to two levels of licensure by issuing regulations for Assisted Living Residences (ALRs). ALRs may provide a more intense level of care than Community Residence Facilities (CRFs).


Law 13-127, the "Assisted Living Residence Regulatory Act of 2000," was approved by the District City Council in 2000. After final rulemaking approval was received from the City Council June 8, 2007, the District of Columbia began accepting applications for licensure of ALRs in September 2007.

CRF regulations can be found at: http://www.dcregs.dc.gov/Gateway/ChapterHome.aspx?ChapterNumber=22-B34. ALR regulations can be found at: http://doh.dc.gov/node/187502.

Definition

CRFs 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.

Pursuant to DC Act 13-297, the Assisted Living Residence Regulatory Act of 2000, March 22, 2000, an ALR "means an entity, whether public or private, for profit or not for profit, that combines housing, health, and personalized assistance, in accordance to individually developed service plans, for the support of individuals who are unrelated to the owner or operator of the entity."

The definition of ALR does not include a group home for mentally retarded persons as defined in section 2(5) of the Health-Care and Community Residence Facility, Hospice and Home Care
Licensure Act of 1983, or a mental health community residence facility as that term is used in Chapter 38 of Title 22 of the District of Columbia Municipal Regulations.

<table>
<thead>
<tr>
<th>Disclosure Items</th>
<th>None specified.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility Scope of Care</td>
<td>Both CRFs and ALRs provide 24-hour care and supervision of their residents.</td>
</tr>
<tr>
<td>Third Party Scope of Care</td>
<td>Under certain conditions, ALR residents have the right to arrange directly for medical and personal care with an outside agency.</td>
</tr>
<tr>
<td>Move-In/Move-Out Requirements</td>
<td>CRFs: 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.</td>
</tr>
<tr>
<td></td>
<td>ALRs: Residents may not be admitted who have been assessed as being a danger to themselves or others or exhibit behavior that significantly and negatively impacts the lives of others; who are in need of more than intermittent skilled nursing care; or require treatment of stage III or IV skin ulcers, ventilator services, or treatment for an active, infectious, and reportable disease or a disease or condition that requires more than contact isolation.</td>
</tr>
<tr>
<td>Resident Assessment</td>
<td>CRFs: Each resident’s personal physician must certify that the resident is free of communicable disease and shall provide the community residence facility with a written report, including sufficient information concerning the resident's health to assist the CRF in providing adequate care, including any treatment orders, drugs prescribed, special diets, and a rehabilitation program.</td>
</tr>
<tr>
<td></td>
<td>ALRs: An Individualized Service Plan must be developed prior to admission.</td>
</tr>
<tr>
<td>Medication Management</td>
<td>Residents may store medication in a safe and secure place. Facility staff who are trained as a home health aide or medication aide may assist residents with the self-administration of medication.</td>
</tr>
<tr>
<td>Physical Plant Requirements</td>
<td>The combined total of all community space provided by a CRF shall afford at least 25 square feet of space above the basement per resident.</td>
</tr>
<tr>
<td></td>
<td>An ALR shall provide common areas for social and recreational use totaling at least 35 feet per resident for living, dining, therapy, and recreational activities.</td>
</tr>
<tr>
<td>Residents Allowed Per Room</td>
<td>CRFs: A maximum of four residents is allowed per resident unit.</td>
</tr>
<tr>
<td>Bathroom Requirements</td>
<td>Where the residents of a CRF share a water closet, lavatory, and bathing facilities, at least one lavatory, one water closet, and one bathing facility shall be provided for the use of each six</td>
</tr>
</tbody>
</table>
occupants of the CRF.

An ALR shall insure that there is one full bathroom for every six residents including live-in family or staff. Additional full or half baths shall be available to non-live-in staff.

**Life Safety**

CRFs: Each CRF that has residents in sleeping rooms above the second floor, or which has more than six residents in sleeping rooms above the street floor level, shall provide the following:

1. Access to two separate means of exit for all sleeping rooms above the street level, at least one of which shall consist of an enclosed interior stair, or a horizontal exit, or a fire escape, all arranged to provide a safe path of travel to the outside of the building without traversing any corridor or space exposed to an unprotected vertical opening; or

2. Alternative arrangements or methods which, according to reasonable equivalency criteria and in the opinion of the Mayor, secure safety to life from fire.

Each CRF shall comply with § 914 of the D.C. Building Code (DCMR Title 12).

ALRs: The District of Columbia Building Code requires ALRs to have at least two means of escape from every sleeping room when more than six residents are housed above or below the street floor level. All facilities must be protected throughout by an approved supervised automatic sprinkler system in accordance with specified provisions regardless of the number or arrangements of floors or number of occupants. Approved portable fire extinguishers must be located on each level and an approved smoke detector system must be installed. Every facility must have in effect and available written copies of an approved plan for the protection and evacuation of all persons in the event of a fire.

**Alzheimer's Unit Requirements**

None specified.

**Staff Training for Alzheimer's Care**

ALRs: After the first year of employment, and at least annually thereafter, a staff member shall complete a minimum of 12 hours of training on cognitive impairments approved by a nationally recognized and creditable organization with expertise in Alzheimer's disease and related disorders.

**Staffing Requirements**

CRFs: A residence director must be responsible for the daily overall management of the facility. There must be sufficient number of qualified employees and other adults in each CRF to provide for the welfare, comfort, and safety of residents at all times of the day and night. All persons employed in a CRF shall have a pre-employment medical examination by a licensed physician and shall be certified annually by the examining
physician to be in good health and free of communicable diseases.

ALRs: An ALR shall be supervised by an Assisted Living Administrator who shall be responsible for personnel and services within the facility. The ALR shall employ staff and develop a staffing plan in accordance with the Assisted Living Residence Act to assure the safety and proper care of residents.

CRFs: 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.

ALRs: The Assisted Living Administrator must be at least 21 years of age, and possess at least a high school diploma or general equivalency diploma or have served as an operator or administrator of a licensed CRF in the District of Columbia for at least one of the past three years in addition to other requirements of the Act. An Assisted Living Administrator shall complete 12 hours of training on cognitive impairments annually.

CRFs: None specified.

ALRs: All staff shall be properly trained and be able to demonstrate proficiency in the skills required to effectively meet the requirements of the Act. Staff members must complete 12 hours of in-service training in specified areas on an annual basis.

Not required for CRF or ALR staff members, except for licensed professional staff as per requirements to retain licenses/certifications.

Licensing boards and commissions as applicable for licensed professional staff.

Medicaid funding for assisted living is available under the 1915(c) Waiver for Elderly and Persons with Physical Disabilities. In 2013, the reimbursement rate is $60 per day and is all-inclusive for all covered services.

Consistent with the requirements set forth in §44-106.7, assisted living services consist of any combination of the following services to meet the resident’s needs as outlined in a written individualized service plan: (1) 24-hour supervision and oversight to ensure the well-being and safety of residents; (2) assistance with ADLs and instrumental ADLs to meet the scheduled and unscheduled service needs of the residents; (3) laundry and housekeeping service not provided by the resident, personal care aid, or homemaker aide; (4) facilitating access for a resident to appropriate health and social services, including social work, home health agencies, nursing, rehabilitative, hospice, medical, dental, dietary, counseling, and psychiatric services; and (5) coordinating
scheduled transportation to community-based activities.
### Assisted Living Facilities

**Licensure Term**
Assisted Living Facilities

**Opening Statement**
Policy changes in 2012 include the following:

- Assisted living facilities, hospitals, and nursing homes will be able to provide adult day services at any time during a 24-hour day;
- Several exceptions were made to allow assisted living facilities to use third party referral services and to allow programs that provide rebates for referrals provided by residents;
- Assisted living facilities are now required to notify the agency within 10 days after the initiation of bankruptcy action, foreclosure, or eviction proceedings concerning the provider in which the controlling interest is a petitioner or defendant; and
- The Medicaid Assisted Living Waiver can now enroll disabled adults 18 to 59 years of age.

**Definition**
Assisted living facilities provide housing, meals, 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**
When residents require specified care or services from a third party provider, the facility administrator or designee must take action to assist in facilitating the provision of those services and coordinate with the provider to meet the specific service goals, unless residents decline the assistance.

**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, in some instances, is bedridden for more than seven days. A resident must receive a face-to-face medical exam every three years to
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.

Life Safety

The state fire marshal applies the provisions of the National Fire Protection Association Life Safety Code, NFPA 101, 1994 edition, Chapter 22, for new facilities and Chapter 23 for existing facilities. Any new assisted living facility, regardless of size, that applies for a license must be equipped with an automatic fire sprinkler system. If a licensed facility undergoes major reconstruction or addition to an existing building, the entire facility must be equipped with an automatic fire sprinkler system.

Medication Management

Unlicensed staff may provide hands-on assistance with self-administered medications. In order for an unlicensed staff person to provide assistance with the self-administration of medication, he/she must complete four hours of medication assisting training upon hire and then two hours of medication assisting training annually. This training must include specified topics and be taught by an RN, licensed pharmacist, or department staff. A licensed health care provider’s order is required when a licensed nurse provides assistance with self-administration or administration of medications, including over-the-counter products. Assisted living facilities may not require a resident to have a physician’s order for over-the-counter medication. In addition to core educational requirements, staff must have a minimum of four additional hours of training provided by an RN, licensed pharmacist, or Department of Elder Affairs staff.

Resident Assessment

Within 60 days prior to residents’ admission, but no later than 30 days after admission, residents shall be examined by a physician or advanced registered nurse practitioner who shall provide the administrator with a medical examination report. Medical examinations conducted up to 30 days after a resident’s admission to the facility must be recorded on the Resident Health Assessment form (AHCA Form 1823). For those residents examined 60 days prior to admission, any information required that is not contained in the medical examination report conducted must be obtained by the administrator within 30 days after admission using the AHCA Form 1823.
building must be equipped with an automatic fire sprinkler system. (Major reconstruction of a building means repair or restoration that costs in excess of 50 percent of the value of the building as reported on the tax rolls, excluding land, before reconstruction.) Beginning July 2011, all assisted living facilities with 17 or more beds are required to have an automated defibrillator. Assisted living facilities must designate a “safety liaison” and provide this name to the licensing agency; during an evacuation, this safety liaison must be available by telephone 24/7.

**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. All staff are required to undergo a background screening that includes a national FBI fingerprint check, captured digitally.

**Administrator Education/Training**

Administrators must have a high school diploma or GED. Additionally, administrators and managers must successfully complete the assisted living facility core training requirements within three months from the date of becoming a facility administrator or manager. The required training must be taught by a department-registered, qualified trainer, include at least 26 hours of training, and cover at least the following topics:

1. State law and rules relating to assisted living facilities.
2. Resident rights and identifying and reporting abuse, neglect, and exploitation.
3. Special needs of elderly persons, persons with mental illness, and persons with developmental disabilities and how to meet those needs.
4. Nutrition and food service, including acceptable sanitation practices for preparing, storing, and serving food.
5. Medication management, recordkeeping, and proper techniques for assisting residents with self-administered medication.
6. Fire safety requirements, including fire evacuation drill procedures and other emergency procedures.
7. Care of persons with Alzheimer's disease and related disorders.
Administrators must score at least 75% on a state-proctored competency test to indicate successful completion of the training requirements. The competency test must be developed by the department in conjunction with the agency and providers.

Staff Education/Training

Direct-care staff who have not taken the core training program shall receive a minimum of one hour of in-service training within 30 days of employment. Direct care staff, other than nurses, certified nursing assistants, and home health aides, must receive three hours of in-service training within 30 days of employment. Staff training on the following topics is mandated upon hire and/or annually:

1. Infection control, including universal precaution.
2. Facility sanitation procedures.
3. Reporting major incidents.
4. Reporting adverse incidents.
5. Facility emergency procedures, including chain-of-command and staff roles relating to emergency evacuation.
6. Resident rights.
7. Recognizing and reporting resident abuse, neglect, and exploitation.
8. Resident behavior and needs.
9. Providing assistance with ADLs.
10. Safe food handling practices.
11. The facility’s resident elopement response policies and procedures.
13. CPR and First Aid.

Continuing Education (CE) Requirements

Administrators must complete 12 hours of continuing education every two years on topics related to assisted living. See Staff Education/Training for other staff. Employees providing direct care to persons with Alzheimer's Disease or related disorders must receive four hours of continuing education using state-approved curriculum and a state-certified trainer. 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.
Licensure Term
Personal Care Homes and Assisted Living Communities

Opening Statement
The regulations for Personal Care Homes (PCHs) were updated Jan. 8, 2013 (Chapter 111-8-62). The updated rules include new policy and procedures requirements, additional training for staff, language regarding staffing above minimal standards, and a requirement for a needs assessment upon admission.

Facilities with 25 or more beds can opt for licensure either as a PCH or Assisted Living Community (ALC). While the two levels of licensure have many common requirements, ALC standards vary or are more stringent in a number of areas including disclosure, required services, admission thresholds, resident assessment, medication management, physical plant requirements, staffing, staff training, and fire safety.

Legislation enacted in 2011 and subsequent rules allow the use of unlicensed “proxy caregivers” in licensed facilities. Proxy caregivers are unlicensed persons who have been determined qualified to have the necessary knowledge and skills, acquired through training by a licensed health care professional, to perform “health maintenance activities,” including the administration of medications.

Definition
PCHs provide housing, food services, and one or more personal services, including supervision of self-administered medication; assistance with ambulation and transfers; and assistance with essential activities of daily living (ADLs) such as eating, bathing, grooming, dressing, and toileting.

ALCs provide specialized care and services including personal services, the administration of medications by a certified medication aide, and the provision of assisted self-preservation.

Disclosure Items
For both types of licensure, facilities or programs that advertise, market, or offer to provide specialized care, treatment, or therapeutic activities for one or more persons with a probable diagnosis of Alzheimer's disease or Alzheimer's-related dementia must disclose the form of care, treatment, or therapeutic activities provided beyond that care, treatment, or therapeutic activities provided to persons who do not have a probable diagnosis of Alzheimer's disease or Alzheimer's-related dementia. Disclosure must be made in writing on a standard
Facility Scope of Care
For both PCHs and ALCs, personal services provided must include 24-hour responsibility for the well-being of the residents and facilities must staff according to the needs of the residents. An ALC must provide assisted living care, including protective care and watchful oversight, which meets the needs of the residents it admits and retains.

Third Party Scope of Care
None specified.

Move-In/Move-Out Requirements
PCH 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.

ALC residents’ physical condition must be such that the resident is capable of actively participating in transferring from place to place and must be able to participate in the social and leisure activities provided in the community. The resident cannot require continuous medical or nursing care.

Resident Assessment
PCHs must complete a resident assessment upon admission. A required physician’s report form is available at the agency Web site under Long Term Care Programs, Personal Care Homes. Additional requirements for Specialized Memory Care Units or Homes specify that a physical examination completed within 30 days prior to admission must be provided to the facility and must clearly reflect that the resident has a diagnosis of probable Alzheimer’s disease or other dementia and has symptoms that demonstrate a need for placement in the specialized unit. In addition, there is a post-admission assessment requirement that addresses family supports, ADLs, physical care needs, and behavior impairment.

An ALC must complete an assessment addressing the resident’s care needs. An individual care plan must be developed within 14 days of admission and updated annually or more frequently if the resident’s needs change substantially.

Medication Management
In PCHs, all medications must be self-administered by the...
Physical Plant Requirements

For both PCHs and ALCs, private and shared resident units must provide a minimum of 80 square feet per resident. There are additional physical plant requirements for a specialized memory care unit or home including secured outdoor spaces, high visual contrasts between floors and walls and doorways and walls, individually identified entrances to residents’ rooms, and an effective automated device or system to alert staff to individuals entering or exiting the building in an unauthorized manner.

ALCs must have at least 80 square feet for residents’ private living space. There must be safe access for residents with varying degrees of functional impairments. The community's handrails, doorways, and corridors must accommodate mobility devices.

Residents Allowed Per Room

In PCHs, a maximum of four residents is allowed per resident unit. In specialized memory care units or homes, a maximum of two residents is allowed per room. ALCs can have no more than two residents sharing a bedroom.

Bathroom Requirements

In PCHs, common toilets, lavatories, and bathing facilities are permitted. ALCs are required to have a separate toilet and lavatory for the staff's use.

Life Safety

PCHs licensed for two to six beds must meet all local fire safety ordinances. Facilities licensed for seven or more beds must comply with state fire safety regulations. Sprinkler systems are required in all homes with seven or more beds and in areas where local ordinances require such systems. All personal care homes, regardless of size, must have sufficient smoke detectors that are hard wired into the building’s electrical system with a battery back up. Georgia has adopted the 2000 edition of the National Fire Protection Association (NFPA) 101 Life Safety Code.
### Alzheimer's Unit Requirements

Rules for Specialized Memory Care Units or Homes include requirements concerning disclosure of information; physical design, environment, and safety; staffing and initial staff orientation; initial staff training; special admission requirements for unit placement, post-admission assessment, individual service plans, and therapeutic activities. Facilities that serve residents who have cognitive deficits that may place them at risk for unsafe wandering behavior must have safety devices on doors and current pictures of residents on file, and train staff on elopement procedures.

### Staff Training for Alzheimer's Care

In addition to the requirements for all staff, staff in facilities that serve residents with cognitive deficits must develop and train staff on policies and procedures to deal with residents who may elope from the facility. Staff of a specialized memory care unit or home must also have training on the facility's philosophy of care for residents with dementia, common behavior problems, behavior management techniques, the nature of Alzheimer’s disease and other dementias, communication skills, therapeutic interventions and activities, the role of the family, environmental modifications that create a more therapeutic environment, development of service plans, new developments in diagnosis and therapy, skills for recognizing physical or cognitive changes that warrant medical attention, and skills for maintaining resident safety.

### Staffing Requirements

For both types of licensure, 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 a 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. PCHs and ALCs also must develop and maintain accurate staffing plans that take into account the specific needs of the residents.

### Administrator Education/Training

None specified.

### Staff Education/Training

For both PCHs and ALCs, all persons working in the facility must receive work-related training acceptable to the state Department of Community Health within the first 60 days of employment. Training is required in the following areas for all staff: CPR, first aid, emergency procedures, medical and social needs and characteristics of the resident population, residents' rights, identification of conduct constituting abuse, and general infection control principles. All direct care staff must receive at least 16 hours of training per year. There is a requirement for sitters and/or volunteers to be oriented in the facility's safety
Continuing Education (CE) Requirements

All PCH staff, including the administrator/on-site manager, who offer direct care to the residents must satisfactorily complete at least 16 hours of CE per year. ALC direct care staff must complete a total of at least 24 hours of CE within the first year of employment. Staff providing hands on care in a Specialized Memory Care Unit must have eight hours of training related to dementia care. Beginning with the second year of employment, staff must complete 16 hours of CE.

Entity Approving CE Program

Courses are approved by Department of Community Health, Healthcare Facility Regulation Division staff during routine facility inspections.

Medicaid Policy and Reimbursement

A Medicaid home and community-based services waiver reimburses two models of PCHs. Medicaid reimbursement is not available for ALCs.
Opening Statement
Assisted living facility regulations have been in effect since August 1999 and can be found at: http://gen.doh.hawaii.gov/sites/har/AdmRules1/11-90.pdf. A work group comprised of providers and representatives of the Department of Health (DOH) has developed a philosophy statement and guidelines for disclosure, managed risk, a resident assessment, admission/discharge/transfer, and a resident service plan. Senate Concurrent Resolution 144, Session Laws of Hawaii 2006 charged the Department of Human Services Adult and Community Care Services Branch and the DOH Office of Health Care Assurance to convene a task force of stakeholders to develop a long term care infrastructure plan for Hawaii to ensure public safety while supporting aging in place and to:

1. review current laws and rules for both departments regarding but not limited to structural compliance, quality of care, and quality of life with regard to the elderly;
2. focus on the balance between allowing aging in place and the state’s responsibility to ensure that the safety of residents and their quality of care are not compromised; and
3. attempt to identify inconsistencies, disparities, and nonuniformity in laws and rules at the state and county levels including county building and fire codes, within the context of how they do or do not contribute materially to public policy standards of resident safety and quality of care.

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 work group comprised of providers and the department. The proposed amendments to the Chapter rules address disclosure.

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
<table>
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<tr>
<th>Section</th>
<th>Description</th>
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<tbody>
<tr>
<td>Move-In/Move-Out Requirements</td>
<td>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 imposes 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 work group of providers and the department. The proposed amendments to the Chapter rules address these requirements.</td>
</tr>
<tr>
<td>Resident Assessment</td>
<td>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 work group comprised of providers and the department.</td>
</tr>
<tr>
<td>Medication Management</td>
<td>The facility must have medication management policies related to self-medication and the administration of medication.</td>
</tr>
<tr>
<td>Physical Plant Requirements</td>
<td>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.</td>
</tr>
<tr>
<td>Residents Allowed Per Room</td>
<td>Not specified.</td>
</tr>
<tr>
<td>Bathroom Requirements</td>
<td>Each resident unit shall have a separate bathroom.</td>
</tr>
<tr>
<td>Life Safety</td>
<td>Facilities must meet requirements set forth by county building occupancy and fire codes. The level of compliance for fire rating is determined by both the number of residents occupying a facility and whether residents are ambulatory, self-preserving, or wheelchair bound. All counties are currently adopting International Building Code standards, and county fire authorities are reviewing their respective fire codes in an effort to be consistent.</td>
</tr>
<tr>
<td>Alzheimer's Unit Requirements</td>
<td>None specified.</td>
</tr>
<tr>
<td>Staff Training for Alzheimer's Care</td>
<td>None specified.</td>
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<tr>
<td>Staffing Requirements</td>
<td>Licensed staff shall be available seven days a week.</td>
</tr>
<tr>
<td>Administrator</td>
<td>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 course equivalent is required.</td>
</tr>
<tr>
<td>Education/Training</td>
<td>All facility staff must complete orientation and a minimum of six hours annually of regularly scheduled in-service training.</td>
</tr>
<tr>
<td>Continuing Education (CE) Requirements</td>
<td>None specified.</td>
</tr>
<tr>
<td>Entity Approving CE Program</td>
<td>None specified.</td>
</tr>
<tr>
<td>Medicaid Policy and Reimbursement</td>
<td>A Medicaid home and community-based services waiver covers nursing services in assisted living facilities for residents that are Medicaid eligible.</td>
</tr>
</tbody>
</table>
Licensure Term
Residential Care or Assisted Living Facilities

Opening Statement
Effective July 1, 2011, the state Bureau of Occupational Licenses began requiring experience in an assisted living facility prior to licensure as an administrator. The amount of required experience depends on an applicant’s amount of education. For more information, see: http://www.legislature.idaho.gov/idstat/Title54/T54CH42SECT54-4206.htm.

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

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

(1) The purpose, quantity, and characteristics of available services;
(2) Any restrictions or conditions imposed because of religious or philosophical reasons;
(3) Limitations concerning delivery of routine personal care by persons of the opposite gender; and
(4) Notification of any residents who are on the sexual offender registry and who live in the facility. The registry may be accessed at: http://www.isp.state.id.us/identification/sex_offender/public_access.html.

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

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

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

### Facility Scope of Care

The facility must supervise residents, provide assistance with activities of daily living (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

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

1. A resident who has a gastrostomy tube, arterial-venous shunts, or supra-pubic catheter inserted within the previous 21 days;
2. A resident who is receiving continuous total parenteral nutrition or intravenous therapy;
3. A resident who requires physical restraints, including bed rails (an exception is a chair with locking wheels or chair which the resident can not get out of);
4. A resident who is comatose, except for a resident whose death is imminent who has been assessed by a physician or authorized provider who has determined that death is likely to occur within 14 to 30 days;
5. A resident who is on a mechanically supported breathing system, except for residents who use continuous positive airway pressure;
(6) A resident who has a tracheotomy who is unable to care for the tracheotomy independently;
(7) A resident who is fed by a syringe;
(8) A resident with open, draining wounds for which the drainage cannot be contained;
(9) A resident with a stage III or IV pressure ulcer;
(10) A resident with any type of pressure ulcer or open wound that is not improving bi-weekly;
(11) A resident who has methicillin-resistant staphylococcus aureus in an active stage (infective stage).

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

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

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

**Resident Assessment**

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

**Medication Management**

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

**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 (unless a facility was licensed prior to July 1, 1991, in which case four residents can be housed per room).
**Bathroom Requirements**  
One toilet must be provided for every six residents.

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

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

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

**Staff Training for Alzheimer's Care**  
If the facility admits or retains residents with a diagnosis of dementia, staff must be trained in the following topics: overview of dementia; symptoms and behaviors of people with memory impairment; communication with people with memory impairment; resident’s adjustment to the new living environment; behavior management; ADLs; and stress reduction for facility personnel and resident. If a resident is admitted with a diagnosis of dementia or if a resident acquires this diagnosis, and if staff have not been trained in this area, staff must be trained within 30 calendar days. In the interim, the facility must meet the resident’s needs.

**Staffing Requirements**  
Each facility will be organized and administered under one administrator, unless a variance has been issued allowing the administrator to be over more than one facility. The administrator must be on site sufficiently to provide for safe and adequate care to the residents to meet the terms of negotiated service agreements. The facility’s administrator or his/her designee must be reachable and available at all times and must be available to be on site at the facility within two hours. The administrator must provide supervision for all personnel including contract personnel.

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

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

Administrator Education/Training

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

Staff Education/Training

Staff must have a minimum of 16 hours of job-related orientation training before they are allowed to provide unsupervised personal assistance to residents. Staff who have not completed the orientation training requirements must work under the supervision of a staff member who has completed the orientation training. All orientation training must be completed within one month of hire.

A facility admitting and retaining residents with a diagnosis of dementia, mental illness, developmental disability, or traumatic brain injury must train staff to meet the specialized needs of these residents. See the Staff Training for Alzheimer's Care section for staff training for facilities with residents with a diagnosis of dementia. For mental illness, staff are to be trained in the following areas: overview of mental illness; symptoms and behaviors specific to mental illness; resident’s adjustment to the new living environment; behavior management; communication; integration with rehabilitation services; ADLs; and stress reduction for facility personnel and residents. Development disability staff are to be trained in the following areas: overview of developmental disabilities; interaction and acceptance; promotion of independence; communication; behavior management; assistance with adaptive equipment; integration with rehabilitation services; ADLs; and community integration.
For residents with traumatic brain injury, staff are to be trained in the following areas: overview of traumatic brain injury; symptoms and behaviors specific to traumatic brain injury; adjustment to the new living environment; behavior management; communication; integration with rehabilitation services; ADLs; assistance with adaptive equipment; and stress reduction for facility personnel and residents.

**Continuing Education (CE) Requirements**

Licensed administrators are to receive 12 hours of continuing education each year as approved by the Bureau of Occupational Licenses. Each employee is to receive eight hours of job-related continuing training per year. When a resident is admitted with a diagnosis of dementia, mental illness, developmental disability, or traumatic brain injury, or a resident acquires one of these diagnoses, if staff have not been trained in the appropriate areas, staff must be trained within 30 calendar days. When policies or procedures are added, modified, or deleted, staff are to receive additional training relating to the changes.

**Entity Approving CE Program**

The Board of Examiners of Residential Care Facility Administrators approves courses that are relevant to residential care administration. There is no application process.

**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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<thead>
<tr>
<th>Agency</th>
<th>Department of Public Health, Division of Assisted Living</th>
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<tbody>
<tr>
<td>Contact</td>
<td>Lynda Kovarik, RN</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:Lynda.Kovarik@illinois.gov">Lynda.Kovarik@illinois.gov</a></td>
</tr>
<tr>
<td>Web Site</td>
<td><a href="http://www.idph.state.il.us">www.idph.state.il.us</a></td>
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**Licensure Term**  
Assisted Living/Shared Housing Establishments

**Opening Statement**  
Regulations were adopted in December 2001. As of Dec. 31, 2011, the Illinois Department of Public Health regulated 303 licensed establishments with a total of 13,470 units, which are inspected by Division of Assisted Living surveyors.

**Definition**  
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. This care is available 24-hours per day, if needed, to meet the scheduled and unscheduled needs of a resident.

A shared housing establishment provides community-based residential care for 16 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.

**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.
Residents Allowed Per Room
Assisted living and shared housing units are individual units except in cases in which residents choose to share a unit.

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 and sink for every four residents.

Life Safety

Alzheimer's Unit Requirements
An establishment offering to provide a special program for persons with Alzheimer's disease and related disorders (among other things) must:
1. Disclose specified information to the Department of Public Health and to potential or actual residents;
2. Ensure a representative is designated for each resident;
3. Ensure the continued safety of all residents including, but not limited to, those who may wander and those who may need supervision and assistance during emergency evacuations;
4. Provide coordination of communications with each resident, resident's representative, relatives, and other persons identified in the resident's service plan;
5. Provide in the service plan appropriate cognitive stimulation and activities to maximize functioning;
6. Provide an appropriate number of staff for its resident population. (At least one staff member must be awake and on duty at all times.); and
7. Provide at least 1.4 hours of services per resident per day.
Staff Training for Alzheimer's Care

The manager of an establishment providing Alzheimer's care or the supervisor of an Alzheimer's program must be 21 years of age and have either (1) a college degree with documented course work in dementia care, plus one year of experience working with persons with dementia; or (2) at least two years of management experience with persons with dementia. The manager or supervisor must complete, in addition to other training requirements, six hours of annual continuing education regarding dementia care.

All staff members must receive, in addition to other required training, four hours of dementia-specific orientation prior to assuming job responsibilities without direct supervision within the Alzheimer's/dementia program. Training must cover, at a minimum, the following topics: (1) basic information about the causes, progression, and management of Alzheimer's disease and other related dementia disorders; (2) techniques for creating an environment that minimizes challenging behavior; (3) identifying and alleviating safety risks to residents with Alzheimer's disease; (4) techniques for successful communication with individuals with dementia; and (5) resident rights.

Direct care staff must receive 16 hours of on-the-job supervision and training within the first 16 hours of employment following orientation. Training must cover: (1) encouraging independence in and providing assistance with ADLs; (2) emergency and evacuation procedures specific to the dementia population; (3) techniques for creating an environment that minimizes challenging behaviors; (4) resident rights and choice for persons with dementia, working with families, and caregiver stress; and (5) techniques for successful communication.

Direct care staff must annually complete 12 hours of in-service education regarding Alzheimer's disease and other related dementia disorders. (For more detail, see the Continuing Education Requirements section.)

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.
The manager of an establishment providing Alzheimer's care or supervisor of an Alzheimer's program must complete six hours of annual continuing education regarding dementia care.

Direct care staff must annually complete 12 hours of in-service education regarding Alzheimer's disease and other related dementia disorders. Topics may include: (1) assessing resident capabilities and developing and implementing service plans; (2) promoting resident dignity, independence, individuality, privacy, and choice; (3) planning and facilitating activities appropriate for the dementia resident; (4) communicating with families and other persons interested in the resident; (5) resident rights and principles of self-determination; (6) care of elderly persons with physical, cognitive, behavioral, and social disabilities; (7) medical and social needs of the resident; (8) common psychotropic drugs and side effects; and (9) local community resources.

None specified.

Illinois' Supportive Living Program operates under a 1915(c) Home and Community-Based Services Medicaid waiver and has authority to serve up to 11,500 persons each year. In 2011, there were 133 operating Supportive Living Facilities (SLFs) with a total of about 10,400 apartments and another 30 sites with about 3,400 apartments under development. SLFs are certified and inspected by the Department of Healthcare and Family Services, which administers the state Medicaid program.
Indiana

Agency  Indiana State Department of Health, Division of Long Term Care (ISDH)  Phone  (317) 233-7442
Indiana Division of Aging (DA)  Phone  (888) 673-0002

Contact  Kim Rhoades (ISDH)  Phone  (317) 233-7442
Karen Filler (DA)  Phone  (317) 232-4651

E-mail  krhoades@isdh.in.gov
        karen.filler@fssa.in.gov

Web Site  www.in.gov/isdh/20227.htm
          www.in.gov/fssa/elderly/aging/index.html

Licensure Term  Residential Care Facilities

Opening Statement  Two Indiana agencies have jurisdiction over the services generally described as assisted living. The Indiana State Department of Health (ISDH) regulates the licensure requirements for Residential Care Facilities. The Indiana Family and Social Services Administration (FSSA), through the Division of Aging, maintains a registry of establishments filing disclosures for Housing with Services Establishments. The Housing with Services Establishments Act has been in effect since 1998 and requires any Residential Care Facility or any entity providing assisted living services that does not require licensure to register with the Division of Aging of the FSSA and disclose its name, address, and telephone number. This is not a certification or licensure process, but instead helps the FSSA to learn about the number and types of facilities in Indiana. The Housing with Services Establishments Act also establishes certain requirements for contracts between Housing with Services establishments and residents. The act requires any ISDH-licensed and unlicensed Residential Care Facility to submit an annual disclosure and fees associated with the services they provide. The disclosure for Housing with Services Establishments requires specific contract leasing information between the establishment and the resident. The disclosure is utilized by various social service agencies and companies including, but not limited to, insurance companies and financial institutions.

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. As related to Housing with Services Establishments, a health-related service includes home health services as listed under IC 16-27-1-5(b) and IC 16-27-1-5(c), attendant and personal care services, professional nursing services, and the central storage and distribution of
| 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 must provide the resident or the resident’s representative a copy of the contract between the resident and the facility prior to admission, which must include a statement describing the facility’s licensure status as well as other information. Facilities also must provide each resident with a copy of the annual disclosure document that the facility files with the Division of Aging, pursuant to the Housing with Services Establishments Act. Residential Care Facilities must advise residents, upon admission, of the resident’s rights specified in Indiana law and regulation. Residential Care Facilities that provide specialized care for individuals with Alzheimer's disease or 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 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. A Residential Care Facility that retains appropriate professional staff may provide comprehensive nursing care to residents needing care for a self-limiting condition, notwithstanding the items listed under Move-In/Move-Out Requirements. |
| Third Party Scope of Care | A resident has the right to choose his or her own attending physician and contract for on-site health care services including home health, hospice, and personal care. |
| 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;
(4) is not medically stable; or
(5) 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

While there is no required form, 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. The minimum scope and content of the resident evaluation must include, but is not limited to, (1) the resident's physical, cognitive, and mental status; (2) the resident's independence in ADLs; (3) the resident's weight taken on admission and semi-annually thereafter; and (4) if applicable, the resident's ability to self-administer medications. Following the evaluation, the Residential Care Facility must identify and document the services to be provided and specify the scope, frequency, need, and preference of the resident for such services.

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, such as steadying the resident's hand, 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

For facilities licensed after April 1, 1997, each unit must have a private toilet, lavatory, and tub or shower. Facilities licensed
prior to April 1, 1997 must abide by certain resident to bathtub/shower and resident to toilet/lavatory ratios as set forth in regulation.

**Life Safety**

No life safety code surveys are required for Residential Care Facilities. The state fire marshal's office surveys these facilities for fire safety precautions. Sanitation and safety standards must be in accordance with ISDH Residential Care Facility rules.

**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 and training provided;
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 distinguish the care provided in special care.

This form must be filed with the FSSA Division of Aging annually and made available to anyone seeking information on services for individuals with dementia. Facilities required to submit an Alzheimer's and dementia special care unit disclosure form must designate a qualified director for the special care unit.

**Staff Training for Alzheimer's Care**

Staff who have contact with residents in dementia 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 or a home health aide.

**Administrator Education/Training**

Administrators must have either a nursing facility administrator’s license or a residential care/assisted living facility administrator’s license. Administrators must complete:
1. A baccalaureate or higher degree in any subject from an accredited institution of higher learning; or
2. An associate degree in health care from an accredited institution of higher learning and a specialized course of study in long-term health care administration approved by the Indiana State Board of Health Facility Administrators for nursing facility administrators or a specialized course of study in residential care administration for assisted living administrators; or
3. A specialized course of study in long-term health care administration approved by the Indiana State Board of Health Facility Administrators if obtaining a nursing facility administrator's license. Those obtaining a residential care/assisted living administrator's license must complete a specialized course in residential care administration approved by the Indiana State Board of Health Facility Administrators.
4. A 1,040-hour administrator-in-training program supervised by a board certified preceptor if obtaining a nursing facility administrator's license. Those obtaining a residential care/assisted living administrator's license must complete an 860-hour administrator-in-training program supervised by a board-certified preceptor. A waiver of the educational and six-month administrator-in-training requirements for the nursing facility and residential care/assisted living administrator's license may be granted if the individual qualifies under the Indiana State Board of Health Facility Administrators equivalents.

**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. The facility must maintain complete records of all trainings.

**Continuing Education (CE) Requirements**

Administrators must complete 40 hours of continuing education biannually.
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<thead>
<tr>
<th>Entity Approving</th>
<th>Health Facility Administrators Board</th>
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<tbody>
<tr>
<td>CE Program</td>
<td></td>
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<tr>
<td>Medicaid Policy and</td>
<td>Assisted living services (levels 1-3) are available under the state's Aged and Disabled and Traumatic Brain Injury waivers. All providers of these services must have a Residential Care Facility license from ISDH. Under these waivers, a provider, if licensed before April 8, 2004, must provide at least 160 square feet of livable floor space, a sleeping area, a semiprivate bath or shower, and kitchenette with a refrigerator, food preparation area, and microwave oven. Residents also must have access to a stovetop with oven in a common area. Providers licensed on or after April 8, 2004 must provide at least 220 square feet of livable floor space, a bedroom, a private bath, and a substantial living area. Ten percent of units must have roll-in shower capability and units must be wheelchair accessible.</td>
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<td>Reimbursement</td>
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Assisted Living Programs and Dementia-specific Assisted Living Programs (Programs are certified, which is the equivalent of licensure.)

Under legislation enacted in 2011, Assisted Living Programs that voluntarily cease operation must notify tenants, the state, and the ombudsman at least 90 days prior to cessation of program operations with a plan for transition. The Assisted Living Program is required to hold a meeting with all involved parties seven days following the notice, including the ombudsman and the department. The ombudsman is to assist tenants with transition and provide contact information for other service providers within a 30-mile radius. The department is required to monitor the decertification process. If a decertified Assisted Living Program continues to act as an assisted living, it is subject to criminal penalties.

"Assisted living" means provision of housing with services, which 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. Assisted living requires staff to be available 24 hours a day to meet scheduled and unscheduled or unpredictable needs in a manner that promotes maximum dignity and independence and provides supervision, safety, and security.

Assisted Living Programs must provide a copy of a required written occupancy agreement to the tenant or tenant’s legal representative as well as any subsequent changes. The occupancy agreement must clearly describe the rights and responsibilities of the tenant and the program. The agreement must also include (but is not limited to) the following information:
(1) A description of all fees, charges, and rates describing tenancy and basic services covered, and any additional and optional services and their related costs;
(2) A statement regarding the impact of the fee structure on third-party payments, and whether third-party payments and
resources are accepted by the Assisted Living Program;
(3) The procedure followed for nonpayment of fees;
(4) Identification of the party responsible for payment of fees and identification of the tenant's legal representative, if any;
(5) The term of the occupancy agreement;
(6) A statement that the Assisted Living Program shall notify the tenant or the tenant's legal representative, as applicable, in writing at least 30 days prior to any change being made in the occupancy agreement with the following exceptions:
   (a) When the tenant's health status or behavior constitutes a substantial threat to the health or safety of the tenant, other tenants, or others, including when the tenant refuses to consent to relocation, or
   (b) When an emergency or a significant change in the tenant's condition results in the need for the provision of services that exceed the type or level of services included in the occupancy agreement and the necessary services cannot be safely provided by the Assisted Living Program;
(7) A statement that all tenant information shall be maintained in a confidential manner to the extent required under state and federal law;
(8) Occupancy, involuntary transfer, and transfer criteria and procedures, which ensure a safe and orderly transfer;
(9) The internal appeals process provided relative to an involuntary transfer;
(10) The program's policies and procedures for addressing grievances between the Assisted Living Program and tenants, including grievances relating to transfer and occupancy;
(11) A statement of the prohibition against retaliation as prescribed in section 231C.13;
(12) The emergency response policy;
(13) The staffing policy which specifies if nurse delegation will be used and how staffing will be adapted to meet changing tenant needs;
(14) In Dementia-specific Assisted Living Programs, a description of the services and programming provided to meet the life skills and social activities of tenants;
(15) The refund policy;
(16) A statement regarding billing and payment procedures;
(17) The telephone numbers for filing a complaint with the department, the office of the tenant advocate, and reporting dependent adult abuse;
(18) A copy of the program’s statement on tenants’ rights;
(19) A statement that the tenant landlord law applies to Assisted Living Programs; and
(20) A statement that the program will notify the tenant at least 90 days in advance of any planned program cessation, which includes voluntary decertification, except in cases of emergency.

Occupancy agreements and related documents executed shall be maintained by the Assisted Living Program in program files from
Facility Scope of Care

Programs may provide assistance with up to four activities of daily living (ADLs), and IADLs. In addition, health-related care (by an RN or LPN) may be provided on a part-time or intermittent basis only, not to exceed 28 hours per week.

Third Party Scope of Care

A program may contract for personal care or health-related services. However, the certified assisted living program is accountable for meeting all minimum standards.

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; is in an acute stage of alcoholism, drug addiction, or mental illness; is medically unstable; or requires maximal assistance with ADLs. "Part-time or intermittent" means licensed nursing services and professional therapies that are provided no more than five days per week; or 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.

The state may grant a waiver of the occupancy and retention criteria for an individual tenant on a time-limited basis when it's the choice of the tenant, the program is able to provide staff necessary to meet the tenant's service needs, and it will not jeopardize the health, safety, security, or welfare of the tenant, staff, and other tenants.

Resident Assessment

There are no specific forms required, but the selected forms must be submitted with the application for certification. The assessment must cover functional, cognitive, and health status at specified intervals and upon significant change in condition. Programs must develop individualized service plans at specified intervals.

Medication Management

Tenants self-administer medications or the tenant may delegate the administration to the program. The regulations defer to the Iowa Nurse Practice Act, which allows nurses to delegate medication administration to unlicensed staff.

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 significant change in condition, each tenant receiving
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 one resident may live in a single occupancy apartment. One or two residents may live in a double occupancy apartment. (Apartments are classified as single or double occupancy by square footage.)

Bathroom Requirements

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

Life Safety

All new facilities must be sprinklered. Smoke detection is required. Smoke alarms and smoke detection systems shall comply with National Fire Protection Association (NFPA) 101, 2003 Edition, Chapter 32 (New Board & Care) or Chapter 33 (Existing Board and Care) and NFPA 72, National Fire Alarm Code. Approved smoke alarms shall be installed inside every sleeping room, outside every sleeping area in the immediate vicinity of the bedrooms, and on all levels of the resident unit. Corridors and spaces open to corridors shall be provided with smoke detectors, arranged to initiate an alarm that is audible in all sleeping areas. Sprinkler systems must comply with NFPA 13 or 13R standards.

Building type may determine which type of sprinkler system should be installed. The type of smoke detection required varies depending on whether a facility is new, existing, sprinkled or not.

When the assisted living facility is attached to a health care facility that is certified for Medicaid and Medicare patients, the facility must comply with either Chapter 32 or Chapter 33 of the NFPA 2000 edition of the Life Safety Code.

Alzheimer's Unit Requirements

A program must be designed to meet the needs of tenants with dementia. Service plans must include planned and spontaneous activities based on the tenant’s abilities and personal interests.

An operating alarm system shall be connected to each exit door in a dementia-specific program. A program serving a person with a cognitive disorder or dementia, whether in a general or dementia-specific setting, shall have written procedures regarding alarm systems and appropriate staff response if a tenant with dementia is missing. 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. (Exemptions include that 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 are reduced.)

**Staff Training for Alzheimer's Care**

All personnel employed by or contracting with a dementia-specific program shall receive a minimum of eight hours of dementia-specific education and training within 30 days of either employment or the beginning date of the contract. All personnel employed by or contracting with a dementia-specific program shall receive a minimum of two hours of dementia-specific continuing education annually. Direct-contact personnel shall receive a minimum of eight hours of dementia-specific continuing education annually. Specific topic areas must be covered in the training.

**Staffing Requirements**

Sufficiently trained staff must be available at all times to fully meet tenants' scheduled and unscheduled or unpredictable needs in a manner that promotes maximum dignity and independence and provides supervision, safety, and security. All Assisted Living Programs must be overseen by an RN. 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**

All programs employing a new program manager after January 1, 2010 shall require the manager within six months of hire to complete an assisted living management class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on Assisted Living Programs. Managers who have completed a similar training prior to January 1, 2010 shall not be required to complete additional training to meet this requirement.

All programs employing a new delegating nurse after January 1, 2010 shall require the delegating nurse within six months of hire to complete an assisted living manager class or assisted living nursing class whose curriculum includes at least six hours of training specifically related to Iowa rules and laws on assisted living. A minimum of one delegating nurse from each program must complete the training. If there are multiple delegating nurses and only one delegating nurse completes the training, the delegating nurse who completes the training shall train the other delegating nurses in the Iowa rules and laws on assisted living. As of January 1, 2011, all programs shall have a minimum of one delegating nurse who has completed the training.

**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, eight hours are required 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 (HCBS) waiver covers consumer-directed attendant care services in assisted living programs. The Department of Human Services approves waiver services. The maximum reimbursement for elderly waiver services is $1,300 per month. In addition, the State Supplementary Assistance In-Home Health program provides funding for services in assisted living when the HCBS waiver maximum is met and additional services are needed. |
Licensure Term
Assisted Living Facilities/Residential Health Care Facilities

Opening Statement
Revisions to regulations for assisted living/residential health care facilities and adult care homes went into effect in May of 2009.

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 generally 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 provision of licensed home health agency or 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 services sufficient to meet the needs of the resident: unmanageable incontinence; immobility; total dependence with mobility to exit the building; a condition requiring a two-person transfer; ongoing skilled nursing intervention needed 24 hours per day; and unmanageable behavioral symptoms. The operator or administrator shall ensure that any resident whose clinical condition requires the use of physical restraints is not admitted or retained. 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, 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. A licensed nurse shall assess any
Facilities consist of apartments that 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.

Life Safety

All licensed Residential Health Care and Assisted Living Facilities shall meet the requirements identified in Chapter 33 of National Fire Protection Association (NFPA) 101, Life Safety Code, 2006 edition. Any facility built or remodeled after February 2011 shall meet the requirements identified in Chapter 32 of NFPA 101, Life Safety Code, 2006 edition. All new construction must submit a code footprint from a licensed architect/engineer to the Office of the Kansas State Fire Marshal for approval at least 30 days prior to the start of construction. The code footprint must comply with the NFPA Life Safety Code 101, 2006 edition, and must be approved before construction begins. All construction projects shall be subject to a final on-site approval inspection prior to occupancy. The state fire marshal’s office conducts an annual inspection of any facility that is licensed.

Alzheimer's Unit Requirements

In facilities that admit residents with dementia, in-service education on treatment of behavioral symptoms must be provided. Direct care staff must be present in the special care section at all times.

Medication Management

Facilities can manage their residents' medication or allow residents to engage in the self-administration of medication. Self-administration of medication means the determination by a resident of when to take a medication or biological product and how to apply, inject, inhale, ingest, or take a medication or biological by any other means, without assistance from nursing staff. A licensed nurse must perform an assessment and determine the resident can perform self-administration of medication safely. The assessment must include an evaluation of the resident’s physical, cognitive, and functional ability to safely and accurately self-administer and manage medications independently.

A licensed pharmacist shall conduct a medication regimen review for each resident whose medication is managed by the facility at least quarterly and each time the resident experiences any significant change. Residents who self-administer medications must be offered a medication review conducted by a licensed pharmacist at least quarterly and each time a resident experiences a significant change in condition.
<table>
<thead>
<tr>
<th>Staff Training for Alzheimer's Care</th>
<th>Before assignment to the special care section or facility, each staff member must be provided with a training program related to the specific needs of the residents to be served and evidence of completion of the training is to be maintained in the employee’s personnel records.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing Requirements</td>
<td>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.</td>
</tr>
<tr>
<td>Administrator Education/Training</td>
<td>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.</td>
</tr>
<tr>
<td>Staff Education/Training</td>
<td>Orientation is required for all new employees and regular inservice education regarding the principles of assisted living is required for all employees. All staff must have training pertaining to abuse, neglect, and exploitation, and in disaster and emergency preparedness.</td>
</tr>
<tr>
<td>Continuing Education (CE) Requirements</td>
<td>Administrators must complete 50 hours of continuing education every two years. Operators do not have any continuing education requirements.</td>
</tr>
<tr>
<td>Entity Approving CE Program</td>
<td>None specified.</td>
</tr>
<tr>
<td>Medicaid Policy and Reimbursement</td>
<td>A Medicaid home and community-based services waiver covers services in assisted living facilities that are enrolled as providers and only for residents who meet nursing home level-of-care criteria. Payment for services is based on a resident plan of care.</td>
</tr>
<tr>
<td>Licensure Term</td>
<td>Certified Assisted Living Communities</td>
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<td>------------------------</td>
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<tr>
<td>Opening Statement</td>
<td>Assisted living regulations were revised in September 2010.</td>
</tr>
<tr>
<td>Definition</td>
<td>Assisted living community means a series of living units on the same site certified under KRS 194A.707 to provide services for five or more adult persons not related within the third degree of consanguinity to the owner or manager.</td>
</tr>
<tr>
<td>Disclosure Items</td>
<td>An assisted living community must provide any interested person with: (1) A copy of relevant sections of the statute (KRS 194A.700 to 194A.729) and relevant administrative regulations (910 KAR 1:240), and (2) A 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.</td>
</tr>
<tr>
<td>Facility Scope of Care</td>
<td>Communities must provide assistance with activities of daily living and instrumental activities of daily living; make available three meals and a snack each day and scheduled daily social activities; and provide assistance with self-administration of medication.</td>
</tr>
<tr>
<td>Third Party Scope of Care</td>
<td>Clients 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.</td>
</tr>
<tr>
<td>Move-In/Move-Out Requirements</td>
<td>Clients must be ambulatory or mobile non-ambulatory unless due to a temporary condition 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 move-out notice to find appropriate living arrangements prior to the actual move-out date.</td>
</tr>
<tr>
<td>Resident Assessment</td>
<td>Each assisted living community must complete a functional needs assessment prior to entering into a lease and at least annually. The assessment must be updated to meet the ongoing needs of the client. Clients living on special programming units will have a functional needs assessment completed prior to entering into a lease agreement and at least annually thereafter. The assessment is not a standardized form.</td>
</tr>
</tbody>
</table>
Medication Management  
Medication administration is not permitted. The assisted living community provides assistance with self-administration of medication that is prepared or directed by the client, the client's designated representative, or a licensed health care professional who is not the owner, manager, or employee of the assisted living community.

Physical Plant Requirements  
Private and dual-occupancy resident units, by mutual agreement, must be a minimum of 200 square feet (an exemption may apply). Each unit must have a lockable door, a window to the outdoors, a telephone jack, individual thermostat control (if more than 20 units), a private bathroom with tub or shower (an exemption may apply), and an emergency response system. Access to a central dining area, laundry facility, and central living room is also required.

Residents Allowed Per Room  
A maximum of two clients 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.

Life Safety  
Documentation of compliance with applicable building and life safety codes is required. The following items are reviewed: annual state fire marshal inspections (including sprinkler systems, smoke detectors, fire extinguishers, etc.), health department inspections, elevator inspections, boiler inspections, beauty shop and beautician licenses, food establishment licenses, and certificates of occupancy.

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 must be at least 21 years of age, have at least a high school diploma or a GED, and have 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 needs of the clients. A criminal records check must be applied for from the Kentucky Administrative Offices of the Court within seven days of hire. Certain felons are prohibited from being employed in long term care facilities (KRS 216.789).
Administrator Education/Training
None specified.

Staff Education/Training
All staff and management must receive orientation within 90 days of hire and in-service education annually on topics applicable to their assigned duties. If the assisted living community provides special programming, it must provide consumers a description of dementia-specific staff training provided, including but not limited to 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.

Continuing Education (CE) Requirements
Annual in-service education is required on topics appropriate to employees' assigned duties.

Entity Approving CE Program
None specified.

Medicaid Policy and Reimbursement
Medicaid does not provide services or reimbursement for assisted living clients or communities.
## Louisiana

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Health and Hospitals Health Standards Section</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contact</td>
<td>Christopher Vincent, RN, BSN</td>
</tr>
<tr>
<td>E-mail</td>
<td><a href="mailto:christopher.vincent@la.gov">christopher.vincent@la.gov</a></td>
</tr>
<tr>
<td>Web Site</td>
<td><a href="http://new.dhh.louisiana.gov/index.cfm/directory/detail/702">http://new.dhh.louisiana.gov/index.cfm/directory/detail/702</a></td>
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<tr>
<th>Licensure Term</th>
<th>Adult Residential Care Homes/Facilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opening Statement</td>
<td>In 2010, responsibility for the licensing and regulation of adult residential care homes/facilities was transferred from the Department of Social Services to the Department of Health and Hospitals. Regulations for adult residential care homes/facilities went into effect in March 1999.</td>
</tr>
</tbody>
</table>

| 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 and supervision of self-administered medication. |

| Third Party Scope of Care | Residents may provide or arrange for care in the facility at their own expense that is not available through the facility as long as the resident remains in compliance with the conditions of residency. 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 shall be completed at admission. |

| 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 assistance in 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 shall have a minimum of 250 net square feet of floor space, excluding bathrooms and closets. Living units with separate bedrooms shall have a living area (living/dining/kitchenette) of at least 190 net square feet, excluding bathroom and closets. Each separate bedroom shall have a minimum of 120 net square feet, excluding bathroom and closet or wardrobe space. Bedrooms designed for one individual (120 net square feet) may only be shared with another individual if that individual is a husband/wife/relative or live-in companion and only if both parties agree, in writing. Bedrooms designed for two individuals shall have a minimum of 200 net square feet, excluding bathrooms and closet or wardrobe space. Residents sharing a living unit with a two-person bedroom shall be allowed to choose their roommate. Both individuals shall agree, in writing. |
| Residents Allowed Per Room | A maximum of two residents is allowed per resident unit. Both individuals shall agree in writing to this arrangement. |
| Bathroom Requirements | Facilities shall provide public restrooms of sufficient number and location to serve residents and visitors. Entrance to a bathroom from one bedroom shall not be through another bedroom. Grab bars and non-skid surfacing or stripes shall be installed in all showers and bath areas. |
| Alzheimer's Unit Requirements | If a facility accepts residents with dementia or residents at risk of wandering, an enclosed area shall be provided adjacent to the facility so that the residents may go outside safely. |
| Staff Training for Alzheimer's Care | Staff of adult residential care providers that operate Alzheimer's units or market a facility as providing Alzheimer's/dementia care must have specified training. Staff who provide direct face-to-face care to residents shall be required to obtain at least eight hours of dementia-specific training within 90 days of employment and eight hours of dementias-specific training annually. |
| Staffing Requirements | Facilities shall be staffed to properly safeguard the health, safety, and welfare of the residents. At a minimum, facilities shall have a director, a designated recreational/activity staff person, and a direct care staff person; however, one person may occupy more than one position. |
| Administrator Education/Training | Directors shall be at least 21 years of age. |
| Staff Education/Training | Direct-care workers shall complete in-service training each year in areas relating to the facility's policies and procedures; |
Continuing Education (CE) Requirements

Directors shall 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.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

There is no Medicaid home and community-based services waiver in place at this time.
Licensure Term
Assisted Housing Programs (including Assisted Living Programs and Level I, II, III, and IV Residential Care Facilities)

Opening Statement
Licensed Assisted Housing Programs include Assisted Living Programs and Residential Care Facilities. The licensing regulations were last revised on August 20, 2008.

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. A 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 are required to have a standardized contract for all new admissions and/or modification of an existing contract. The contract outlines the services that are provided and related costs. The facility’s grievance procedure, tenancy obligations (if applicable), admissions policy, and resident rights must be appended to the contract.

Facility Scope of Care
Assisted housing/living services include but are not limited to 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 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; for non-payment; or if the resident becomes a direct threat to the health or safety of others.

Resident Assessment
Residents residing in Level III and IV Residential Care Facilities are required to be assessed within 30 calendar days of admission. Reassessments must be completed annually or more frequently if there is a significant change in the resident’s condition. Residents residing in assisted living programs need to be reassessed at least every six months.
**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 maintaining a medication record for each resident. Certain injections may be administered by trained medication aides.

**Physical Plant Requirements**  
Facilities must be designed to meet the special needs of the population served. Private resident bedrooms must be a minimum of 100 square feet and shared resident bedrooms 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.

**Life Safety**  
Life safety is governed by the state fire marshal’s office. The National Fire Protection Association code is used. Life safety standards are applied depending on the type of facility and how/when it was built or bought.

**Alzheimer's Unit Requirements**  
All facilities with Alzheimer's/dementia care units must offer special weekly activities such as gross motor skills, self-care, and 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. There must also be a Certified Residential Medication Aide on duty at all times.

**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 multi-level administrator's or residential facility administrator license.

**Staff Education/Training**  
For Level IV facilities, Maine requires that direct care staff complete a 50-hour standardized training course called Personal Support Specialist. If staff administer medications, they must complete a 40-hour standardized 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 Minimum Data Set-based case-mix, adjusted pricing system is used for residential care facility residents based on functional abilities and other data collected on residents. |
**Opening Statement**

In 2009, state officials began implementing new regulations for Maryland assisted living programs. Areas of significant regulatory change include staffing, background checks for staff (and owners under certain conditions), professional licensure, licensing fees, disclosure of information, facility availability for inspections, dispute resolution, quality assurance, on-site nursing, resident assessment, training, infection control, and emergency planning.

**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 (ADLs) or instrumental activities of daily living in a way that promotes optimum dignity and independence for the residents.

The new regulations remove two assisted living program definitions from what is not considered an assisted living program: (1) emergency, transitional, and permanent housing arrangements for the homeless, where no assistance with ADLs is provided; and 2) emergency, transitional, and permanent housing arrangements for the victims of domestic violence. They also add the following definition for what is not considered an assisted living program: a Certified Adult Residential Environment Program that is certified by the Department of Human Resources under Article 88A, §140, Annotated Code of Maryland.

**Disclosure Items**

As of January 2007, all assisted living providers are required to complete an Assisted Living Disclosure Form, which must be included in all marketing materials and made available to consumers upon request. The form will be reviewed during facility surveys, and providers are to notify and file an amendment with the Office of Health Care Quality within 30 days of changes in services. Written disclosure also must be made to the Department of Health and Mental Hygiene (DHMH) and consumers by assisted living programs offering Alzheimer's special care units or programs. (See Alzheimer's Unit Requirements.)
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. Under low and moderate levels of care, the new regulations change the phrase that staff must assist "with some but not all ADLs" to "with two or more ADLs."

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. The licensee shall submit a waiver application as soon as program staff determine that the increased level of care of the condition requiring the waiver is likely to exceed 30 days. Waivers to care for residents at the moderate and high levels are limited to 50 percent of the facility's licensed beds. Waivers to exceed the high level are limited to 20 percent of licensed beds or up to 20 beds, whichever is less. The new regulations remove the possibility of obtaining a waiver to provide services, through state agency certification, for HIV/AIDS patients. Facilities are also no longer able to apply for a waiver for residents requiring treatment for an active reportable communicable disease. These limitations to admissions do not apply, however, for a resident being admitted to an assisted living program when the resident is under the care of a general hospice care program licensed by DHMH that ensures delivery of one or more of the services through the hospice program's plan of care.

If, at any time, a licensee wants to provide a higher level of care than that for which it is licensed, the licensee shall request authority from the department to change its licensure authority.

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 III or IV 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
Medication Management

The new regulations state that the assisted living manager and all staff who administer medications must have completed the medication administration course taught by a registered nurse who is approved by the Board of Nursing. (The new regulations remove previous provisions related to the medication training program.)

The regulations also add the requirement that an assisted living manager must arrange for a licensed pharmacist to conduct an on-site review of physician prescriptions, orders, and resident

Resident Assessment

The new regulations add a section on assessments that requires a resident’s service plan to be based on assessments of his/her health, function, and psychosocial status using the Resident Assessment Tool. A full assessment must be completed within 48 hours but not later than required by the nurse practice act. A full assessment is required after a significant change of condition and each non-routine hospitalization. (A "significant change of condition" has been changed from "significant change.")

"Significant change of condition" means: a resident has demonstrated major changes in status that are not self-limiting or which cannot be resolved within 30 days; a change in one or more areas of the resident’s health condition that could demonstrate an improvement or decline in the resident’s status; and the need for interdisciplinary review or revision to the service plan. A significant change of condition does not include any ordinary, day-to-day fluctuations in health status, function, or behavior, or an acute short-term illness such as a cold, unless these fluctuations continue to recur.

When the delegating nurse determines in the nurse’s clinical judgment that the resident does not require a full assessment within 48 hours, the delegating nurse shall: (1) document the determination and the reasons for the determination in the resident's record; and (2) ensure that a full assessment of the resident is conducted within seven calendar days. A review of the assessment shall be conducted every six months for residents who do not have a change in condition. Further evaluation by a health care practitioner is required and changes shall be made to the resident's service plan, if there is a score change in any of the following areas: (1) cognitive and behavioral status; (2) ability to self-administer medications; and (3) behaviors and communication. If the resident's previous assessment did not indicate the need for awake overnight staff, each full assessment or review of the full assessment shall include documentation as to whether awake overnight staff is required due to a change in the resident's condition.

Medication Management

The new regulations state that the assisted living manager and all staff who administer medications must have completed the medication administration course taught by a registered nurse who is approved by the Board of Nursing. (The new regulations remove previous provisions related to the medication training program.)

The regulations also add the requirement that an assisted living manager must arrange for a licensed pharmacist to conduct an on-site review of physician prescriptions, orders, and resident
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 for existing facilities that have previously had this waived.

Bathroom Requirements

Toilets with latching hardware must be provided to residents for privacy. 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 to four occupants on each floor where a resident is located. There must be a minimum of one bathtub or shower for every eight residents.

Life Safety

Facilities must abide by the National Fire Protection Association Life Safety Code 101 and must have hand extinguishers and an emergency plan known to all staff. Smoke detectors must be installed in all sleeping rooms, on each level of the dwelling including basements, and outside of each sleeping area, in the immediate vicinity of the sleeping rooms. The plan for fire evacuation must be posted on all floors. Fire drills must be conducted quarterly on every shift and documented. A disaster drill must be conducted and written up annually. Table-top drills are acceptable if it can be shown that actually performing the drill would unduly risk the health and safety of participants.

The new regulations require emergency preparedness plans to address the evacuation, transportation, or shelter in place of residents; notification to families, staff, and the Office of Health Care Quality regarding the action that will be taken concerning the safety and well-being of the residents; staff coverage, organization, and assignment of responsibilities; and the continuity of operation, including procuring essential goods, equipment, and services, and relocation to alternative facilities (methods of transportation must be identified but need not be guaranteed).

Assisted living programs providing services to 50 or more individuals must have on premises an emergency back-up generator in working condition and capable of running for 48 hours. Exemptions are allowed for facilities that can
Alzheimer's Unit Requirements

An assisted living program with an Alzheimer's special care unit or program is required to send DHMH a written description of the special care unit or program at the time of initial licensure, and upon license renewal, the program must submit a written description of any changes that have been made. Facilities are currently required to submit an Alzheimer’s Disclosure Statement if they have a specific unit or the entire facility cares for only Alzheimer’s residents. Specific information must be disclosed to the family or party responsible for any resident prior to admission or to any person on request. The description of the Alzheimer’s special care unit or program shall include a statement of philosophy or mission; staff training and staff job titles; any services, training, or other procedures that are over and above those that are provided in the existing assisted living program; and any other information that the department may require. The department, in consultation with the Alzheimer’s Association, the Health Facilities Association of Maryland, and Lifespan, may adopt regulations governing the submission of disclosure materials to the department and to consumers. DHMH is also allowed to restrict admission or close the operation of a special care unit if it determines that the health or safety of residents is at risk.

Staffing Requirements

A staffing plan must be submitted to DHMH which demonstrates that there will be on-site staff sufficient in number and qualifications to meet the 24-hour scheduled and unscheduled needs of the residents. When a resident is in the facility, a staff member shall be present. An alternate assisted living manager or other qualified staff shall be present when the assisted living manager is unavailable.

Staff Training for Alzheimer's Care

A minimum of five hours of training on cognitive impairment and mental illness is required within the first 90 days of employment. Training shall be designed to meet the specific needs of the program’s population as determined by the assisted living manager.

At least two hours of ongoing training must be provided annually for those involved with the provision of personal care. For those not involved with the provision of personal care, at least one hour of training per year is required.

Training can be provided through classroom instruction, in-service training, internet courses, correspondence courses, pre-recorded training, or other training methods. If there is no direct interaction between the faculty and the participant, the assisted living program must make a trained individual available to trainees.
An assisted living program shall provide awake overnight staff when a resident's assessment using the Resident Assessment Tool indicates that awake overnight staff is required. If a physician or assessing nurse, in his/her clinical judgment, does not believe that a resident requires awake overnight staff, the physician or assessing nurse shall document the reasons in the area provided in the Resident Assessment Tool which shall be retained in the resident's record.

Upon the written recommendation of the resident's physician or assessing nurse, the assisted living program may apply to the department for a waiver to use an electronic monitoring system instead of awake overnight staff.

An assisted living program shall have a signed agreement with an RN for services of a delegating nurse and delegation of nursing tasks. If the delegating nurse is an employee of the assisted living program, the employee's job description may satisfy this requirement. The delegating nurse's duties are described in the regulations.

An assisted living program shall provide on-site nursing when a delegating nurse or physician, based upon the needs of a resident, issues a nursing or clinical order for that service. If an assisted living manager determines that a nursing or clinical order should not or cannot be implemented, the manager, delegating nurse, and resident's physician shall discuss any alternatives that could safely address the resident's needs. The assisted living manager shall document in the resident's record this discussion and all individuals who participated in the discussion.

**Administrator Education/Training**

The assisted living manager must be at least 21 years of age and possess a high school diploma or equivalent and have sufficient skills, training, and experience to serve the residents in a manner that is consistent with the philosophy of assisted living (delineated in regulation). For a level 3 program, an assisted living manager must have a four-year, college-level degree; two years experience in a health care related field and one year of experience as an assisted living program manager or alternate assisted living manager; or two years experience in a health care related field and successful completion of the 80-hour assisted living manager training program. The 80-hour training program must be approved by the Office of Health Care Quality and cover required content on aging, cognitive impairment, and dementias.

**Staff Education/Training**

Staff other than the manager and alternate manager must be at least 18 years of age unless licensed as a nurse or the age requirement is waived by the Department. Staff whose duties include personal care must complete a state-approved, five hours of training on cognitive impairment and mental illness within
the first 90 days of employment. Staff whose job duties do not involve the provision of personal care services shall receive a minimum of two hours of training on cognitive impairment and mental illness within the first 90 days of employment.

Staff shall demonstrate competence to the delegating nurse before performing personal care services and may work for seven days before demonstrating such competency to provide personal care services if the employee is performing tasks accompanied by a certified nursing assistant, a geriatric nursing assistant, or an individual who has been approved by the delegating nurse.

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<th>An assisted living manager shall complete 20 hours of DHMH-approved continuing education every two years.</th>
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<td>A Medicaid home and community-based services waiver and a state-funded program cover services in assisted living. Participants must be assessed to be level II or III and must be 50 years old or older. They must be provided with 24-hour supervision, and facilities must employ a delegating nurse (a registered nurse) to visit every 45 days.</td>
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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 and in September 2006.

Regulatory changes in 2006 include added disclosure requirements and creation of Special Care Residence certification for facilities caring for residents with special needs including those with Alzheimer’s disease. Also, facilities must have a quality improvement and assurance program, create a comprehensive emergency plan for each resident, and implement communicable disease control plans. Facilities also must provide specified aggregate information about residents to Elder Affairs.

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: Before execution of a residency agreement or transfer of any money, sponsors shall deliver a disclosure statement to prospective residents and their legal representatives. The statement shall include:

1. The number and type of certified units;
2. Current staffing and how staffing is determined;
3. Notification of resident rights required by the state;
4. If applicable, explanation of eligibility requirements for any subsidy programs, including costs for which the resident would be responsible;
5. The residence's policy regarding self-administered medication management and limited medication administration;
6. A resident grievance procedure, including the right to contact the state Assisted Living Ombudsman at any time;
7. Reasonable rules for the conduct and behavior of staff, management, and the resident;
8. The cost, payment terms, services offered, services not offered, shared risks, and other important terms of the agreement;
9. An explanation of any limitations on the services the residence will provide, including any limitations on specific ADLs and on behavioral management;
10. Explanation of the role of the nurse(s);
11. Explanation of the entry criteria and the process used for resident assessment;
(12) The number of staff qualified to administer CPR and the policy on CPR administration;
(13) Explanation of the process of termination of the residency agreement;
(14) Explanation of the physical design features, including any Special Care Residence;
(15) Illustrative sample and explanation of the service plan;
(16) Explanation of types of diets available;
(17) A list of enrichment activities;
(18) Explanation of the security policy for the physical facility;
(19) A copy of the instructions for residents in the disaster and emergency preparedness plan;
(20) Policy and procedures, if any, regarding inclusion of family members in meetings and planning; and
(21) If there is a Special Care Residence, a statement of its philosophy and mission.

In addition, facilities must provide aggregate information about residents to Elder Affairs including their age; the number needing medication assistance; the average and range of residents’ needs for help with ADLs; the number that participate in the subsidy program; census; and number of tenancies concluded and why.

**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. (Note: The state attorney general has stated that this section of the statute violates the Americans with Disabilities Act and, therefore, Elder Affairs does not enforce this.)

**Resident Assessment**

The resident record must include a resident assessment, including the resident’s diagnoses, current medications (including dosage, route, and frequency), allergies, dietary needs, need for assistance in emergency situations, history of psychosocial issues, level of personal care needs, and ability to manage medication. Elder Affairs does not require a standardized form to be utilized for the assessment.
Every facility must have a quality improvement and assurance program.

**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.

**Life Safety**

Massachusetts does not have any specific life safety code requirements for Assisted Living Residences. Rather, the regulations state that they must “meet the requirements of all applicable federal and state laws and regulations including, but not limited to, the state sanitary codes, state building and fire safety codes, and laws and regulations governing use and access by persons with disabilities.”

Each resident must have his/her own comprehensive emergency plan to meet potential disasters/emergencies. Facilities must implement communicable disease control plans.

**Alzheimer's Unit Requirements**

A residence may designate a distinct part or the entire facility as a Special Care Residence to address the specialized needs of individuals, including those who may need assistance in directing their own care due to cognitive or other impairments. There are additional requirements, including policies and procedures and staff training, necessary for certification as a Special Care Residence.

**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 two hours per year of training on dementia/cognitive
### 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 be qualified by training and experience. All staff and contracted providers who will have 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. Additional hours are required for certain staff positions and also for employees in a Special Care Residence.

### Entity Approving CE Program
None specified.

### Medicaid Policy and Reimbursement
The Medicaid state plan covers personal care services.
Licensure Term
Home for the Aged; Adult Foster Care

Opening Statement
Beginning Oct. 1, 2012, the Homes for the Aged (HFA) and Adult Foster Care (AFC) licensing division moved to a new renewal inspection model. (For more information, see: http://www.michigan.gov/documents/dhs/BCALPUB-339_403035_7.pdf.)

It is recommended that the full text of the statutory and administrative rule requirements for HFA and AFC facilities be accessed at: http://www.michigan.gov/afchfa under the "Requirements" section. The relevant statutory and administrative rule requirements are contained in the following:


PA 218 of 1979, as amended, The Adult Foster Care Facility Licensing Act; R 400.1401-400.1441 for Adult Foster Care Family Homes; 400.14101-400.14601, 400.2231-400.2246 for Adult Foster Care Small Group Homes; 400.15101-400.15412 for Adult Foster Care Large Group Homes; and 400.2101-400.2122, 400.2401-400.2475, and 400.2501-400.2567 for Adult Foster Care Congregate Facilities.

Definition
An 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.

AFC homes are residential settings that provide personal care, supervision, and protection, in addition to room and board to 20 or fewer unrelated persons who are aged, mentally ill, developmentally disabled, or physically disabled for 24 hours a day, five or more days a week and for two or more consecutive weeks for compensation.

Disclosure Items
See Alzheimer's Unit Requirements.

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 or other outside agency cares for a resident in either a 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 an individual whose needs cannot be adequately and appropriately met within the scope of the home's program statement or who is in need of continuous nursing care. At admission, a written resident admission contract and a resident service plan is required. A service plan is completed by the home in cooperation with the individual or the individual's authorized representative identifying the individual's specific needs for care, maintenance, services, and activities. Evidence of tuberculosis screening within the 12 months before admission and, if the individual is under a physician's care, a written health care statement are required. A resident must be discharged if the resident has harmed self or others, or whose behaviors pose a risk of serious harm to self or others unless the home can effectively manage those behaviors. A resident who needs continuous nursing care 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 or the resident is receiving services from a licensed hospice program or home health agency. 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. 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 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, or accommodation of a person who is a hospice patient. Prior to move in, the licensee must complete a written
assessments 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 exists:

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

HFAs and AFCs are both required to complete an assessment and a service plan at the time of admission; however, a particular form is not required to be used. An optional AFC form found on the department's website is available for use in developing a service plan for AFCs. There is no equivalent form available for optional use in HFAs. Service plans are to be updated at least annually or whenever there is a significant change in the resident's care needs.

### 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. The HFA and AFC rules contain additional requirements governing administration of medications.

### Physical Plant Requirements

HFAs: 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. (See HFA administrative rules for additional physical plant requirements.)

AFCs: 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. (See specific AFC administrative rules for additional physical plant requirements.)

Note: Fire safety requirements are determined and enforced by the Bureau of Fire Services for HFAs and AFC homes licensed for seven or more residents.

### Residents Allowed Per Room

HFAs: 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 April 1994.

Bathroom Requirements

HFA: A minimum of one lavatory and water closet is required for every eight resident beds per floor. A bathing facility shall be provided for every 15 residents. Employees shall have adequate toilet facilities separate from resident living quarters.

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, one lavatory, and one bathing facility available for resident use shall be provided on each floor that has resident bedrooms.

Life Safety

HFA: Design and construction of such facilities shall be in compliance with state fire safety rules for health care facilities. The fire safety rules are administered and enforced by the Michigan Department of Energy, Labor, and Economic Growth’s Bureau of Fire Services.

AFC: Fire safety for homes licensed for seven or more residents is regulated by the Bureau of Fire Services, a division of the Michigan Department of Licensing and Regulatory Affairs. For new construction, the homes must have sprinklers and a fire alarm system that includes a hard-wired, interconnected smoke detection system. Fire safety for homes of six or fewer residents is regulated by the Michigan Department of Human Services. For new construction, homes must have a hard-wired, interconnected smoke detection system.

Alzheimer's Unit Requirements

HFA and AFC: If facilities advertise or market themselves as providing specialized Alzheimer's or dementia care, prospective residents, residents, or surrogate decision makers must be provided with a written description of the care and services provided. (See, for HFAs: MCL 333.20178, and for AFCs: MCL 400.726(b).) The written description shall include, but not be limited to, all of the following:

1. The overall philosophy and mission reflecting the needs of patients or residents with Alzheimer's disease or a related condition.
2. The process and criteria for placement in or transfer or discharge from a program for patients or residents with Alzheimer's disease or a related condition.
3. The process used for assessment and establishment of a plan of care and its implementation.
4. Staff training and continuing education practices.
5. The physical environment and design features appropriate to support the function of patients or residents with Alzheimer's disease or a related condition.
6. The frequency and types of activities for patients or residents with Alzheimer's disease or a related condition.
(7) Identification of supplemental fees for services provided to patients or residents with Alzheimer's disease or a related condition.

Staff Training for Alzheimer's Care

Although there are no specific training requirements related to dementia, direct care staff must be trained and competent to meet the needs of all residents in care. (See 325.1931 (1-7) for HFAs and 400.14204 (1-3) for AFCs.)

Staffing Requirements

In addition to the above staff training requirements, HFAs are required to have adequate and sufficient number of staff who are awake, fully dressed, and capable of providing for resident needs consistent with the resident service plans on duty at all times. The home shall also designate one person on each shift to be supervisor of resident care. The supervisor of resident care shall be on the premises and is to supervise resident care, assure that residents are treated with kindness and respect, protect residents from accidents and injuries, and be responsible for the safety of residents in case of emergency.

AFCs are required to have 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.

AFC and HFA employees are required to have background checks completed including fingerprinting for criminal record clearance.

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 a high school diploma or general education diploma or equivalent, and 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 adult foster care act, fire prevention, financial and administrative management, resident rights, and prevention and containment of communicable disease.

Staff Education/Training

HFA: In addition to the above training requirements, 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
infected disease, and standard precautions.

AFC: Direct care staff must be at least 18 years of age and able to complete required reports and follow written and oral instructions related to the care and supervision of residents. All staff must be suitable to meet the physical, emotional, intellectual, and social needs of each resident and be capable of appropriately handling emergency situations. Direct care staff must be competent in the following areas before performing assigned tasks: nutrition, reporting requirements, first aid, CPR, personal care, supervision, protection, resident rights, safety and fire prevention, and prevention and containment of communicable diseases. Staff must be trained in the administration of medication before performing that duty.

Additional training is required for facilities that are certified to provide a specialized program for persons with developmental disabilities or mental illness, as required by R 330.1806.

**Continuing Education (CE) Requirements**

HFA: None specified.

AFC: Both the licensee and the administrator must annually complete either 16 hours of training approved by the Department of Human Services (DHS) or six hours at an accredited college or university in an area approved by DHS.

**Entity Approving CE Program**

HFA: None specified.

AFC: DHS approves training for Certification of Specialized Services and the 16 hours of required annual training for adult foster care licensees and administrators.

**Medicaid Policy and Reimbursement**

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

Effective June 1, 2009, the MI Choice Medicaid Waiver program became available to prospective and current HFA and AFC residents. This program supports individuals at risk of nursing home placement or transitioning from a nursing home. In a licensed setting, this program can provide supports and services to an eligible individual that are in addition to the usual and customary care required of a licensed home, but does not provide continuous nursing care.
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.

In 1995, the legislature separated housing from services, requiring an establishment to provide health-related services through a licensed home care agency. Minnesota then created a registration category called Housing with Services that applies to establishments that provide sleeping accommodations to adult residents and one or more health-related services or two or more supportive services. In 2006, the legislature passed a bill that provides title protection for the use of the phrase "assisted living."

For more information, see Minnesota’s housing with services law (https://www.revisor.mn.gov/statutes/?id=144D); assisted law (https://www.revisor.mn.gov/statutes/?id=144G); and home care licensure law and rules (http://www.health.state.mn.us/divs/fpc/profinfo/licensure.html).

Legislation passed in 2006 (MN Statute 144G) restricts the use of the phrase "assisted living" to Housing with Services establishments that meet specific requirements which include, but are not limited to, offering or providing staff access to an on-call registered nurse, a system to check on each assisted living client daily, a means for assisted living clients to request assistance, staff to respond to health or safety needs 24 hours a day, seven days a week, two meals per day, weekly housekeeping and laundry, health services including assistance with medication administration or medication administration, assistance with at least three activities of daily living (ADLs), and health-related services from a Minnesota-licensed home care agency. Under the statute, "assisted living" means a service or package of services advertised, marketed, or otherwise described, offered, or promoted using the phrase "assisted living" either alone or in combination with other words, whether orally or in writing.

Housing with Services establishments provide sleeping accommodations to one or more adult residents. These facilities offer or provide, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services.
"Supportive services" means help with personal laundry, handling or assisting with personal funds of residents, or arranging for medical services, health-related services, social services, or transportation to medical or social services appointments. Arranging for services does not include making referrals, assisting a resident in contacting a service provider of the resident's choice, or contacting a service provider in an emergency.

The Housing with Services statute is subject to change and is found in MN Statute §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 are found in MN Statute §144A. The home care rules are subject to change and are found in MN Rule 4668. These statutes and rules can be found at: https://www.revisor.mn.gov/statutes/?id=144D.

**Disclosure Items**

Specific information must be included in a Housing with Services contract as described in MN Statute 144D.04 Subp. 2. In addition, a separate Uniform Consumer Information Guide, which includes information about services offered by the provider, service costs, and other relevant provider-specific information, must be made available to all current and prospective clients in the required format. (See Alzheimer's Unit Requirements for additional disclosure requirements specific to dementia care.)

**Facility Scope of Care**

At a minimum, an establishment representing itself as assisted living must offer or arrange to provide assistance with self-administration of medications or administration of medications and assistance with at least of three of the listed ADLs. (See MN Statute §144G.03 Subd. 2b for more detail.) Any services that are made available through a licensed home care agency may be provided in a Housing with Services establishment that uses the term "assisted living."

**Third Party Scope of Care**

The establishment must have an arrangement with a Minnesota Class A or Class F licensed home care agency or use its own Class A or Class F licensed home care agency to provide home care services. Minnesota Class F home care agencies may provide nursing services, delegated nursing services, other services performed by unlicensed personnel, or central storage of medication. Minnesota Class A home care agencies may provide professional nursing and home health aide tasks, physical therapy speech, respiratory therapy, occupational therapy, and medical social services, and may also provide medical supplies and equipment when accompanied by the provision of a home care service.

**Move-In/Move-Out Requirements**

The federal Fair Housing Act, Americans with Disabilities Act, Minnesota Landlord-Tenant Law, and the Minnesota Human
Rights Act apply to persons applying to lease a unit in a registered Housing with Services establishment. The assisted living establishment must offer a registered nurse (RN) assessment prior to move-in. (See Resident Assessment.) Health care services may be terminated without impacting the resident's housing status. Thirty day notice, with certain exceptions, must be given to terminate health care services and assistance must be offered in finding another health care provider. Requirements of what must be included in the termination notice are described in MN Statute §144A.442. Housing may be terminated if the conditions of the lease are violated. The 2006 legislation at MN §144G.03 describes what must be included in the termination notice of a Housing with Services contract.

**Resident Assessment**

Assessments by an RN must be offered prior to move in or upon executing a contract, and assessments must be completed according to MN Rule 4668 in relationship to service plans, central storage of medications, and medication administration.

**Medication Management**

At a minimum, an establishment representing itself as assisted living must offer to provide or arrange for assistance with self-administration of medications or administration of medications. Home care licensure statutes and rules must be followed.

**Physical Plant Requirements**

Establishments must comply with state and local building codes.

**Residents Allowed Per Room**

Establishments must comply with state and local building codes.

**Bathroom Requirements**

Establishments must comply with state and local building codes.

**Life Safety**

In Minnesota, assisted living is provided in a Housing with Services establishment. A Housing with Services establishment must comply with the state building code and the Minnesota Uniform Fire Code and applicable local building codes and requirements for the type of structure utilized for the housing component of assisted living. The Minnesota State Fire Code is comprised of the International Fire Code plus Minnesota amendments. In Minnesota, a Housing with Services establishment is registered with the Minnesota Department of Health. This registration has no requirements regarding the physical plant of the establishment.

**Alzheimer's Unit Requirements**

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 "special care units." All special care units must 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 must 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 written notice 30 days prior to changes in the fee schedule.

**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 employees trained, the frequency of training, and the basic topics covered.

**Staffing Requirements**

In order to use the term assisted living, Housing with Services establishments are required to have a person available 24 hours a day, seven days a week, who is responsible for responding to the requests of assisted living clients for assistance with health or safety needs, unless they meet the criteria for exemption for awake-staff described in MN Statute 144G.03 Subdivision 3. In addition, the licensed home care agency providing the health care services must provide all services required by the client’s current service agreement or service plan.

**Administrator Education/Training**

None specified.
**Staff Education/Training**

All persons who have contact with clients must complete an orientation to home care, which includes an overview of the home care statutes and rules as well as handling emergencies, reporting maltreatment, the home care bill of rights, handling client complaints, and the services of the ombudsman for older Minnesotans. Unlicensed personnel who perform delegated nursing services must successfully complete the core training and pass competency evaluations described in MN Rule 4668.

**Continuing Education (CE) Requirements**

Unlicensed personnel must complete at least eight hours of in-service training in topics relevant to the provision of home care services during each 12 months of employment. In addition, all personnel who have contact with clients must have training about infection control techniques in the home every 12 months.

**Entity Approving CE Program**

None specified.

**Medicaid Policy and Reimbursement**

Medicaid home and community-based waivers (elderly, traumatic brain injury, and community alternatives for disabled adults) pay for customized living services in assisted living and Housing with Services establishments.
Licensure Term: Personal Care Homes/Residential Living and Personal Care Homes/Assisted Living

Opening Statement: Legislation enacted in 2010 authorized the state Department of Health to revoke the license and require closure of any institution for the aged or infirm, including personal care homes and assisted living communities, to protect the health and safety of the residents of such institutions or the general public. The legislation also authorizes the department to apply any other remedy less than closure for this purpose.

Definition: 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.

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.

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.

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: 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.

For both personal care residential and personal care assisted 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.

### Life Safety
Automatic Fire Sprinklers: All new personal care homes must be protected with automatic fire sprinklers. If the facility has a capacity of 16 or fewer beds, a 13D-styled automatic sprinkler system compliant with the National Fire Protection Association (NFPA) Standard 13D, "Standard for the Protection of One- and Two-Family Dwellings and Manufactured Homes," is sufficient. For facilities with capacity greater than 16 beds, a sprinkler consistent with NFPA 13 is required.

Smoke Detectors: Smoke detectors must be installed in each hallway no more than 30 feet apart, in all bedrooms, and in all storage rooms. Smoke detectors must be electrically powered by
the building’s electrical system and have battery back-up.

Building Construction: Facilities licensed after Aug. 14, 2005 must be constructed to have a one-hour fire resistance rating as prescribed by the current edition of the NFPA Standard 220, “Types of Building Construction.”

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 are 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 on site 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 they are 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**
A Medicaid home and community-based services waiver with a
limited number of slots covers services in assisted living facilities
for residents that are Medicaid eligible. Facilities are reimbursed
on a flat rate, per diem basis.
Licensure Term

Assisted Living Facilities and Residential Care Facilities

Opening Statement

The fire safety standards were amended in September 2012. Requirements for licensed administrators were amended in October 2012 to allow for a different type of administrator licensure category.

Definition

An assisted living facility (ALF) is any premises, other than a residential care facility, intermediate care facility, or skilled nursing facility, that is utilized by its owner, operator, or manager to provide 24-hour care and services and protective oversight to three or more residents who are provided with shelter, board, and who may need and are provided with the following:

-- Assistance with any activities of daily living (ADLs) and any instrumental activities of daily living (IADLs).
-- Storage, distribution, or administration of medications.
-- Supervision of health care under the direction of a licensed physician provided that such services are consistent with a social model of care.

ALFs do not include facilities where all of the residents are related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility.

A residential care facility (RCF) is any premises, other than an ALF, intermediate care facility, or skilled nursing facility, which is utilized by its owner, operator, or manager to provide 24-hour care to three or more residents, who are not related within the fourth degree of consanguinity or affinity to the owner, operator, or manager of the facility and who need or are provided with shelter, board, and protective oversight, which may include storage and distribution or administration of medications and care during short-term illness or recuperation. Residents are required to be physically and mentally capable of negotiating a path to safety unassisted or with the use of assistive devices.

Disclosure Items

For both ALFs and RCFs, at the time of admission the facility is required to disclose information regarding the services the facility is able to provide or coordinate and the cost of services. Also, the facility is required to provide statements of resident rights, a copy of any facility policies that relate to resident
Facility Scope of Care

ALFs must provide 24-hour care and protective oversight including but not limited to: assistance with ADLs and IADLs, medication management, dietary services, activities, and food sanitation.

RCFs must provide 24-hour care, shelter, board, and protective oversight including but not limited to: assistance with storage, distribution, and/or administration of medications; dietary services; food sanitation, etc. The facility can provide care to residents during a short-term illness or recuperation period.

Third Party Scope of Care

Facilities may obtain services from third party providers that are necessary to meet residents’ needs. Each resident shall be allowed the option of purchasing or renting goods or services not included in the per diem or monthly rate from a supplier of his or her own choice, provided the quality of goods or services meets the reasonable standards of the facility.

Move-In/Move-Out Requirements

For ALFs, the following conditions would prevent admission into a facility:
- Exhibiting behaviors that present a reasonable likelihood of serious harm to self and/or others.
- Requiring a restraint (physical or chemical).
- Requiring skilled nursing care.
- Requiring more than one person to provide physical assistance (excluding bathing and transferring).
- Being bed-bound.
- Being under 16 years of age.

Residents on hospice who require skilled nursing care, require more than one person to provide physical assistance, or are bed-bound may be admitted or continue to reside in the facility provided the resident, his or her legally authorized representative or designee, or both, and the facility, physician, and licensed hospice provider all agree that such program of care is appropriate for the resident. Residents experiencing short periods of incapacity due to illness or injury or recuperation from surgery may be allowed to remain or be readmitted from a hospital if the period of incapacity does not exceed 45 days and written approval of a physician is obtained.

The following conditions would permit a transfer/discharge from an ALF:
-- The resident’s needs cannot be met in the facility.
-- The resident no longer needs the services provided by the facility.
-- The health and/or safety of other residents in the facility is endangered.
-- After appropriate notice and reasonable efforts by the facility, the resident has not paid for his/her stay.
-- The facility ceases to operate.

Before an ALF can transfer/discharge a resident it is required to give the resident a 30-day notice. If the health and/or safety of the resident and other residents in the facility are endangered, the resident may qualify for an emergency transfer/discharge. Facilities are required to record and document in detail the reason for a 30-day and/or emergency transfer /discharge.

For RCFs, the facility shall not admit residents whose needs cannot be met or those under 16 years of age.

The following conditions would permit a transfer/discharge from an RCF:
-- The resident’s needs cannot be met in the facility.
-- The resident no longer needs the services provided by the facility.
-- The health and/or safety of other residents in the facility is endangered.
-- After appropriate notice and reasonable efforts the resident has not paid for his/her stay.
-- The facility ceases to operate.

Residents suffering from short periods of incapacity due to illness, injury, or recuperation from surgery may be allowed to remain or be readmitted from a hospital if the period of incapacity does not exceed 45 days and written approval of a physician is obtained.

Before RCFs can transfer/discharge a resident they are required to give the resident a 30-day notice. If the health and/or safety of the resident and other residents in the facility are endangered, the resident may qualify for an emergency transfer/discharge. Facilities are required to record and document in detail the reason for a 30-day and/or emergency transfer/discharge.

Resident Assessment

For ALFs, prior to admission the facility must complete a pre-move-in screening. Within five calendar days after admission an appropriately trained and qualified individual will conduct a community-based assessment. Also, within ten days after admission the resident must have an admission physical examination. The examination must be performed by a licensed physician with documentation of the resident’s current medical status and any special orders or procedures that should be
followed. The community-based assessment shall be reviewed whenever there is a significant change in the resident’s condition and/or at least semiannually.

For RCFs, residents admitted to the facility shall have an admission physical examination no later than ten days after admission. The examination must be performed by a licensed physician with documentation of the resident’s current medical status and any special orders or procedures that should be followed. The facility must perform a monthly resident review of the following:
- The resident’s general medical condition and needs.
- Review of medication consumption of any resident controlling his/her own medication.
- Daily record of medication administration.
- Logging of medication regimen review process.
- Monthly weight.
- Record of each referral for services from an outside service provider.
- Record of any resident incidents including behaviors that present a reasonable likelihood of serious harm to himself or herself or others.
- Record of accidents that potentially could result in injury or did result in injuries involving the resident.

**Medication Management**

For ALFs, a physician, pharmacist, or registered nurse must review the medication regimen of each resident every other month. At a minimum, staff who administer medications must be a Level I Medication Aide (LIMA). Facilities are required to have a safe and effective system of medication control and use.

In a level one RCF, a pharmacist or registered nurse (RN) must review the medication regimen of each resident every three months. In a level two RCF, a pharmacist or RN must review the medication regimen of each resident every other month. At a minimum, staff who administer medications must be a LIMA. Facilities are required to have a safe and effective system of medication control and use.

**Physical Plant Requirements**

For both ALFs and RCFs, resident units must provide a minimum of 70 square feet per resident.

**Residents Allowed Per Room**

For both ALFs and RCFs, the maximum number of beds/residents allowed is four per unit.

**Bathroom Requirements**

For both ALFs and RCFs, at least one tub or shower must be provided for every 20 residents or major fraction of 20, and separate bathing facilities must be provided if there are more than 20 residents. ALFs and RCFs must provide one toilet and lavatory for every six residents or major fraction of six.

**Life Safety**

National Fire Protection Association (NFPA) codes and standards are cited in rule with regard to the minimum fire
Any facility with an Alzheimer's special care unit is required to provide a document with information on selecting an Alzheimer's special care unit to any person seeking information about or placement in such a unit.

For both ALFs and RCFs, during the admission disclosure, a facility must explain how care in the Alzheimer's special care unit or program is different from the rest of the facility and if the services are appropriate. The disclosure must include the following:

--- A written statement of its overall philosophy and mission reflecting the needs of residents afflicted with dementia;

Safety standards for ALFs and RCFs. The fire safety regulations for ALFs and RCFs include but are not limited to: notifying and submitting a report if there is a fire in the facility or premises; right of inspection of any portion of a building that is not two-hour separated; ensuring no part of a building presents a fire hazard; maintaining exterior premises to provide for fire safety; visual or tactile alarm systems for hearing impaired; no storage of combustibles under stairways; fire extinguishers; range hood extinguishing systems; fire drills; fire safety training; exits, stairways, and fire escapes; exit signs; complete fire alarm system installed in accordance with NFPA 1010, Section 18.3.4, 2000 Edition; protection from hazards; sprinkler systems; emergency lighting; interior finish and furnishing; smoking standards; trash and rubbish disposal; and standards for designated separated areas.

ALFs and RCFs with more than 20 residents that did not have an approved sprinkler system, and single-story and multi-level ALFs that accept or retain any individual with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance, are required to have an approved sprinkler system by Dec. 31, 2012. Facilities that have an approved sprinkler system shall continue to meet all laws, rules, and regulations for testing, inspection, and maintenance of the sprinkler system.

In 2012, the new fire safety regulations require written emergency preparedness plans to meet potential emergencies or disasters and provide an up-to-date copy of the facility's entire plan to the local jurisdiction's emergency management director. In addition, requirements for oxygen storage must be in accordance with NFPA 99, 1999 Edition.

The Department of Health and Senior Services, Division of Regulation and Licensure-Section for Long Term Care Regulation or the Missouri State Fire Marshal’s office will conduct the annual fire safety inspection of any ALF or RCF that is licensed.

Any facility with an Alzheimer's special care unit is required to provide a document with information on selecting an Alzheimer's special care unit to any person seeking information about or placement in such a unit.

For both ALFs and RCFs, during the admission disclosure, a facility must explain how care in the Alzheimer's special care unit or program is different from the rest of the facility and if the services are appropriate. The disclosure must include the following:

--- A written statement of its overall philosophy and mission reflecting the needs of residents afflicted with dementia;
-- The process and criteria for placement in, and transfer or discharge from, the unit or program;
-- The process used for assessment and establishment of the plan of care and its implementation, including the method by which the plan of care evolves and is responsive to changes in condition;
-- Staff training and continuing education practices;
-- The physical environment and design features appropriate to support the functioning of cognitively impaired adult residents;
-- The types and frequency of resident activities;
-- The involvement of families and the availability of family support programs;
-- The costs of care and any additional fees; and
-- Safety and security measures.

Staffing Requirements

For both ALFs and RCFs, staff who provide direct care to any resident having Alzheimer’s disease or related dementias must have at least three hours of dementia-specific orientation training. One hour of dementia-specific orientation training is required for staff who do not provide direct care but may have daily contact with residents. All dementia-specific training must be incorporated into each facility’s new employee orientation and ongoing in-service training.

Staff Training for Alzheimer's Care

ALFs are required to have an adequate number and type of personnel for the proper care of residents, the residents’ social well being, protective oversight of residents, and upkeep of the facility. At a minimum, the staffing pattern for fire safety and care of residents shall be one staff person for every 15 residents or major fraction of 15 during the day shift, one person for every 20 residents or major fraction of 20 during the evening shift, and one person for every 25 residents or major fraction of 25 during the night shift.

ALFs which provide services to residents with a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance are required to have an adequate number and type of personnel for the proper care of residents and upkeep of the facility. At a minimum, the staffing pattern for fire safety and care of residents shall be one staff person for every 15 residents or major fraction of 15 during the day shift, one person for every 15 residents or major fraction of 15 during the evening shift, and one person for every 20 residents or major fraction of 20 during the night shift.

RCFs are required to provide an adequate number and type of personnel on duty at all times for the proper care of residents and upkeep of the facility. In a level one RCF, at a minimum, one employee shall be on duty for every 40 residents to provide protective oversight to residents and for fire safety. In a level two RCF, at a minimum, the staffing pattern for fire safety and care of residents shall be one staff person for every 15 residents...
or major fraction of 15 during the day shift, one person for every 20 residents or major fraction of 20 during the evening shift, and one person for every 25 residents or major fraction of 25 during the night shift.

**Administrator Education/Training**

ALFs and level two RCFs must have an administrator licensed by the Board of Nursing Home Administrators. The administrator may hold either a nursing home administrator license or residential care and assisted living (RCAL) license. An RCAL administrator cannot serve as an administrator for an intermediate care facility or skilled nursing facility.

A level one RCF can have a manager who is fully authorized and empowered to make decisions regarding the operation of the facility. A manager must have successfully completed the state-approved LIMA course, be at least 21 years of age, have no convictions of an offense involving the operation of a long term care facility, and attend at least one continuing education workshop within each calendar year.

**Staff Education/Training**

For ALFs, prior to or on the first day that a new employee works in a facility, he/she shall receive orientation of at least two hours appropriate to job function and responsibilities. The orientation shall include but not be limited to: job responsibilities, emergency response procedures, infection control, confidentiality of resident information, preservation of resident dignity, information regarding what constitutes abuse/neglect and how to report abuse/neglect, information regarding the Employee Disqualification List, instruction regarding the rights of residents and protection of property, instruction regarding working with residents with mental illness, instruction regarding person-centered care and the concept of a social model of care, and techniques that are effective in enhancing resident choice and control over his/her own environment. Also, staff are required to have a minimum of two hours of initial training on the appropriate ways to transfer a resident care within the facility (e.g., wheelchair to bed, bed to dining room chair).

For RCFs, prior to or on the first day that a new employee works in a facility, he/she shall receive orientation of at least one hour appropriate to job function. The orientation shall include but not be limited to: job responsibilities, emergency response procedures, infection control, confidentiality of resident information, preservation of resident dignity, information regarding what constitutes abuse/neglect and how to report abuse/neglect, information regarding the Employee Disqualification List, instruction regarding the rights of residents and protection of property, and instruction regarding working with residents with mental illness.

ALFs and RCFs are required to ensure that specified fire safety
Continuing Education (CE) Requirements

ALF and level two RCF administrators are required to have 40 hours of approved training every two years. In a level one RCF, the manager must attend at least one continuing education workshop within each calendar year.

Entity Approving CE Program

Continuing education credits for ALF and level two RCF administrators are approved by the Board of Nursing Home Administrators. An approving agency is not specified for the continuing education requirements for a level one RCF manager.

Medicaid Policy and Reimbursement

The Medicaid state plan covers personal care and advanced personal care services.
Licensure Term

Assisted Living Facilities

Opening Statement

Montana's 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 Category A, with optional Category B and/or Category C level of care endorsements.

Disclosure Items

A written resident agreement must be entered into between facilities and each resident and must include specified information. For disclosure items required of Category C endorsed facilities, see the Alzheimer's Unit Requirements section below.

Facility Scope of Care

An assisted living facility 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 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 endorsed 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 endorsed facility provides care to meet the needs of individuals with severe cognitive impairment that renders them incapable of expressing needs or making basic care decisions.

Third-party providers are permitted to provide skilled nursing care in all assisted living facilities.

Third Party Scope of Care

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 endorsed 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 endorsed 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
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.

Life Safety

Montana has adopted National Fire Protection Association standards. In 2005, Montana passed a statewide Clean Air Act prohibiting smoking in all public facilities. Smoking is permitted in designated areas only, with requirements to provide protection for employees who are nonsmokers. Facilities with 16 or more residents and all Category B and C endorsed facilities are required to have automatic fire sprinklers. Category A facilities with 1-15 residents are not required to have automatic fire sprinklers. All assisted living facilities must have smoke detectors in all resident rooms, bedroom hallways, living rooms, dining rooms, and other open common spaces or as required by the fire authority.

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.

Medication Management

All residents in a Category A facility must self-administer their medication. Those residents in Category B endorsed 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. Category B or C residents who are unable to self-administer their medications must have the medications administered to them 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.
Alzheimer's Unit Requirements

A Category C endorsed facility for severely cognitively impaired residents requires additional administrator and staff training and specialized accommodations. 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.

Staff Training for Alzheimer's Care

Direct care staff must comply with training requirements for Category A & B endorsement 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, respond in emergency situations, and provide all related services. A Category B endorsed facility must employ or contract with a registered nurse to provide or supervise nursing services. Staff in Category C endorsed facilities must be dressed and awake during the night to meet resident needs.
<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrator</strong></td>
<td><strong>Education/Training</strong> 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 &quot;The Management Library for Administrators and Executive Directors,&quot; 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 endorsed facility must have successfully completed all of the self-study modules of &quot;The Management Library for Administrators and Executive Directors,&quot; or 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, and 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 endorsed 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 (described above) and 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 &quot;The Management Library for Administrators and Executive Directors.&quot;</td>
</tr>
<tr>
<td><strong>Staff Education/Training</strong></td>
<td>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 CPR, at least one person per shift must be certified in CPR. Additional training is required for Category B and C staff.</td>
</tr>
<tr>
<td><strong>Continuing Education (CE) Requirements</strong></td>
<td>Administrators must complete at least 16 hours of continuing education per year. For administrators of Category C endorsed facilities, at least eight of the hours must pertain to caring for people with severe cognitive impairment.</td>
</tr>
<tr>
<td><strong>Entity Approving CE Program</strong></td>
<td>None specified.</td>
</tr>
<tr>
<td><strong>Medicaid Policy and Reimbursement</strong></td>
<td>A Medicaid home and community-based services waiver covers services in assisted living facilities. There are a limited number of home and community-based services slots.</td>
</tr>
</tbody>
</table>
Nebraska

Agency Office of Long Term Care Facilities, Licensure Unit, Division of Public Health, Nebraska Department of Health and Human Services
Phone (402) 471-2133

Contact Eve Lewis Phone (402) 471-3324
E-mail eve.lewis@nebraska.gov
Web Site www.hhs.state.ne.us/reg/regindex.htm

Licensure Term Assisted-Living Facilities

Opening Statement Legislation enacted in 2011 established disclosure requirements for Assisted-Living Facilities (ALFs) and continuing education requirements for staff of facilities with Alzheimer's Special Care Units.

Definition ALFs 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 A facility must provide written information about its practices to each applicant or his or her authorized representative including:
(1) A description of the services provided and the staff available to provide the services;
(2) The charges for services provided;
(3) Whether the ALF accepts residents who are eligible for Medicaid waiver coverage and, if applicable, policies or limitations regarding access to Medicaid coverage;
(4) Circumstances under which a resident would be required to leave the ALF;
(5) The process for developing and updating the resident services agreement; and
(6) For facilities with Special Care Units for dementia, the additional services provided to meet the special needs of persons with dementia.

Facility Scope of Care The facility may provide:
(1) Activities of daily living (ADLs) (i.e., transfer, ambulation, exercise, toileting, eating, self-administration of medication, and similar activities);
(2) Health maintenance activities (i.e., non-complex nursing interventions that can safely be performed according to exact directions, that do not require alteration of the standard procedure, and for which the results and resident responses are predictable);
(3) Personal care (i.e., bathing, hair care, nail care, shaving, dressing, oral care, and similar activities);
(4) Transportation;
(5) Laundry;
(6) Housekeeping;
Financial assistance/management;
Behavioral management;
Case management;
Shopping;
Beauty/barber services; and
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, re-admitted, 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. The facility is required to provide a 30-day advance written notice except in situations where the transfer or discharge is necessary to protect the health and safety of the resident, other residents, or staff.

**Resident Assessment**

There is no required resident assessment form. However, the Assisted-Living Facility must evaluate each resident and must have a written service agreement negotiated with the resident and authorized representative, if applicable, to determine the services to be provided to meet the needs identified in the evaluation. The agreement must contain the services to be provided by the facility and other sources; how often, when, and by whom the services are provided; rights and responsibilities of the facility and of the resident; cost of services and terms of payment; and terms and conditions of continued residency. The resident service agreement must be reviewed and updated as the resident’s needs change.

**Medication Management**

When a facility is responsible for the administration or provision of medications, it must be accomplished by the following methods: 1) self-administration of medications by the resident, with or without supervision, when assessment determines the resident is capable of doing so; 2) by licensed health care professionals for whom medication administration is included in the scope of practice and in accordance with prevailing professional standards; or 3) by persons other than a licensed health care professional if the medication aides who provide medications are trained, have demonstrated minimum competency standards, and are appropriately directed and monitored.

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.

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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. An RN also is required to provide or oversee the training of medication aides.

**Physical Plant Requirements**

Assisted-Living Facilities must be designed, constructed, and maintained in a manner that is safe, clean, and functional for the type of care and treatment to be provided. The physical plant standards include support services, care and treatment areas, construction standards, and building systems. 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**

An Assisted-Living Facility must provide resident bedrooms that allow for sleeping, afford privacy, provide access to furniture and belongings, and accommodate the care and treatment provided to the resident. With few exceptions, resident bedrooms must be a single room located within an apartment, dwelling, or dormitory-like structure. 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**

Assisted-Living Facilities must provide a bathing room consisting of a tub and/or shower adjacent to each bedroom or provide a central bathing room. Tubs and showers, regardless of location, must be equipped with hand grips or other assistive devices as needed or desired by the bathing resident. 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. The facility must provide toilet rooms with handwashing sinks for resident use. Facilities must have a toilet and sink adjoining each bedroom or shared toilet rooms. In existing facilities, one toilet fixture per six licensed beds is required; in new facilities, one toilet fixture per four licensed beds is required; and in new construction, one toilet room adjoining each resident’s bedroom is required.

**Life Safety**

All facilities must comply with applicable Nebraska state fire codes and standards to provide a safe environment. Life safety codes for Assisted-Living Facilities are based on National Fire Protection Association standards. Facilities are classified as either Residential Board and Care Occupancy or Limited Care Facility (Health Care Occupancy). Based on the evacuation capability of the residents, the Nebraska State Fire Marshal inspects and determines applicable requirements for fire drills, fire alarm systems, fire sprinkler systems, etc.
Alzheimer's Unit Requirements
Facilities serving special populations (i.e., persons with Alzheimer's Disease, dementia, or related disorders) must provide care and services in accordance with the resident service agreement and the stated mission and philosophy of the facility; inform the resident or legal representative in writing of the facility's criteria for admission, discharge, transfer, resident conduct, and responsibilities; maintain a sufficient number of direct care staff with the required training and skills necessary to meet the resident's requirements; and provide a physical environment that conforms to and accommodates special needs.

Staff Training for Alzheimer's Care
The administrator and 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 ADLs, personal care, or health maintenance, and who may exemplify behavior problems or wandering tendencies. Any facility that has an Alzheimer’s Special Care Unit must provide staff at least four hours annually of continuing education pertaining to the form of care or treatment set forth in the philosophy, mission statement, and processes used for assessment and care planning.

Staffing Requirements
The facility must have an administrator who is responsible for the overall operation of the facility. The administrator is responsible for overall planning, organizing, and directing the day-to-day operation of the facility. The administrator must report all matters related to the maintenance, operation, and management of the facility and be directly responsible to the licensee of the facility. The administrator is responsible for maintaining staff with appropriate training and skills and sufficient in number to meet resident needs as defined in the resident service agreements. 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. An RN must provide or oversee specific areas of 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
<table>
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<tr>
<th>Entity Approving CE Program</th>
<th>None specified.</th>
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<tbody>
<tr>
<td>Medicaid Policy and Reimbursement</td>
<td>State supplemental payments may be available for Assisted-Living Facilities for persons eligible for assistance to the aged, blind, and disabled/Medicaid program. Additional services and/or payment may be available for persons who qualify for Medicaid and who meet the criteria under the state's aged and disabled home and community-based waiver.</td>
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</table>
Licensure Term

Residential Facilities for Groups

Opening Statement

Regulations adopted in January 2011 increased regulatory enforcement tools and medication management requirements. The regulations allow for the suspension or revocation of any facility license or endorsement add-on if that facility received a grade of D on two or more consecutive surveys or re-surveys. The regulations also increased the amount of required medication administration training and began requiring all facilities to have a comprehensive plan to help eliminate medication errors.

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 payment;
(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 (ADLs) 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;
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.

Life Safety

Under Nevada law, the state fire marshal, on behalf of the Health Division, is responsible for approval and inspection of assisted living facilities with regard to fire safety standards. The state fire marshal uses Uniform Fire Codes.

Fire safety requirements include an evacuation plan, fire drills, portable fire extinguishers, smoke detectors, and maintenance of proper exits. All new facilities must be equipped with an automatic sprinkler system. Some older facilities may not be equipped with a sprinkler system because sprinkler systems were not required when they were originally licensed. If anyone purchases one of these older facilities, they must install an automatic sprinkler system.

Resident Assessment

An assessment of tuberculosis signs and symptoms and need for assistance with ADLs must be completed upon admission.

Medication Management

If a caregiver assists in the administration of medication, the caregiver must complete an initial 16-hour medication course from an approved medication training provider. The caregiver also must complete eight hours of additional training every year and pass an approved examination. Administrators must take the same initial and refresher training as caregivers and are ultimately responsible for the medication plan and all medication errors. Facilities must have a detailed, comprehensive medication plan to help eliminate medication errors.

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/her approval if:

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

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

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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. There will be not more than six residents for each caregiver during those hours when the residents are awake. 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, he/she must receive 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. For Alzheimer's units, one caregiver must be present for every six residents during awake hours and one caregiver must be awake 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 dementias. All new administrators must take the same initial medication administration training as their caregivers regardless of whether the administrator is a licensed medical professional.

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 CPR. 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**

The Bureau of Health Care Quality and Compliance approves medication management courses.

**Medicaid Policy and Reimbursement**

A Medicaid home and community-based services waiver covers personal care services in group residential settings.
Licensure Term

Assisted Living Residence – Supported Residential Health Care and Assisted Living Residence – Residential Care

Opening Statement

New Hampshire has two levels of licensure. New Assisted Living Residence – Supported Residential Health Care regulations were adopted in October 2006. These regulations allow nursing home-eligible residents to remain in assisted living residences if appropriate care and services are provided. Regulations for a lower level of care, Assisted Living Residence – Residential Care, were adopted in April 2008. This level is more of a social model where medical or nursing care can be provided up to a maximum of 21 visits per incident that requires medical, nursing, or rehabilitative care or services unless the Department authorizes additional visits.

Definition

Assisted Living Residence – Supported Residential Health Care (ALR-SRHC) is a community-based long term care residence providing personal assistance. These homes are non-medical and non-institutional and may be publicly or privately owned and operated. They provide shelter, food, and protective oversight to a population of adult, elderly, disabled, special needs, and/or special care residents. ALR-SRHC is designed for adults who may or may not qualify for nursing home care and can no longer manage independent living in their own homes. These residences 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.

Assisted Living Residence – Residential Care (ALR-RC) is a non-medical and non-institutional, publicly or privately owned and operated community-based living arrangement providing shelter, food, and protective oversight to a population of adult, elderly, or disabled individuals residents. ALR-RC facilities are designed for adults who usually do not qualify for nursing home care but either can no longer manage independent living in their own homes or do not want to live alone. These residences provide a wide variety of support services based on the specific needs of residents. Services may include personal care, nutrition, homemaker services, and medication oversight.

Disclosure Items

For ALR-SRHC and ALR-RC, there is a required disclosure
summary form that must be made available to residents prior to admission. 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. In addition, at the time of admission the licensee must provide the resident a copy of the resident service agreement. This agreement spells out in great depth the services to be provided, cost, and relevant policies and procedures.

Facility Scope of Care

ALR-SRHC facilities may provide protective services, including supervision of activities of daily living (ADLs), nutrition, medication administration, nursing care, and short-term rehabilitation services.

ALR-RC facilities may provide protective services, including supervision of ADLs, nutrition, and medication oversight. Medical and/or nursing or rehabilitative care can be provided in an ALR-RC facility up to 21 visits per incident that requires medical, nursing, or rehabilitative care or services unless the Department authorizes additional visits.

Third Party Scope of Care

In an ALR-SRHC facility, if residents require ongoing medical or nursing care, they may remain, provided their needs are met by facility staff or a licensed home health care agency and the residence meets the health care chapter of the state fire code.

In an ALR-RC facility, if a resident's health status changes so that the resident requires ongoing medical or nursing care, or the resident can no longer self-evacuate on his/her own, the resident must be transferred to a facility that is licensed to provide these services.

Move-In/Move-Out Requirements

ALR-SRHC facilities may only admit persons whose needs can be met by the facility and who can evacuate in accordance with the state fire code.

ALR-RC facilities may only admit persons whose needs can be met by the facility. Residents must be capable of self-evacuation without assistance and only require assistance with personal care (as defined by National Fire Protection Association (NFPA) 101, 2009 edition).

Resident Assessment

There is a standard resident assessment tool that can be obtained by calling (603) 271-9039 or going to the state of New Hampshire web site.

Medication Management

In ALR-SRHC facilities, residents may self-administer medications with or without staff supervision or self-direct medication administration, or licensed staff may administer medication. Nurse delegation of medications is also allowed.

In ALR-RC facilities, residents may self-administer medications with or without staff supervision or self-direct medication.
Physical Plant Requirements

In an ALR-SRHC licensed for 16 or fewer residents, there shall be at least 80 square feet per room with a single bed and 160 square feet per room with two beds, exclusive of space required for closets, wardrobe, and toilet facilities. In an ALR-SRHC licensed for 17 or more residents, there shall be at least 100 square feet for each resident in each private-bedroom and at least 80 square feet for each resident in a semi-private bedroom, exclusive of space required for closets, wardrobes, and toilet facilities. Bedrooms in an ALR-SRHC licensed prior to the effective date of the applicable rule (October 25, 2006) must provide at least 80 square feet per resident in a private room and at least 70 square feet per resident in a semi-private room. The space requirements are exclusive of space required for closets, wardrobes, and bathroom.

In an ALR-RC, bedrooms shall have at least 100 square feet for each resident in each private bedroom and at least 80 square feet of space in each semi-private room. ALR-RC facilities licensed prior to April 2008 shall provide at least 80 square feet per resident in a private room and at least 70 square feet in each semi-private room. The space requirements are exclusive of space required for closets, wardrobes, and bathroom.

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.

Life Safety

All new ALR-SRHC facilities must meet the health care chapter of NFPA 101 (2009 edition). Licensed homes doing additions or renovations must construct in compliance with the health care chapter. All other homes will be required to achieve equivalency with the state fire code. Smoke detectors that are hardwired and interconnected are required in every bedroom and on every level. A carbon monoxide monitor and ABC-type fire extinguisher are required on every floor.

In ALR-RC facilities, all residents must be able to self-evacuate as defined by NFPA 101 (2009 edition). Homes at this level must comply at a minimum with the NFPA 101, the Residential Board and Care Occupancy chapter. This includes a sprinkler system as required by the state fire and building codes and smoke detectors that are hardwired and interconnected in every bedroom and on every level.

New Hampshire's Department of Health and Human Services enforces the State Fire Code, Saf-C-6000, as adopted by reference, by the State Fire Marshal including, but not limited to, the 2009 NFPA 101 Life Safety Code, NFPA 1 Fire Code, and
<table>
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<tr>
<th><strong>Alzheimer's Unit Requirements</strong></th>
<th>International Building Code. For both levels of licensure, facilities must meet the needs of residents. Locked or secure buildings are prohibited for ALR-RC facilities.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff Training for Alzheimer's Care</strong></td>
<td>Licensees must provide staff with training that meets the needs of residents.</td>
</tr>
<tr>
<td><strong>Staffing Requirements</strong></td>
<td>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. For an ALR-RC facility, full time means at least 35 hours per week, which can include evening and weekend hours.</td>
</tr>
<tr>
<td>Both ALR-SRHC and ALR-RC licensees shall obtain and review a criminal records check from the New Hampshire Department of Safety for all applicants for employment and household members 18 years of age or older, and verify their qualifications prior to employment. Unless a waiver is granted, licensees shall not offer employment for any position or allow a household member to continue to reside in the residence if the individual: (1) Has been convicted of sexual assault, other violent crime, assault, fraud, abuse, neglect or exploitation; (2) Has been found by the department or any administrative agency in any state for assault, fraud, abuse, neglect or exploitation of any person; or (3) Otherwise poses a threat the health, safety, or well-being of the residents.</td>
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<tr>
<td><strong>Administrator Education/Training</strong></td>
<td>Each ALR-SRHC shall have a full-time administrator designated in writing by the licensee to be responsible for the day-to-day operation of the facility. For all ALR-SRHC facilities, the administrator shall be at least 21 years of age.</td>
</tr>
<tr>
<td>In addition, administrators of ALR-SRHC facilities licensed for four to 16 residents, shall have: (1) A high school diploma or equivalency certificate plus three years of work experience in a health or human services field; or (2) An associate's degree or higher from an accredited college or university in a health or business field and one year of work experience in a health or human services field. Administrators of ALR-SRHC facilities licensed for 17 or more residents, shall have: (1) A high school diploma plus five years of direct care experience; or (2) An associate's degree or higher from an accredited college or university plus three years experience in a health or human services field; or (3) A bachelor's degree or higher in a health, business, or related field.</td>
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</tbody>
</table>
Each ALR-RC shall have a full-time administrator designated in writing by the licensee to be responsible for the day-to-day operation of the facility. For all ALR-RC facilities, the administrator shall be at least 21 years of age.

In addition, administrators of ALR-RC facilities licensed for four to 16 residents, shall have:
(1) A high school diploma or equivalency certificate plus one year of work experience in a health or human services field; or
(2) An associate's degree or higher from an accredited college or university in a health or business field.

Administrators of ALR-RC facilities licensed for 17 or more residents, shall have:
(1) A high school diploma plus five years of direct care experience; or
(2) An associate's degree or higher from an accredited college or university plus three years experience in a health or human services field; or
(3) A bachelor's degree or higher in a health, business, or related field.

For an ALR-SRHC licensed for 17 or more beds, all administrators appointed after the effective date of the applicable rule (October 25, 2006) shall be at least 21 years of age and have one of the following combinations of education and experience:
(1) A bachelor’s degree from an accredited institution and two years of experience working in a health-related field;
(2) A New Hampshire license as a registered nurse (RN), with at least two years experience working in a health-related field;
(3) An associate’s degree from an accredited institution plus four years experience in a health related-field; or
(4) A New Hampshire license as an licensed practical nurse (LPN), with at least four years experience working in a health-related field;

For an ALR-SRHC licensed for 16 or fewer beds, all administrators appointed after the effective date of these rules shall be at least 21 years of age and have one of the following combinations of education and experience:
(1) A bachelor’s degree from an accredited institution and one year of experience working in a health-related field;
(2) A New Hampshire license as an RN, with at least one year of experience working in a health-related field;
(3) An associate’s degree from an accredited institution plus two years experience in a health-related field;
(4) New Hampshire license as an LPN, with at least two years experience working in a health-related field; or
(5) Be a high school graduate or have a GED with six years experience in a health-related field with at least two of those
years as direct care personnel in a long-term care setting within the last five years.

For an ALR-RC licensed for 17 or more beds, all administrators appointed after the effective date of these rules (April 3, 2008) shall be at least 21 years of age and have one of the following combinations of education and experience:
(1) A bachelor’s degree from an accredited institution and one year of experience working in a health-related field;
(2) A New Hampshire license as an RN, with at least six months experience working in a health-related field;
(3) An associate’s degree from an accredited institution plus two years experience in a health-related field; or
(4) A New Hampshire license as an LPN, with at least one year of experience working in a health-related field.

For an ALR-RC licensed for 16 or fewer beds, all administrators appointed after the effective date of these rules shall be at least 21 years of age and have one of the following combinations of education and experience:
(1) A bachelor’s degree from an accredited institution and six months of experience working in a health-related field;
(2) A New Hampshire license as an RN;
(3) An associate’s degree from an accredited institution plus one year of experience in a health-related field;
(4) A New Hampshire license as an LPN, with at least one year of experience working in a health-related field; or
(5) Be a high school graduate or have a GED with two years experience in a health-related field with at least one year as direct care personnel in a long-term care setting within the last five years.

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. Staff in ALR-SRHC facilities must also complete annual in-service education.

Entity Approving CE Program
None specified.

Medicaid Policy and Reimbursement
A Medicaid home and community-based services waiver covers services in assisted living.
Opening Statement

The rules sunset in February 2014. New Jersey's Assisted Living Licensing Workgroup will review the regulations and may make recommendations for revisions.

In 2012, the New Jersey Department of Health (DOH) collaborated with The Health Care Association of New Jersey Foundation to create a voluntary program titled Advanced Standing. To receive the department’s distinction of Advanced Standing, a facility must comply with all applicable local, state, and federal regulations as well as submit quality data that reaches benchmarks established by a peer review panel. Once these requirements are satisfactorily met, DOH will make the final determination on Advanced Standing. A facility that participates in the Advanced Standing program does not receive a routine survey by DOH. However, any time a facility falls below DOH standards, such as poor performance on a complaint investigation, that facility can be removed for cause from the program by DOH. In addition, DOH provides follow-up surveys based on a random sample of facilities that participate in the program. The program is open to all licensed assisted living residences and comprehensive personal care homes.

The DOH is expanding the role of certified medication aides (CMAs) in the area of injectable medications. Effective January 2013, an assisted living facility may request a waiver from the DOH that will allow the registered professional nurse to delegate to CMAs the administration of injectable medications (in addition to previously approved insulin) via disposable, integrated, mechanical medication delivery devices that are prefilled by the manufacturer, commonly known as “pens.”

As of January 2013, the adoption of a new assisted living disclosure form was awaiting final approval.

On Oct. 3, 2012, the Medicaid Managed Long Term Services and Supports waiver was approved, with amendments by the Centers for Medicare & Medicaid Services. The originally scheduled launch date of January 2013 has been moved to July 2013.
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
Facilities must disclose their policies concerning Medicaid admissions to prospective and current residents and address specified topics. In addition, the adoption of a new assisted living disclosure form is anticipated in 2012. Items on the disclosure form include types of services offered by the facility and facility policies on admissions including applicable fees and discharges.

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
While an assessment form is not specified, areas in which the resident must be evaluated are mandated by the rules.

Medication Management
Certified nurse aides, certified home health aides, or staff members who have other equivalent training approved by the Department of Health (DOH) and 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). Allowable injections include pre-drawn insulin injections as well as disposable insulin delivering mechanical devices commonly known as "pens." Effective January 2013, an assisted living facility may request a waiver from the DOH that will allow the RN to delegate to certified medical aides the administration of injectable medications (in addition to insulin) via disposable, integrated, mechanical medication delivery devices that are prefilled by the manufacturer.
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

A bathroom with a toilet, bathtub/shower, and sink must be located in each resident unit. Additional toilet facilities located in areas other than the residential units must be provided to meet the needs of residents, staff, and visitors to the facility.

Life Safety

Smoke detectors are required in all resident bedrooms, living rooms, studio apartment units, and public areas of the facility. A comprehensive automatic fire suppression system is required throughout the building (in accord with the Uniform Construction Code), unless an exemption has been applied for and granted. New Jersey uses National Fire Protection Association standards.

Alzheimer's Unit Requirements

Facilities that advertise or hold themselves out as having an Alzheimer's unit are required to establish written policies and procedures for the unit, establish criteria for admission and discharge from the unit, have staff attend a mandatory training program, compile staffing information, and provide, upon request, a list of activities directed toward Alzheimer's residents and safety policies and procedures specific to residents diagnosed with Alzheimer's.

Staff Training for Alzheimer's Care

Staff are required to have attended a mandatory training program.

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. In addition, staff must be trained in the provision of services and assistance in accordance with the concepts of assisted living and including care of residents with physical impairment; emergency plans and procedures; the infection prevention and control program; resident rights; abuse and neglect; pain management; and the care of residents with Alzheimer's and related dementia conditions.
Continuing Education (CE) Requirements

Administrators must complete a minimum of 30 hours of continuing education every three 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 grants continuing education credit for continuing education programs approved by any one of the following entities: the National Association of Long Term Care Administrator Boards (NAB); a member state of the NAB; state or national associations or professional societies of licensed nursing home administrators; state or national associations of long-term healthcare facilities; state or national accredited institutions of higher learning; and state or national professional boards practicing in areas relevant to nursing home administration and the care of nursing home residents.

Medicaid Policy and Reimbursement

New Jersey consolidated its home and community-based waiver programs into one waiver: Global Options for Long Term Care (GO). Assisted living is a covered service under GO. Beginning in 2011, all Medicaid recipients residing in an assisted living residence, comprehensive personal care home, or receiving services in an assisted living program are required to choose a health care provider from within a managed care network. Payments to facilities remain fee for service but all other covered Medicaid services are managed by the managed care organizations.
New Mexico

**Agency** Department of Health, Health Facility Licensing and Certification Bureau  
**Phone** (505) 476-9025  
**Contact** Veronica Baca  
**Phone** (505) 476-9031  
**E-mail** Veronica.Baca@state.nm.us  
**Web Site** http://dhi.health.state.nm.us/hflc/index.php

**Licensure Term** Assisted Living Facilities  
**Opening Statement** Revisions of the regulations that took effect in January 2010 changed the licensure term from Adult Residential Care Facility to Assisted Living Facility and include new rules for administrator and staff training, Alzheimer’s care, and hospice services.  
**Definition** An assisted living facility provides programmatic services, room, board, and/or assistance with one or more activities of daily living (ADLs) to two or more individuals.  
**Disclosure Items** Facilities operating a secured environment for memory care must disclose specified information to the resident and resident’s legal representative including information about the types of diagnoses or behaviors, and the care, services, and type of secured environment that facility and trained staff provide.  
**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. Facilities also may not retain individuals whose physician certifies that placement is no longer appropriate. Residents may receive hospice care.  
**Resident Assessment** The state must review the facility’s assessment form for sampled residents at time of survey. The form is used 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. Each facility shall provide at least one tub and shower or a combination unit to allow for residents’ bathing preferences.

**Life Safety**

Although automatic sprinkler systems are not mandated, manual fire alarm systems are required. Electric smoke detectors/alarms with battery backup are required on each floor to be audible in all sleeping areas. Smoke detectors are required in areas of assembly such as dining rooms and living rooms. Smoke detectors must also be installed in corridors with no more than thirty-foot spacing. Heat detectors, powered by the house electrical service, must be installed in all enclosed kitchens. New facilities and existing facilities that remodel are required to have smoke detectors in all sleeping rooms and common living areas.

**Alzheimer's Unit Requirements**

Facilities that provide a memory care unit to serve residents with dementia must meet additional requirements relating to care coordination, employee training, individual service plans, assessments and reevaluations, documentation, security, resident rights, disclosure, and staffing. Facilities must provide sufficient number of trained staff members to meet the additional needs of residents and there must be at least one staff member awake and in attendance in the secured environment at all times.

**Staff Training for Alzheimer's Care**

In addition to training requirements for all assisted living facilities, all employees assisting in providing care for memory unit residents shall have a minimum of 12 hours of training per year related to dementia, Alzheimer’s disease, or other pertinent information relating to the current residents.

**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**

Assisted living administrators must be at least 21 years of age, possess management and administrative skills, have a high school diploma or equivalent, complete a state-approved
certification program, undergo criminal background checks, and meet other requirements.

**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 16 hours of supervised training prior to providing unsupervised care. Employees must be screened for criminal history.

**Continuing Education (CE) Requirements**
All caregivers must receive 12 hours annual training covering 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 need. For facilities offering hospice services, all staff must receive six hours of hospice training plus one additional hour for each hospice resident's individual service plan. All employees assisting in providing care for memory unit residents must have a minimum of 12 hours of training per year related to dementia, Alzheimer's disease, or other pertinent information relating to the current residents.

**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.
Licensure Term: Adult Care Facilities/Assisted Living Residences

Opening Statement: Adoption of regulatory revisions in January 2013 provides that no adult home with a capacity of 80 or greater may admit or retain more than 25 percent census of residents with serious mental illness. Those adult homes with a capacity of 80 or greater and with a census of 20 percent mentally ill will be required to provide a quarterly statistical information report to the Department of Health, and will be referred to as transitional adult homes. Operators of such transitional homes must bring the facility's mental health census to a level under 25 percent of the resident population through the lawful discharge of residents with appropriate community services to alternative community settings.

As part of a shift to Medicaid managed care, changes to the Assisted Living Program were adopted in the New York State Budget, effective April 1, 2012.

In New York, adult care facilities (ACFs) are the settings where supervision and personal care are provided to persons with functional and/or cognitive impairments. There are three types of ACFs: Adult Homes, Enriched Housing Programs, and Residences for Adults. 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 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. This legislation established assisted living residences as a licensure category. Regulations establishing this level of licensure and further clarifying the new law were promulgated in 2008. Any facility meeting the definition of assisted living residence must have or obtain an adult home or enriched housing program license. In May 2010, the state Department of Health issued guidance to ensure adequate staffing and training for the care of persons with cognitive impairments.

Definition: Adult homes provide long term residential care, room, board, housekeeping, personal care, and supervision to five or more adults. Enriched housing programs provide long term residential care to five or more adults (generally 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.

Residences for adults generally serve a younger population than that served by adult homes and enriched housing programs. Services that must be provided by the operator include room, meals, housekeeping, supervision and case management.

Assisted living and an 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 homelike 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 operator 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 homelike 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.

Special needs assisted living is a certification that allows a facility to serve individuals with special needs. One such designation is persons with 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 has developed guidance specifically to ensure adequate staffing and training.

Separate from the assisted living residence (ALR) classification created in 2004 is the assisted living program, which was established in 1991 to serve private pay and Medicaid eligible individuals who are medically eligible for nursing home placement, but who are not in need of the highly structured,
medical environment of a nursing facility and whose needs could be met in a less restrictive and lower cost residential setting. Assisted living programs (ALPs) are responsible for providing residents with long term residential care, room, board, housekeeping, personal care, supervision, and providing or arranging for home health services. ALPs are required to hold dual licenses/certification as an adult home or enriched housing program and as a licensed home care services agency (LHCSA), long term home health care program, or certified home health agency (CHHA). If the ALP is licensed as a LHCSA, it must contract with a CHHA for provision of skilled services to ALP residents. ALPs may receive Medicaid reimbursement for the health care services provided, whereas an ALR may not.

**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. Residents and potential residents may be referred to the Department’s website, but a hard copy must be provided by the facility if requested.
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 numbers of state and local ombudsmen.

**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. Adoption of regulatory revisions in January 2013 provides that no adult home with a capacity of 80 or greater may admit or retain more than 25 percent census of residents with serious mental illness.

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.
Life Safety
For ACFs:
For Adult Homes and Residences for Adults:
(1) Regulations require an automatic sprinkler system throughout in buildings housing 25 or more residents;
(2) The Building Code of New York State (modeled after the International Building Code) requires an automatic sprinkler system in accordance with the applicable occupancy group designated for the ACF;
(3) Regulations require a supervised smoke detection system installed throughout the building; and
(4) Regulations require all fire protection systems required to be directly connected to the local fire department or to a 24/7-attended central station.

For Enriched Housing Programs, the state building code requires the installation of automatic sprinkler systems, detection systems, and fire alarm and early warning systems in accordance with the applicable occupancy group designated for the ACF.

Proposed regulations for all assisted living residences would require:
(1) An automatic sprinkler system installed throughout the building with no bed capacity limitations;
(2) A supervised smoke detection system installed throughout the building; and
(3) All fire protection systems to be directly connected to the local fire department or to a 24/7-attended central station.

Alzheimer's Unit Requirements
Special requirements exist for dementia units.

Staff Training for Alzheimer's Care
Any ACF with approved dementia units is required to provide staff training in characteristics and needs of persons with dementia, including behavioral symptoms, and mental and emotional changes. The training should include methods for meeting the residents' needs on an individual basis. Further, in order to obtain approval for a special needs assisted living residence (SNALR), the 2004 statute requires an operator to submit a plan to the Department which must include not only proposed staffing levels, but also staff education, training, work experience, and professional affiliations or special characteristics relevant to the population the SNALR is intending to serve (including Alzheimer's or other dementias).

Staffing Requirements
Adult care facilities 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
Enriched housing programs and adult homes must provide an
orientation and in-service 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.

<table>
<thead>
<tr>
<th>Continuing Education (CE) Requirements</th>
<th>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.</th>
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<tbody>
<tr>
<td>Entity Approving CE Program</td>
<td>None specified.</td>
</tr>
<tr>
<td>Medicaid Policy and Reimbursement</td>
<td>Medicaid reimbursement is available for home care services under the Assisted Living Program with a capacity of 4,200 beds statewide. Medicaid reimbursement will not be available for people in assisted living residences.</td>
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</table>
Assisted Living Residences

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. Legislation passed in 2011 affects several aspects of adult and family care home licensure, including penalties and remedies for violations; discharge of adult care home residents; frequency of inspections based on quality ratings; infection control standards; and training and competency evaluation of medication aides.

Definition

Assisted living residences provide group housing with at least one meal per day and housekeeping services and provide 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.

One type of assisted living is adult care homes, which include 'family care' (housing two to six residents) and 'adult care homes' of seven or more residents. Both can choose to serve only elderly persons (55 years or older or any adult who has a primary diagnosis of Alzheimer's Disease or other form of dementia) and the license would indicate such.

A second type of assisted living is MAHS, which 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

MAHS providers 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 care home with a special care unit for individuals with
Alzheimer's disease or related dementia 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 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
In all assisted living residences, hospice care and home health
care may be requested by the resident and provided with
appropriate physician orders.

In 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 provider 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) Residents requiring total dependence in four or 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 by the MAHS provider; and
(12) Other medical and functional care needs that the Medical Care Commission determines cannot be properly met by a MAHS provider.

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 are required. An individual with the following conditions or 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;
(5) Posing a direct threat to the health or safety of others;
(6) Ventilator dependency;
(7) Individuals whose physician certifies placement as no longer appropriate;
(8) Individuals whose health needs cannot be met as determined by the residence; or
(9) Such other medical and functional care needs as the Medical Care Commission determines cannot be properly met in an adult care home.

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**

MAHS providers must screen prospective residents to determine the facility's capacity and legal authority to meet the needs of the
### 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

In adult care homes, a bedroom may not be occupied by more than two residents in facilities licensed after July 1, 2004.

### Bathroom Requirements

In adult care homes, shared bathroom and toilet facilities are permitted 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.

### Life Safety

In adult care homes, smoke detectors must be in all corridors, no more than 60 feet from each other and no more than 30 feet from any end wall. There must be heat or smoke detectors in all storage rooms, kitchens, living rooms, dining rooms, and laundries. All detection systems must be interconnected with the alarm system.

### Alzheimer's Unit Requirements

In adult care homes of seven beds or more that advertise special care units, 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 a disclosure statement of policies and special services.

### Staff Training for Alzheimer's Care

In adult care homes, 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

Administrators in adult care homes with seven or more beds must be certified by the state, which requires completion of a 120-hour administrator-in-training program. For family care homes, administrators must be approved for each particular home and, without experience and/or training, must complete 30 days of on-the-job training.

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. Family care home staff must have at least a 25-hour personal care training program within six months of hire, unless a resident needs a certain health care task listed in rule that requires 80 hours of training.

Continuing Education (CE) Requirements

Administrators of adult care homes of seven or more beds must complete 30 hours of continuing education every two years. Family care home administrators must complete 15 hours of continuing education per year. Administrators-in-charge and 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 Health Service Regulation for approval.

Medicaid Policy and Reimbursement

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

Agency

Department of Health, Divisions of Health Facilities and Life Safety and Construction for Basic Care Facilities

Department of Health, Division of Food & Lodging for Assisted Living (Food Sanitation and Life Safety)

Department of Human Services for Assisted Living Facilities

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Contact

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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 and, for sanitation, by the Department of Health)

Opening Statement

North Dakota has licensed basic care facilities and licensed assisted living facilities. Effective April 1, 2012, new administrative rules for assisted living facilities add emergency lighting provisions; require that all assisted living facilities have a written emergency disaster plan; and require that if sprinkler systems are installed, they must meet the NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems.

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.

An assisted living facility is a facility licensed by the Department of Human Services under North Dakota Century Code 50-32. A license from the Department of Health under North Dakota
Century Code 23-09 is required as part of the license process. A licensed assisted living facility means a building or structure containing a series of at least five 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 Chapters 23-16 or 25-16 or Section 50-11-01.4.

**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 nursing services under contract with the facility. In assisted living facilities, home health agencies may provide services under contract with the resident. Long term care insurance may pay in basic care and assisted living facilities.

**Move-In/Move-Out Requirements**

A basic care facility may admit or retain only individuals whose condition and abilities are consistent with National Fire Protection Association (NFPA) 101 Life Safety Code requirements and who must be capable of self-preservation. Basic care residents are admitted and retained in the facility in order to receive room and board and health, social, and personal care, and whose condition does not require continuous, 24-hour-a-day onsite availability of nursing or medical care.

Other admission and discharge criteria are developed by each basic care or assisted living facility dependent upon their ability to meet the needs of the residents and the services available.

**Resident Assessment**

In basic care and assisted living facilities, the facilities develop and utilize 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
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.

Residents Allowed Per Room
Not specified for basic care facilities. No more than two people may occupy one bedroom of each living unit of an assisted living facility.

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. In assisted living facilities, there must be a private bathroom with a toilet, bath tub or shower, and a sink.

Life Safety
Basic care facilities: In general, in basic care facilities, automatic sprinkler systems are required to protect construction types that may be unprotected or of combustible materials. NFPA 13D, NFPA 13R, or NFPA 13 automatic sprinkler systems may be used. Smoke detectors are required in resident rooms, corridors, and common areas. There are exceptions where these requirements may not apply.

Basic care facilities must comply with the NFPA safety code, 1988 edition, chapter 21, residential board and care occupancy, slow evacuation capability, or a greater level of fire safety. Fire drills must be held monthly with a minimum of 12 per year, alternating with all work shifts. Residents and staff, as a group, shall either evacuate the building or relocate to an assembly point identified in the fire evacuation plan. At least once a year, a fire drill must be conducted during which all staff and residents evacuate the building. Fire evacuation plans must be posted in a conspicuous place in the facility. Written records of fire drills must be maintained. These records must include dates, times, duration, names of staff and residents participating and those absent and why, and a brief description of the drill including the escape path used and evidence of simulation of a call to the fire department. Each resident shall receive an individual fire drill walk-through within five days of admission. Any variation to compliance with the fire safety requirements must be approved in writing by the department. Residents of facilities meeting a greater level of fire safety must meet the fire drill requirements of that occupancy classification.
Assisted living facilities: Operators of assisted living facilities must certify that facilities are in compliance with all applicable federal, state, and local laws, and upon request make available to the department copies of current certifications, licenses, permits, and other similar documents providing evidence of compliance with such laws. Each assisted living facility must install smoke detection devices or other approved alarm systems of a type and number approved by the department, in cooperation with the state fire marshal. Assisted living facilities must meet exiting requirements. Access to fire escapes must be kept free and clear at all times of all obstructions of any nature. The proprietor of the assisted living facility must provide for adequate exit lighting and exit signs as defined in the state building code.

Each assisted living facility must be provided with fire extinguishers as defined by the NFPA standard number 10 in quantities defined by the state building code and the state fire code. Standpipe and sprinkler systems must be installed as required by the state building code and state fire code. Fire extinguishers, sprinkler systems, and standpipe systems must conform with rules adopted by the state fire marshal. A contract for sale or a sale of a fire extinguisher installation in a public building is not enforceable, if the fire extinguisher or extinguishing system is of a type not approved by the state fire marshal for such installation. No fire extinguisher of a type not approved by the state fire marshal may be sold or offered for sale within the state.

Assisted living facilities must meet smoke detector regulations as stated in North Dakota Administrative Code 33-33-05. These regulations require every sleeping room, passageway, and hallway to be equipped with a smoke detection device. In addition, at least one sleeping room in an assisted living facility shall be equipped with a listed smoke detection device for the hearing impaired. At least 10 percent of battery-operated smoke detectors must be tested weekly and at least 10 percent of hard-wired detectors must be tested monthly on a systematic basis. Records of those tests need to be kept for two years.

Assisted living facilities are required to have written disaster plans and emergency lighting. Passenger or freight elevators must comply with state building code fire protection requirements.

**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. However, all staff in basic care facilities are required to receive annual training on the mental and physical health needs of the residents, including behavior problems.
<table>
<thead>
<tr>
<th><strong>Staffing Requirements</strong></th>
<th>In assisted living, staff must be available 24 hours a day to meet the needs of the residents, not necessarily on site. Basic care facilities must provide 24-hour staffing.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Administrator Education/Training</strong></td>
<td>None specified.</td>
</tr>
<tr>
<td><strong>Staff Education/Training</strong></td>
<td>All employees in basic care facilities must have in-service training annually on: a) fire and accident prevention and safety; b) mental and physical health needs of the residents, including behavior problems; c) prevention and control of infections, including universal precautions; and d) resident rights. In basic care facilities, the staff responsible for food preparation are required to attend a minimum of two dietary educational programs per year and staff responsible for activity services are required to attend a minimum of two activity-related programs per year.</td>
</tr>
<tr>
<td><strong>Continuing Education (CE) Requirements</strong></td>
<td>Administrators of basic care facilities must complete at least 12 hours of continuing education per year relating to care and services for residents.</td>
</tr>
<tr>
<td><strong>Entity Approving CE Program</strong></td>
<td>None specified for either basic care or assisted living facilities.</td>
</tr>
<tr>
<td><strong>Medicaid Policy and Reimbursement</strong></td>
<td>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.</td>
</tr>
<tr>
<td></td>
<td>Individuals in assisted living facilities may be eligible for services funded by state resources, Medicaid, or Medicaid waiver services. Generally, low-income individuals have limited access to assisted living because funds are not available for rental assistance (except through the U.S. Department of Housing and Urban Development in limited situations).</td>
</tr>
</tbody>
</table>
Ohio

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Licensure Term          Residential Care Facilities
Opening Statement          A five-year review of Ohio's residential care facilities rules was completed in November 2012, and the new rules took effect Jan. 1, 2013. Changes include: clarification of requirements for initial licenses and renewal licenses; collection of additional information regarding the licensed operator of a home; allowing for shared staffing between different homes under certain conditions; and removal of potential limitations on the scope of practice of advanced practice nurses and physician assistants. Also, some of the disclosure requirements for facilities caring for "special populations" and the requirement to use a prescribed disclosure form were removed.

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 may provide supervision and personal care services, administer or assist with self-administration of medication, supervise special diets, perform dressing changes, and accept individuals requiring part-time intermittent enteral feedings. Facilities may also provide up to 120 days of skilled nursing services on a part-time, intermittent basis. Ohio law exempts both hospice residents who also need skilled nursing care and residents whose skilled nursing care is determined to be routine by a physician from the 120-day limitation.

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, except for hospice residents and those whose skilled nursing care is determined to be routine by a physician.

**Resident Assessment**
A resident assessment must be completed on or before admission, annually, and upon significant change. There are specific components, but not a mandated form. Residents with medical, psychosocial, or developmental disabilities require additional assessment.

**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, or physician). Trained, unlicensed staff may assist with self-administration only if the resident is mentally alert, able to participate in the medication process, and requests such assistance. Assistance includes reminders, observing, handing medications to the resident, and verifying the resident’s name on the label, etc. Ohio also is conducting a pilot program for certified medication aides in residential care facilities and nursing homes that will expand who may administer medications.

**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 are 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. New facilities constructed or converted to use after the effective date of the new rules shall have a bathroom for each unit/apartment.

**Life Safety**
Sprinklers and smoke detectors have been required since 1974. The current Life Safety Code does not apply to residential care facilities but they must comply with the Ohio Fire Code and Ohio Building Code, which have been brought up to National Fire Protection Association and International Fire Code standards. Each residential care facility must develop and maintain a written disaster preparedness plan to be followed in case of emergency or disaster. Twelve fire drills are required annually, to be done for each shift and at least every three months. Buildings must be equipped with both an automatic fire extinguishing system and fire alarm system. Each residential care facility must conduct fire safety inspections at least monthly.

**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 the unit. The attending physician must also document the need for such placement, and placement cannot be based solely on the resident’s diagnosis.

**Staff Training for Alzheimer's Care**
Licensure rules outline specific training upon hire and annually related to specialized populations. Activity staff must also receive specialized training related to those with cognitive impairments, behaviors, and/or seriously mentally ill individuals as appropriate.

**Staffing Requirements**
A facility must have an administrator who is responsible for its daily operation and provides at least 20 hours of service in the facility during each calendar week between 8 a.m., and 6 p.m. 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. For facilities that provide personal care services, at least one staff member trained and capable of providing such services, including having successfully completed first aid training, must be on duty at all times. For homes that provide skilled nursing care, the rules require enough onsite RN time to manage the provision of skilled nursing care if that care is provided by the facility, excluding medication administration, supervision of special diets, or application of dressings, and sufficient nursing staff to provide needed skilled nursing care. At night, a staff member may be on call if the facility meets certain call signal requirements, but another person must also be on call in such cases. A dietitian working as consultant or employee is necessary for facilities that provide and supervise complex therapeutic diets.

**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 3,000 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. Staff that provide personal care services must have eight hours of continuing education annually which may include the specialized training for those caring for specialized populations.

**Entity Approving CE Program**
The initial training required for providing care for special populations of residents (late-stage cognitive impairment, increased emotional needs or presenting behaviors, or serious...
mental illness) must be conducted by a qualified instructor for the topic covered. The annual continuing education requirements may be completed online or by other media provided there is a qualified instructor present to answer questions and to facilitate discussion about the topic at the end of the lesson.

**Medicaid Policy and Reimbursement**

An assisted living Medicaid waiver program was implemented in 2006 and can accommodate 1,800 individuals.
Oklahoma

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Department of Health, Protective Health Services

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Licensure Term
Assisted Living Centers

Opening Statement
In 2010, Oklahoma implemented legislation allowing assisted living facilities licensed to house six or fewer residents prior to July 1, 2008, to install a 13D or 13R fire sprinkler in lieu of meeting I-II sprinkler requirements, with approval of the municipal fire marshal or compliance with local codes.

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 assistance with personal care or nursing supervision and may need 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.

If a resident develops a disability or a condition consistent with the facility's discharge criteria, the resident's personal or
The attending physician, a representative of the assisted living center, and the resident or his/her designated representative shall determine through consensus any reasonable and necessary accommodations and additional services required to permit the resident to remain in place in the assisted living center as the least restrictive environment and with privacy and dignity. All accommodations or additional services shall be described in a written plan that must be reviewed at least quarterly by a licensed health care professional. If the parties fail to reach a consensus on a plan of accommodation, the assisted living center may give written notice of the termination of the residency in accordance with the provisions of the resident’s contract with the assisted living center. Such notice shall not be less than 30 calendar days prior to the date of termination, unless the assisted living center or the personal or attending physician of the resident determines the resident is in imminent peril or the continued residency of the resident places other persons at risk of imminent harm.

### 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.

Residents may receive home health care, hospice care, and intermittent, periodic, or recurrent nursing care. Assisted living centers must monitor and assure the delivery of such services. All nursing services must be in accordance with the written orders of the resident’s personal or attending physician. The statute also states that a resident, or the family or legal representative of the resident, may privately contract or arrange for private nursing services under the orders and supervision of the resident’s personal or attending physician. (See Oklahoma Continuum of Care and Assisted Living Act, Title 63 O.S. §1-890.8.)

### 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.

**Life Safety**

Facilities must follow construction and safety standards adopted by the State Fire Marshal or the local authority having jurisdiction. The fire marshal or an authorized representative inspects and approves assisted living center's and continuum of care facilities. Sprinklers and smoke detectors are required. Adopted codes include the International Building Code, 2006 edition; International Fire Prevention Code, 2006 edition; and National Fire Protection Association 101 Life Safety Code, 2006 edition. Where codes conflict, the most stringent requirement applies. Residents incapable of self-preservation are only allowed in buildings permitted as I-II under the International Building Code, 2006 edition. Legislation enacted in 2008 allows assisted living facilities constructed before Nov. 1, 2008 to house residents who are not capable of responding in emergency situations without physical assistance from staff or are not capable of self preservation if, as part of the annual licensure renewal process, the facility discloses that it houses any residents of this type and the facility installs fire sprinkler protection and an alarm system in accordance with the building code for I-II facilities and in agreement with the local authority having jurisdiction. Facilities licensed to house six or fewer residents prior to July 1, 2008, may install a 13D or 13R fire sprinkler in lieu of meeting I-II sprinkler requirements, with approval of the municipal fire marshal or compliance with local codes.

**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.

A minimum of two staff members must be on duty and awake on all shifts if a continuum of care facility or assisted living center has a unit or program designed to prevent or limit resident access to areas outside the designated unit or program, one of which must be on duty at all times in the restricted egress unit.

**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 (CNAs) must be under the supervision of a registered nurse.

An assisted living center that has only one direct care staff member on duty and awake during the night shift 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.

A minimum of two staff members must be on duty and awake on all shifts if a continuum of care facility or assisted living center has a unit or program designed to prevent or limit resident access to areas outside the designated unit or program, one of which must be on duty at all times in the restricted egress unit.

<table>
<thead>
<tr>
<th>Administrator Education/Training</th>
<th>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.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Education/Training</td>
<td>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.</td>
</tr>
<tr>
<td>Continuing Education (CE) Requirements</td>
<td>Administrators must complete 16 hours of continuing education per year.</td>
</tr>
<tr>
<td>Entity Approving CE Program</td>
<td>The entity that issued the license or certificate.</td>
</tr>
<tr>
<td>Medicaid Policy and Reimbursement</td>
<td>Oklahoma instituted a Medicaid waiver certification program for assisted living centers in 2009.</td>
</tr>
</tbody>
</table>
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 adult persons with disabilities may reside in homelike surroundings. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the activities of daily living (ADL), health, and social needs of the residents. A program approach is used to
promote resident self-direction and participation in decisions that emphasize choice, dignity, privacy, individuality, and independence.

Residential Care Facility means a building, complex, or distinct part thereof consisting of shared or individual living units in a homelike surrounding where six or more seniors and adult persons with disabilities may reside. The facility offers and coordinates a range of supportive services available on a 24-hour basis to meet the ADL, health, and social needs of the residents as described in the rules. A program approach is used to promote resident self-direction and participation in decisions.

Disclosure Items

There is a state-designated uniform disclosure statement that must be provided to each person who requests information about a facility. The residency agreement and following disclosure information 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 including the basic rental rate and what it includes, cost of additional services, billing method, payment system, and due dates, deposits, and non-refundable fees, if applicable;
3. The method for evaluating a resident’s service needs and assessing the costs for the services provided;
4. Policy for increases, additions, or changes to the rate structure. Disclosure must address the minimum requirement of 30 days prior written notice of any facility-wide increases or changes and the requirement for immediate written notice for individual resident rate changes that occur as a result of changes in the service plan;
5. Refund and proration conditions;
6. A description of the scope of services available according to OAR 411-054-0030 (Resident Services);
7. A description of the service planning process;
8. Additional available services;
9. The philosophy of how health care and ADL services are provided to the resident;
10. Resident rights and responsibilities;
11. The facility system for packaging medications and that residents may choose a pharmacy that meets the requirements of ORS 443.437;
12. Criteria, actions, circumstances, or conditions that may result in a move-out notification or intra-facility move;
13. Residents’ rights pertaining to notification of move-out;
14. Notice that the Department of Human Services (DHS) has the authority to examine residents’ records as part of the evaluation of the facility; and
15. Staffing plan.
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

Residents may be asked to move out in certain situations. Thirty-day notification must be provided in most situations but there is a provision for less than 30-day notification when there are urgent medical and psychiatric needs. The following are specific reasons that a facility could request that a resident seek other living arrangements:

1. The resident’s needs exceed the level of ADL services the facility provides as specified in the facility’s disclosure information;
2. The resident engages in behavior or actions that repeatedly and substantially interferes with the rights, health, or safety of residents or others;
3. The resident has a medical or nursing condition that is complex, unstable, or unpredictable and exceeds the level of health services the facility provides as specified in the facility’s disclosure information;
4. The facility is unable to accomplish resident evacuation in accordance with OAR 411-054-0090 (Fire and Life Safety);
5. The resident exhibits behavior that poses a danger to self or others;
6. The resident engages in illegal drug use or commits a criminal act that causes potential harm to the resident or others; or
7. There is non-payment of charges.

Resident Assessment

A standardized assessment form is used by state caseworkers to determine Medicaid eligibility and service level payment. Providers are not required to use a Department designated form but must address a common set of evaluation elements including specified resident routines and preferences; physical health status; mental health issues; cognition; communication and sensory abilities; ADLs; independent ADLs; pain; skin condition; nutrition habits, fluid preferences, and weight if indicated; treatments including type, frequency and level of assistance needed; indicators of nursing needs, including potential for
**Physical Plant Requirements**

- **Assisted Living**: 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). Other extensive physical plant requirements apply.

- **Residential Care Facilities**: Resident units may be limited to a bedroom only, with bathroom facilities centrally located off common corridors. In bedroom units, the door must open to an indoor, temperature-controlled common area or common corridor and residents must not enter a room through another resident's bedroom. Resident units must include a minimum of 80 square feet per resident exclusive of closets, vestibules, and bathroom facilities and allow for a minimum of three feet between beds.

**Residents Allowed Per Room**

- In Assisted Living Facilities, resident units may only be shared by couples or individuals who choose to live together. In Residential Care Facilities, each resident unit may house no more than two residents.

**Bathroom Requirements**

- Private bathrooms are required in Assisted Living.

**Life Safety**

- All buildings must have an automatic sprinkler system, smoke detectors, and an automatic and manual fire alarm system. Facilities must have a written emergency procedure and disaster plan for meeting all emergencies and disasters that must be approved by the state fire marshal. A minimum of one unannounced fire drill must be conducted and recorded every other month. Each month that a fire drill is conducted, the time (day, evening, and night shifts) and location of the drill must vary. Fire and life safety instruction to staff must be provided on alternate months.

**Alzheimer's Unit Requirements**

- In 2010, Oregon developed new rules for the endorsement of Memory Care Communities, formerly known as Alzheimer's Care Units. To achieve endorsement, a community must meet underlying licensing requirements for Assisted Living and Residential Care as well as the endorsement rules. Endorsement rules focus on person-centered care, consumer protection, and staff training specific to caring for people with dementia, and include enhanced physical plant and environmental requirements. A Memory Care Community is defined as a special care unit in a designated separate area for individuals...
with Alzheimer's disease or other dementia that is locked, segregated, or secured to prevent or limit access by a resident outside the designated or separated area.

Applicants for endorsement must demonstrate their capacity to operate a Memory Care Community, taking into account their history of compliance and experience in operating any care facility. Applicants without sufficient experience must employ a consultant or management company for at least the first six months of operation.

Communities that are not endorsed may not advertise or imply that they have an endorsement. In addition to the residency agreement, an endorsed community must provide a Memory Care Community Uniform Disclosure Statement to residents or their representatives prior to move-in.

Staffing levels must comply with licensing rules and be sufficient to meet the scheduled and unscheduled needs of residents. Staffing levels during nighttime hours shall be based on sleep patterns and needs of residents. Required policies and procedures include philosophy of how memory care services are provided and promotion of person-directed care, evaluation of behavioral symptoms and design for supports for an intervention plan, resident assessment for the use and effects of medications including psychotropic medications, wandering and egress prevention, and description of family support programs.

Minimum services are specified including an individualized nutritional plan, an activity plan, evaluation of behavioral symptoms that negatively impact the resident or others in community, support to family and other significant relationships, and access to outdoor space and walkways.

The physical design should maximize functional abilities, accommodate behavior related to dementia, promote safety, encourage dignity, and encourage independence. Specific elements for new construction or remodels include: SR-2 occupancy classification; lighting requirements that meet the ANSI/IESNA RP-28-07; and a secure outdoor recreation area.

**Staff Training for Alzheimer's Care**

All Memory Care Community staff must be trained in required topics addressing the needs of people with dementia prior to providing care and services to residents and within 30 days of hire. They also must receive four hours of dementia-specific in-service training annually (in addition to licensing requirements of 12 hours of annual training). For an administrator of a Memory Care Community, 10 of the 20 hours of required annual continuing education must be related to the care of individuals with dementia.

**Staffing Requirements**

The facility must have qualified staff sufficient in number to meet the 24-hour scheduled and unscheduled needs of each
Caregivers provide services for residents that include assistance with ADLs, medication administration, resident-focused activities, supervision, and support. Based on resident acuity and facility structural design, there must be adequate caregivers present at all times to meet the fire safety evacuation standards as required by the fire authority or DHS.

The licensee is responsible for assuring that staffing is increased to compensate for the evaluated care and service needs of residents at move-in and for the changing physical and mental needs of the residents. A minimum of two caregivers must be scheduled and available at all times whenever a resident requires the assistance of two caregivers for scheduled and unscheduled needs. In facilities where residents are housed in two or more detached buildings, or if a building has distinct and segregated areas, a designated caregiver must be awake and available in each building and each segregated area at all times.

Facilities must have a written, defined system to determine appropriate numbers of caregivers and general staffing based on resident acuity and service needs. Such systems may be either manual or electronic. Guidelines for systems must also consider physical elements of a building, use of technology, if applicable, and staff experience. Facilities must be able to demonstrate how their staffing system works.

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.

**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**

Prior to beginning their job responsibilities all employees must complete an orientation that includes: residents’ rights and the values of community-based care; abuse and reporting requirements; standard precautions for infection control; and fire
Continuing Education (CE) Requirements

Administrators must complete 20 hours of continuing education per year. Direct caregivers must have 12 hours of in-service training annually. For additional continuing education requirements for administrators and staff in Memory Care Communities, see the Staff Training for Alzheimer's Care section.

Entity Approving CE Program

Office of Licensing and Regulatory Oversight
Medicaid Policy and Reimbursement

A Medicaid home and community-based services waiver covers services to nursing home level residents in Assisted Living and Residential Care Facilities. It is a tiered system of reimbursement based on the services provided.
Pennsylvania

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Licensure Term: Personal Care Homes and Assisted Living Residences

Opening Statement: In 2012, the Department of Public Welfare transferred responsibility for licensure and enforcement of assisted living residences from the Office of Long Term Living to the Bureau of Human Services Licensing, which also regulates personal care homes.

Until recently, the terms personal care home and assisted living have been synonymous in Pennsylvania. In 2007, legislation was passed to define assisted living residences and create a separate set of regulations to govern their operation. Pennsylvania's new assisted living regulations took effect Jan. 18, 2011, thereby creating two levels of licensure. Some homes licensed as personal care homes may meet this new criteria, but many will not. Assisted living residences are a long term care alternative that allows individuals to age in place and receive the assistance they need to maintain maximum independence and exercise decision-making and personal choice.

Personal care homes serve residents who do not need 24-hour nursing care (as in nursing homes), yet who may need assistance with activities of daily living (ADLs). Pennsylvania personal care homes serve residents who are aged, have mental illness, mental retardation, and/or physical disabilities. As of Dec. 31, 2012, there were 1,264 licensed personal care homes in Pennsylvania with a capacity to serve 66,000 residents. Personal care homes serve about 46,500 residents. Personal care home licensing protects the health, safety, and well-being of residents.

Definition: A personal care home (PCH) is a residence in which food, shelter, and personal assistance or supervision are provided for a period exceeding 24 hours, for four or more adults who are not relatives of the operator, who do not require the services of or in a licensed long-term care facility, but who do require assistance or supervision in ADLs or instrumental activities of daily living (IADLs). The term includes a residence that has held or presently holds itself out as a personal care home and provides food and shelter to four or more adults who need personal care services, but who are not receiving the services.

An assisted living residence (ALR) is any premises in which food,
shelter, assisted living services, assistance or supervision, and supplemental health care services are provided for a period exceeding 24-hours for four or more adults who are not relatives of the operator, who require assistance or supervision in matters such as dressing, bathing, diet, financial management, evacuation from the residence in the event of an emergency, or medication prescribed for self-administration.

**Disclosure Items**

For both PCHs and ALRs, a written contract is required between the home and the resident.

For PCHs, specific information must be included in the contract such as: a fee schedule that lists the actual charges for each service; the party responsible for payment; refund policy; method of payment for long distance phone calls; arrangements for financial management; house rules; termination conditions; a list of personal care services to be provided based on the outcome of the support plan; bed hold charges; and a 30-day notice of changes in the contract. Additionally, upon admission each resident must be informed of residents' rights and complaint procedures available through the Department of Public Welfare.

For ALRs, the contract must contain a fee schedule that lists the actual amount of charges for each of the assisted living services that are included in the resident's core service package; an explanation of the annual assessment, medical evaluation, and support plan requirements and procedures; the party responsible for payment; the method for payment of charges for long distance telephone calls; the refund policy; arrangements for financial management; the residence's rules; the conditions for termination of a contract; 30-days notice of changes to contract; a list of assisted living services or supplemental health care services, or both, to be provided based on the resident's support plan; bed hold charges; resident's rights; and complaint procedures.

**Facility Scope of Care**

PCHs may provide assistance with ADLs, IADLs, and medications. ADLs include eating, drinking, ambulating, transferring in and out of a bed or chair, toileting, bladder and bowel management, personal hygiene, securing health care, managing health care, self-administering medication, and proper turning and positioning in a bed or chair. IADLs include activities done on a behalf of a resident such as doing laundry, shopping, securing and using transportation, managing finances, using a telephone, making and keeping appointments, caring for personal possessions, writing correspondence, engaging in social and leisure activities, using a prosthetic device, and obtaining and keeping clean, seasonal clothing.

ALRs must provide assisted living services which, at a minimum, include: nutritious meals and snacks; laundry services; a daily program of social and recreational activities; assistance with
performing ADLs and IADLs; assistance with self-administration of medication or medication administration; housekeeping services essential for the health, safety, and comfort of the resident based upon the resident's needs and preferences; transportation; financial management; 24-hour supervision; monitoring and emergency response; activities and socialization; and basic cognitive support services. ADLs include eating, drinking, ambulating, transferring in and out of a bed or chair, toileting, bladder and bowel management, personal hygiene, securing health care, managing health care, self-administering medication and proper turning and positioning in a bed or chair. IADLs include activities done on behalf of a resident such as: doing laundry; shopping; securing and using transportation; financial management; using a telephone; making and keeping appointments; caring for personal possessions; writing correspondence; engaging in social and leisure activities; using a prosthetic device, and obtaining and keeping clean, seasonal clothing.

The ALR must provide or arrange for the provision of supplemental health care services, including, but not limited to, the following: hospice services, occupational therapy, skilled nursing services, physical therapy, behavioral health services, home health services, escort service if indicated in the resident's support plan or requested by the resident to and from medical appointments, and specialized cognitive support services. Hospice care licensed by the Pennsylvania Department of Health may be provided in both PCHs and ALRs.

For ALRs, each residence must demonstrate the ability to provide or arrange for the provision of supplemental health care services in a manner protective of the health, safety, and well-being of its residents utilizing employees, independent contractors, or contractual arrangements with other health care facilities or practitioners licensed, registered, or certified to the extent required by law to provide the service. Supplemental health care services are defined as the provision by an ALR of any type of health care service, either directly or through contractors, subcontractors, agents, or designated providers, except for any service that is required by law to be provided by a health care facility under the Health Care Facilities Act.

The ALR must assist residents in securing medical care and supplement health care services. A residence may require residents to use providers of supplemental health care services approved or designated by the residence. However, the residence must permit a resident to select or retain his/her primary care physician. The residence must assist residents in securing preventive medical, dental, vision, and behavioral health care as requested by a physician, physician's assistant, or certified
registered nurse practitioner.

**Move-In/Move-Out Requirements**

For PCHs, residents eligible for nursing home care may not be admitted into a home. Admission of residents with special needs is allowed only if the home complies with certain additional staffing, physical site, and fire safety requirements. A home must have a written program description including the services the home intends to provide and the needs of the residents that can be safely served.

An ALR may not admit, retain, or serve an individual with any of the following conditions or health care needs unless the residence seeks approval from the licensing agency: ventilator dependency; stage III and IV decubiti and vascular ulcers that are not in a healing stage; continuous intravenous fluids; reportable infectious diseases in a communicable state that requires isolation of the individual or requires special precautions by a caretaker to prevent transmission of the disease unless the Department of Health directs that isolation be established within the residence; nasogastric tubes; physical restraints; or continuous skilled nursing care 24 hours a day. The licensing agency may approve an exception related to any of the conditions or health care needs listed above under specified conditions and procedures.

With regard to moving out, both PCHs and ALRs must ensure a safe and orderly transfer or discharge that is appropriate to meet the resident's needs and allows the resident to participate in the decision relating to relocation. If the residence initiates a transfer or discharge, or if the legal entity chooses to close the residence, the residence must provide a 30-day advance written notice to the resident, the resident's family, or designated person and the referral agent citing the reasons for the transfer or discharge, the effective date of the transfer or discharge, the location to which the resident will be transferred or discharged, an explanation of the measures the resident or the resident’s designated person can take if they disagree with the residence decision to transfer or discharge, and the resident's transfer or discharge rights.

**Resident Assessment**

For PCHs, a preadmission screening must be completed prior to move in to assess the needs of the resident and whether the home can meet these needs. A medical evaluation must be completed 60 days prior to or 30 days after moving into the home. A PCH assessment, including an assessment of mobility needs, medication administration needs, communication abilities, cognitive functioning, ADLs, IADLs, referral sources, and personal interests and preferences, must be completed within 15 days of admission. A support plan must be developed to meet the needs identified in the assessment and implemented within 30 days after admission. The Department requires specified forms to be used in each instance.
Physical Plant Requirements

In PCHs, resident bedrooms must be a minimum of 80 square feet and multiple-occupancy bedrooms must provide a minimum of 60 square feet per resident. A bedroom for one or more residents with a mobility need must have at least 100 square feet per resident and allow for passage of beds and for the comfortable use of assistive devices, wheelchairs, walkers, special furniture, or oxygen equipment. Other physical requirements address environmental safety, sanitation, general safety, and fire safety.

For ALRs, for new construction after Jan. 18, 2011, each living unit for a single resident must have at least 225 square feet of floor space measured wall-to-wall, excluding bathrooms and closet space. If two residents share a living unit, there must be a total of 300 square feet. The kitchen capacity, at a minimum, must contain a cabinet for food storage, a small bar-type sink with hot and cold running water, and space with electrical outlets suitable for small appliances such as a microwave oven and a small refrigerator. The cooking appliance or small refrigerator, or both, must be provided by the residence if desired by the resident or his/her designated person. If the resident or designated person wishes to provide his/her own cooking appliance or small refrigerator, or both, it must meet the residence’s safety standards.

Medication Management

A PCH must provide residents with assistance, as needed, with medication prescribed for the resident’s self-administration. A home may provide medication administration services for a resident who is assessed to need medication administration services. Medications must be administered by licensed medical personnel or by a staff person who has completed a Department-approved medication administration course that includes passing the Department's performance-based competency test.

An ALR must provide residents with assistance, as needed, with medication prescribed for the resident’s self-administration. This assistance includes helping the resident to remember the schedule for taking the medication, storing the medication in a secure place, and offering the resident the medication at the prescribed times. A residence shall provide medication administration services for a resident who is assessed to need medication administration services and for a resident who chooses not to self-administer medications. Prescription medication that is not self-administered by a resident shall be administered by a licensed professional or a staff person who has completed the licensing agency’s medication administration training and has passed the performance-based competency test.

An ALR may use its own assessment and support plan forms if they include the same information as the licensing agency’s forms.
For ALR facilities in existence prior to Jan. 18, 2011, each living unit must have at least 160 square feet measured wall-to-wall, excluding bathrooms and closet space. If two residents share a living unit, there must be a total of 210 square feet. The kitchen capacity, at a minimum, must provide space with electrical outlets suitable for small appliances, such as a microwave oven and a small refrigerator. The cooking appliance or small refrigerator, or both, must be provided by the residence if desired by the resident or designated person. If the resident or designated person wishes to provide his own cooking appliance or small refrigerator, or both, it shall meet the residence’s safety standards. The residence shall provide access to a sink for dishes, a stovetop for hot food preparation, and a food preparation area in a common area. A common resident kitchen may not include the kitchen used by the residence staff for the preparation of resident or employee meals, or the storage of goods.

Each living unit must have a door with a lock, except where a lock would pose a risk or be unsafe, and must be equipped with an emergency notification system to notify staff in the event of an emergency.

Residents Allowed Per Room

In a PCH, a maximum of four residents is allowed per bedroom. No more than two residents are permitted in each secure dementia care unit bedroom.

ALRs may not require residents to share a living unit. However, two residents may voluntarily agree to share one living unit provided that the agreement is in writing and contained in each resident-residence contract. No more than two residents may reside in any living unit.

Bathroom Requirements

For PCHs, there must be at least one toilet for every six or fewer users, including residents, staff persons, and household members. There must be at least one sink and wall mirror for every six or fewer users, including residents, staff persons, and household members. There must be at least one bathtub or shower for every 10 or fewer users, including residents, staff persons, and household members.

For ALRs, each living unit must have a bathroom with one functioning flush toilet, at least one sink and wall mirror, and a bathtub or shower. The toilet and bath areas must have grab bars, hand rails, or assist bars. Bathtubs and showers must have slip-resistant surfaces. Bathroom doors in a double occupancy living unit must be lockable by the resident, unless contraindicated by the support plan.

The ALR must have at least one public restroom that is convenient to common areas and wheelchair accessible.
bathroom must be equipped with a system to notify staff in the event of an emergency.

For PCHs, there must be two exits on each floor of the home. Operable automatic smoke detectors must be located in the hallways within 15 feet of each bedroom door. If the home serves nine or more residents, there shall be at least one smoke detector on each floor interconnected and audible throughout the home or an automatic fire alarm system that is interconnected and audible throughout the home. If one or more residents or staff persons are not able to hear the smoke detector or fire alarm system, a signaling device approved by a fire safety expert shall be used. There shall be at least one operable fire extinguisher with a minimum 2-A rating for each floor, including the basement and attic. There shall be one unannounced fire drill once a month held at various times of the day and night, under normal staffing conditions. A nighttime drill must be held every six months. During fire drills, all residents must exit the building within the time specified by a fire department or within 2½ minutes.

For ALRs, stairways, hallways, doorways, passageways, and egress routes from living units and from the building must be unlocked and unobstructed. All buildings must have at least two independent and accessible exits from every floor, arranged to reduce the possibility that both will be blocked in an emergency situation. For a residence serving nine or more residents, an emergency evacuation diagram of each floor showing corridors, line of travel to exit doors, and location of the fire extinguishers and pull signals must be posted in a conspicuous and public place on each floor.

If the ALR serves one or more residents with mobility needs above or below residence grade level, there must be a fire-safe area, as specified by a fire safety expert, on the same floor as each resident with mobility needs.

There must be an operable automatic smoke detector in each living unit. If the residence serves nine or more residents, there must be at least one smoke detector on each floor interconnected and audible throughout the residence or an automatic fire alarm system that is interconnected and audible throughout the residence. If one or more residents or staff persons are not able to hear the smoke detector or fire alarm system, a signaling device approved by a fire safety expert must be used and tested so that each resident and staff person with a hearing impairment will be alerted in the event of a fire. Smoke detectors and fire alarms must be tested for operability at least once per month. In residences housing five or more residents with mobility needs, the fire alarm system must be directly connected to the local fire department or 24-hour monitoring service approved by the local
Alzheimer's Unit Requirements

Requirements

For PCHs, in addition to the assessments and support plans required in a standard PCH, a resident of a dementia care unit must have a written cognitive preadmission screening in collaboration with a physician or a geriatric assessment team within 72 hours prior to admission to a secure dementia care unit. The resident must be assessed annually for the continuing need for the secured dementia care unit. The resident-home contract must include the services provided in the dementia care unit, admission and discharge criteria, change in condition policies, special programming, and costs and fees.

Facilities must offer the following types of activities at least weekly: gross motor activities, such as dancing, stretching, and other exercise; self-care activities, such as personal hygiene; social activities, such as games, music, and holiday and seasonal celebrations; crafts, such as sewing, decorations, and pictures; sensory and memory enhancement activities, such as review of current events, movies, story telling, picture albums, cooking, pet therapy, and reminiscing; and outdoor activities, as weather permits, such as walking, gardening, and field trips. At least two hours per day of personal care services must be provided to each resident. Additional staffing is required to provide the services specified in each resident’s support plan.

In PCHs, no more than two residents are permitted in each secure dementia care unit bedroom. In a dementia care unit, key-operated locks are not permitted. All doors must be equipped with magnetic locks that automatically open when the fire alarm system is activated.

The ALR statute establishes standards for special care units, which are a residence or portion of a residence providing in the...
least restrictive manner 1) specialized care and services for residents with Alzheimer's disease or dementia, and/or 2) intense neurobehavioral rehabilitation for residents with severely disruptive and potentially dangerous behaviors as a result of brain injury. Admission to a special care unit must be in consultation with the resident’s family or designated person. No more than two residents may occupy a living unit regardless of its size.

Special care units are permitted to have doors equipped with key-locking devices, electronic card operated systems, or other devices that prevent immediate egress if they have written approval from the Pennsylvania’s Department of Labor and Industry, Department of Health, or appropriate local building authority permitting the use of the specific locking system. A residence must have a statement from the manufacturer, specific to that residence, verifying that the electronic or magnetic locking system will shut down, and that all doors will open easily and immediately upon a signal from an activated fire alarm system, heat or smoke detector; a power failure to the residence; or overriding the electronic or magnetic locking system by use of a key pad or other lock-releasing device.

The residence must provide space for dining, group and individual activities, and visits. Each resident in a special care unit shall be considered to be a resident with mobility needs and therefore must receive two hours per day of assisted living services.

In ALR special care units for Alzheimer’s disease or dementia, in addition to the medical evaluation required of all residents, a written cognitive preadmission screening completed in collaboration with a physician or a geriatric assessment team and documented on the licensing agency’s cognitive preadmission screening form must be completed for each resident within 72 hours prior to admission. A support plan that identifies the resident’s physical, medical, social, cognitive, and safety needs must be developed within 72 hours of admission or within 72 hours prior to the resident's admission to the special care unit. The support plan must be reviewed, and if necessary, revised at least quarterly and as the resident’s condition changes. Residents of a special care unit for Alzheimer’s disease or dementia must also be assessed quarterly for the continuing need for the unit.

The following types of activities must be offered at least weekly to residents of a special care unit for residents with Alzheimer's disease or dementia: gross motor activities, such as dancing, stretching, and other exercise; self-care activities, such as personal hygiene; social activities, such as games, music, and holiday and seasonal celebrations; crafts, such as sewing,
decorations, and pictures; sensory and memory enhancement activities, such as review of current events, movies, storytelling, picture albums, cooking, pet therapy, and reminiscing; and outdoor activities, as weather permits, such as walking, gardening, and field trips.

**Staff Training for Alzheimer's Care**

For PCHs, each staff person must have six hours of annual training related to dementia care and services in addition to the 12 hours of annual training required of direct care staff in a standard PCH.

For ALRs, each direct care staff person working in a special care unit for residents with Alzheimer's disease or dementia must have eight hours of initial training within the first 30 days of the date of hire and a minimum of eight hours of annual training related to dementia care and services, in addition to the 16 hours of annual training required in the standard ALR.

**Staffing Requirements**

For PCHs, an administrator must be in the home an average of 20 hours or more per week in each calendar month. At least one direct care staff person shall be awake at all times residents are present in the home. Direct care staff must be present to provide one hour of personal care per day for mobile residents and two hours per day for residents with mobility needs, 75 percent of which shall be given during waking hours. Additionally, there must be staff available to meet the needs of each individual resident as specified in the resident's support plan. At least one staff person for every 50 residents who is trained in first aid and CPR must be present in the home at all times. Direct-care staff must be at least 18 years of age and have a high school diploma or GED.

For ALRs, the administrator must be present in the residence an average of 36 hours or more per week, in each calendar month. At least 30 hours per week must be during normal business hours. If the administrator is unavailable to meet the hourly requirements due to a temporary absence, the administrator must assign an administrator designee to supervise the residence during his/her absence.

A direct care staff person 21 years of age or older must be present in the residence whenever at least one resident is present. The direct care staff person may be the administrator if the administrator provides direct care services. Direct care staff persons must be available to provide at least one hour per day of assisted living services to each mobile resident and at least two hours per day to each resident with mobility needs.

At least 75 percent of the ALR service hours must be available during waking hours. Direct care staff persons on duty in the residence shall be awake at all times. Staffing must be provided to meet the needs of the residents as specified in the resident's support plan.
assessment and support plan. Residence staff or service providers who provide services to the residents in the residence shall meet the applicable professional licensure requirements.

An ALR must have a licensed nurse available in the building or on call at all times. The licensed nurse shall be either an employee of the residence or under contract with the residence. The residence must have a dietician on staff or under contract to provide for any special dietary needs of a resident as indicated in his/her support plan. For every 35 residents, there shall be at least one staff person trained in first aid and certified in obstructed airway techniques and CPR present in the residence at all times.

**Administrator**

**Education/Training**

PCH administrators must be at least 21 years of age and must meet one of the following qualifications:

1. Be a licensed registered nurse (RN);
2. Have an associate’s degree or 60 credit hours from an accredited college or university;
3. Be a licensed practical nurse (LPN) with one year of work experience in a related field;
4. Be a licensed nursing home administrator in Pennsylvania;
5. For a home serving eight or fewer residents, have a GED or high school diploma and two years direct care or administrative experience in the human services field.

A PCH administrator must complete the following prior to employment:

1. An orientation program approved and administered by the Department;
2. A 100-hour standardized Department-approved administrator training course; and
3. A Department-approved competency based training test with a passing score.

An ALR administrator must be 21 years of age or older and have one of the following qualifications:

1. A license as an RN from the Department of State and one year, in the prior 10 years, of direct care or administrative experience in a health care or human services field;
2. An associate’s degree or 60 credit hours from an accredited college or university in a human services field and one year, in the prior 10 years, of direct care or administrative experience in a health care or human services field;
3. An associate’s degree or 60 credit hours from an accredited college or university in a field that is not related to human services and two years, in the prior 10 years, of direct care or administrative experience in a health care or human services field;
4. A license as an LPN from the Department of State and one year, in the prior 10 years, of direct care or administrative...
experience in a health care or human services field;
(5) A license as a nursing home administrator from the Department of State and one year, in the prior 10 years, of direct care or administrative experience in a health care or human services field;
(6) Experience as a PCH administrator, employed as such for two years prior to Jan. 18, 2011, and completed the administrator training requirements and passed the Department-approved competency-based training test by Jan. 18, 2012.

Prior to initial employment, all ALR administrators must successfully complete the following:
(1) An orientation program approved and administered by the licensing agency;
(2) A 100-hour standardized licensing agency-approved administrator training course; and
(3) A licensing agency-approved competency-based training test with a passing score.

**Staff Education/Training**

For PCHs, direct care staff must be 18 years of age or older and have a high school diploma, GED, or active registry status on the Pennsylvania nurse aide registry. Prior to or during the first work day, all direct care staff persons must have an orientation in general fire and smoking safety, evacuation procedures, staff duties, and emergency preparedness. Within 40 scheduled working hours, direct care staff persons must have an orientation that includes: (1) resident rights; (2) emergency medical plan; (3) mandatory reporting of abuse and neglect under the state's Older Adult Protective Services Act; and (4) reporting of reportable incidents and conditions. Prior to providing unsupervised ADL services, direct care staff persons must successfully complete and pass the Department-approved direct care training course and competency test.

For ALRs, direct care staff must be 18 years of age or older and have a high school diploma, GED, or active registry status on the Pennsylvania nurse aide registry. Prior to or during the first work day, direct care and other staff including ancillary staff, substitute personnel, and volunteers, must have an orientation in general fire safety and emergency preparedness including the following: evacuation procedures; staff duties and responsibilities during fire drills, as well as during emergency evacuation, transportation, and at an emergency location, if applicable; the designated meeting place outside the building or within the fire-safe area in the event of an actual fire; smoking safety procedures, the residence's smoking policy, and location of smoking areas, if applicable; the location and use of fire extinguishers; smoke detectors and fire alarms; and telephone use and notification of emergency services. Direct care staff must complete an initial orientation approved by the licensing agency and must be certified in first aid and CPR before
providing direct care to residents.

Within 40 scheduled working hours, ALR direct care staff, ancillary staff, substitute personnel, and volunteers must have an orientation training that includes the following: resident rights; emergency medical plan; mandatory reporting of abuse and neglect under the Older Adult Protective Services Act; reporting of reportable incidents and conditions; safe management techniques; and core competency training that includes person-centered care, communication, problem solving and relationship skills, and nutritional support according to resident preference.

ALR direct care staff may not provide unsupervised assisted living services until completion of 18 hours of training including a demonstration of job duties, followed by supervised practice, and successful completion and passing the licensing agency-approved direct care training course and passing of the competency test. Initial direct care staff training includes safe management techniques; assisting with ADLs and IADLs; personal hygiene; care of residents with mental illness, neurological impairments, mental retardation, and other mental disabilities; the normal aging-cognitive, psychological, and functional abilities of individuals who are older; implementation of the initial assessment, annual assessment, and support plan; nutrition, food handling, and sanitation; recreation, socialization, community resources, social services, and activities in the community; gerontology; staff person supervision; and other specified elements.

ALR administrative staff, direct care staff, ancillary staff, substitute personnel, and volunteers shall receive at least four hours of dementia-specific training within 30 days of hire.

Continuing Education (CE) Requirements

For PCHs, administrators must complete 24 hours of annual training by a Department-approved training source. Direct care staff persons must have at least 12 hours of annual training relating to their job duties.

An ALR administrator must have at least 24 hours of annual training relating to their job duties. ALR direct care staff must have at least 16 hours of annual training relating to their job duties. Administrative staff, direct care staff, ancillary staff, substitute personnel, and volunteers must receive at least two hours of dementia-specific training annually.

Entity Approving CE Program

None specified.

Medicaid Policy and Reimbursement

While Medicaid funding is not available for PCHs, the Commonwealth does provide a state supplement to Supplemental Security Income for residents in PCHs.
Currently there is no Medicaid funding available for services provided in ALRs. However, the licensing agency is exploring the possibility of a home and community-based waiver for assisted living services in the future.
Assisted Living Residences

A 2010 amendment to the assisted living residence law expanded the types of residents that may receive skilled nursing care or therapy and the length of time they may receive such services.

A copy of the assisted living residence regulations is available at: http://www2.sec.state.ri.us/dar/regdocs/released/pdf/DOH/4819.pdf

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.

A resident may receive skilled nursing care or therapy from a
licensed health care provider for a condition that results from a
temporary illness or injury for up to 45 days subject to an
extension of additional days as approved by the Department, or if
the resident is under the care of a licensed hospice agency,
provided the assisted living residence assumes responsibility for
ensuring that such care is received.
<table>
<thead>
<tr>
<th><strong>Third Party Scope of Care</strong></th>
<th>None specified.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Move-In/Move-Out Requirements</strong></td>
<td>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 are 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.</td>
</tr>
<tr>
<td><strong>Resident Assessment</strong></td>
<td>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 <a href="http://www.health.ri.gov">http://www.health.ri.gov</a>.</td>
</tr>
<tr>
<td><strong>Medication Management</strong></td>
<td>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 registered medication aides 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.)</td>
</tr>
</tbody>
</table>
**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.

**Life Safety**

Facilities must have sprinklers and smoke detectors. Residential board and care facilities must have carbon monoxide detectors, which must be either hardwired or wireless and be installed in accordance with National Fire Protection Association 720.

**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 who 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 residences. 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 ongoing in-service training as appropriate for their job classifications that includes the topics identified above.

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**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.
Licensure Term
Community Residential Care Facilities

Opening Statement
Regulations have been in effect since 1986. Revised regulations took effect June 25, 2010. In 2011, the requirement for retrofitting of sprinkler systems and fire alarm system enhancements for facilities licensed prior to the implementation of current fire and life safety codes was set aside until such time as economic conditions permit. The department will continue vigorous monitoring of existing systems to ensure facilities provide adequate fire and life safety safeguards for residents.

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
A facility 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. The assessment must include a procedure for determining the nature and extent of the problems and needs of
a resident/potential resident to ascertain if the facility can adequately address those problems, meet those needs, and to secure information for use in the development of the individual care plan. Included in the process is an evaluation of the physical, emotional, behavioral, social, spiritual, nutritional, recreational, and, when appropriate, vocational, educational, and legal status/needs of a resident/potential resident. Consideration of each resident’s needs, strengths, and weaknesses also must be included in the assessment.

<table>
<thead>
<tr>
<th><strong>Medication Management</strong></th>
<th>Medication administration by unlicensed staff who have been trained to perform these tasks is permitted.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Physical Plant Requirements</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Residents Allowed Per Room</strong></td>
<td>A maximum of three residents is allowed per resident unit.</td>
</tr>
<tr>
<td><strong>Bathroom Requirements</strong></td>
<td>One toilet is required for every six residents and one tub/shower is required for every eight residents.</td>
</tr>
<tr>
<td><strong>Life Safety</strong></td>
<td>The department utilizes the International Building Code, 2006 edition, as its basic code reference. Unless specifically required otherwise in writing by the department’s Division of Health Facilities Construction, all facilities existing when the regulation was promulgated shall meet the codes, regulations, and requirements for the building and its essential equipment and systems in effect at the time the license was issued. Any additions or renovations to an existing facility shall meet the codes, regulations, and requirements for the building and its essential equipment and systems in effect at the time of the addition or renovation. When the cost of additions or renovations to the building exceeds 50 percent of the then market value of the existing building and its essential equipment and systems, the entire building shall meet the then current codes, regulations, and requirements. Any facility that closes or has its license revoked, and for which application is made at the same site, shall be considered a new building and shall meet the current codes, regulations, and requirements for the building and essential equipment and systems in effect at the time of application for re-licensing.</td>
</tr>
<tr>
<td><strong>Alzheimer's Unit Requirements</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Staff Training for Alzheimer's Care</strong></td>
<td>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</td>
</tr>
</tbody>
</table>
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 (from 7 a.m. to 7 p.m., or as otherwise approved by the Department of Health and Environmental Control). During night-time hours, at least one staff member must be on duty for every 30 residents. Additional staff members must be provided if the department determines that the minimum staff requirements are inadequate to provide appropriate care, services, and supervision to the residents of a facility (for example, to ensure a resident’s personal safety when safety precautions are needed until the resident is assessed by a physician or other authorized health care provider for relocation to a higher level of care and subsequently relocated to an appropriate facility).

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 in-service 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 for designated staff; 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

<table>
<thead>
<tr>
<th>Agency</th>
<th>Department of Health, Office of Health Care Facilities Licensure and Certification</th>
</tr>
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<tbody>
<tr>
<td>Contact</td>
<td>Deb Wegleitner</td>
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<tr>
<td>E-mail</td>
<td><a href="mailto:deb.wegleitner@state.sd.us">deb.wegleitner@state.sd.us</a></td>
</tr>
<tr>
<td>Web Site</td>
<td><a href="http://www.state.sd.us/doh/Facility/levels.htm">www.state.sd.us/doh/Facility/levels.htm</a></td>
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<tr>
<th>Licensure Term</th>
<th>Assisted Living Centers</th>
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<tbody>
<tr>
<td>Opening Statement</td>
<td>Major revisions were made to South Dakota’s assisted living regulations, effective Jan. 9, 2012, including separating the rules for assisted living centers from the state’s medical facility rules. The new rules further define restrictions on accepting and retaining residents as well as conditions under which hospice care may be provided. Besides updating fire safety standards to the 2009 edition of the Life Safety Code, the new rules revise requirements in a number of other areas including food service, occupant protection, infection control and prevention, tuberculin screening, resident assessment, drug disposal, and architectural features. The regulations can be found at: <a href="http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=44:70">http://legis.state.sd.us/rules/DisplayRule.aspx?Rule=44:70</a>.</td>
</tr>
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</table>

| 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. |

| Disclosure Items | None identified. |

| Facility Scope of Care | Facilities must provide supportive services for activities and spiritual needs individualized to each resident. Facilities must also provide for the availability of physician services. Nothing in regulation limits or expands the rights of any health care worker to provide services within the scope of the professional's license, certification, or registration, as provided by South Dakota law. Skilled care must be delivered by facility staff or a Medicare certified home health agency for a limited time with a planned end date. If the facility admits and retains residents on therapeutic diets, it must have a registered dietician consultant. |

| 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. Hospice services must be delivered by Medicare certified hospice agencies with an agreement in place, staff training, and notification of the department when a resident elects or discontinues hospice care. Additional staffing is required when a resident is incapable of self-preservation in facilities with 16 |
beds or less, but family members may assist in providing supportive services to hospice residents in lieu of additional staff.

**Move-In/Move-Out Requirements**

Before admission, a physician, physician assistant, or nurse practitioner must determine that residents are 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. Residents covered by Medicaid cannot be involuntarily transferred or discharged unless their needs and welfare cannot be met by the facility.

**Resident Assessment**

Nursing assessments are not required. An 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.

The facility must use a form developed by the department outlining services it is licensed to provide upon resident admission, yearly, and after a significant change of condition. Facilities also must use a screening tool for evaluation of a resident's cognitive status upon admission, yearly, and after a significant change in condition.

**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 pass an approved medication course, and 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. If a facility admits and retains cognitively impaired residents, exit alarms must be installed. Call systems must be installed in facilities for physically impaired residents.
<table>
<thead>
<tr>
<th><strong>Residents Allowed Per Room</strong></th>
<th>A maximum of two residents is allowed per resident unit.</th>
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</thead>
<tbody>
<tr>
<td><strong>Bathroom Requirements</strong></td>
<td>Bathrooms must adjoin the resident rooms. Each resident room must have a toilet and a lavatory.</td>
</tr>
<tr>
<td><strong>Life Safety</strong></td>
<td>The 2009 edition of the Life Safety Code (LSC) has been adopted. All newly constructed assisted living centers must be equipped with an automatic sprinkler system, fire alarm systems, and smoke detection systems based on their occupancy classification. These systems must be installed in accordance with National Fire Protection Association (NFPA) codes (NFPA-13 &amp; NFPA 72). All existing assisted living centers are inspected for compliance using the appropriate occupancy classification of the LSC and NFPA codes and standards.</td>
</tr>
<tr>
<td><strong>Alzheimer's Unit Requirements</strong></td>
<td>Each facility with secured units must comply with the following:</td>
</tr>
<tr>
<td></td>
<td>(1) Physician's order for confinement of the resident that includes medical symptoms that warrant seclusion that must be reviewed periodically;</td>
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<td>(2) Therapeutic programming must be provided and documented in the resident's plan of care;</td>
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<td></td>
<td>(3) Confinement may not be used as a punishment or for the convenience of staff;</td>
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<tr>
<td></td>
<td>(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;</td>
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<td>(5) Comply with Life Safety Code regarding locked doors; and</td>
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<tr>
<td></td>
<td>(6) Staff working in a 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.</td>
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<tr>
<td></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Staff Training for Alzheimer's Care</strong></td>
<td>Staff working in secured units 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.</td>
</tr>
<tr>
<td><strong>Staffing Requirements</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Administrator Education/Training</strong></td>
<td>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.</td>
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</table>
**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. Resident rights;
6. Confidentiality of resident information;
7. Incidents and diseases subject to mandatory reporting and the facility’s reporting mechanism;
8. Care of residents with unique needs;
9. Nutritional risks and hydration needs of residents;
10. Working with cognitively impaired residents (if approved for admitting/retaining cognitively impaired residents); and
11. Oxygen handling and administration (if approved to provide supplemental oxygen).

**Continuing Education (CE) Requirements**  See Staff Education/Training.

**Entity Approving CE Program**  None specified.

**Medicaid Policy and Reimbursement**  A broad Medicaid home and community-based services waiver coupled with state funds covers services in assisted living.
Licensure Term
Assisted Care Living Facilities

Opening Statement
The regulations have been in effect since April 1998. Major revisions to the rules became effective in May 2009 marking the first significant change in the Assisted Care Living Facility rules. Facilities are also regulated by statute [T.C.A. 68-11-201(4) and (5)]. The Long-Term Care Community Choices Act of 2008 (Public Chapter 1190) allowed Assisted Care Living Facilities to care for residents with greater health care needs and also clarified that hospice services can be provided in such facilities.

Definition
An Assisted Care Living Facility (ACLF) is a building, establishment, complex, or distinct part thereof that accepts primarily aged persons for domiciliary care and services.

Disclosure Items
The residence must have an accurate written statement regarding fees and services that will be provided to the resident upon admission and provide to each resident at the time of admission a copy of the resident's rights for the resident's review and signature. Prior to the admission or execution of a contract for the care of a resident, each ACLF shall disclose in writing to the resident, or to the resident's legal representative, whether the ACLF has liability insurance and the identity of the primary insurance carrier. If the ACLF is self-insured, its statement shall reflect that fact and indicate the corporate entity responsible for payment of any claims.

Facility Scope of Care
The facility may provide medical services and oversight of medical services. The facility shall provide personal services. Medical services include administration of medication, part-time intermittent nursing care, various therapies, podiatry, medical social services, medical supplies, durable medical equipment, and hospice services. Personal services include protective care, safety when in the ACLF, daily awareness of the individual's whereabouts, the ability and readiness to intervene if crises arise, room and board, non-medical living assistance with activities of daily living (ADLs), laundry services, and dietary services.

Third Party Scope of Care
Medical services identified in the Facility Scope of Care provided in the facility may be provided by appropriately licensed or qualified staff of an ACLF, appropriately licensed or qualified contractors of an ACLF, a licensed home care organization, appropriately licensed staff of a nursing home, or another
Move-In/Move-Out Requirements

A facility shall not admit or permit the continued stay of any resident if he/she:
(1) Requires treatment of extensive stage III or IV decubitis ulcer or exfoliative dermatitis;
(2) Requires continuous nursing care;
(3) Has an active, infectious, and reportable disease in a communicable state that requires contact isolation;
(4) Exhibits verbal or physical aggressive behavior which poses an imminent physical threat to self or others, based not on the person's diagnosis, but on the behavior of the person;
(5) Requires physical or chemical restraints, not including psychotropic medications prescribed for a manageable mental disorder or condition; or
(6) Has needs that cannot be safely and effectively met in the ACLF.

An ACLF resident shall be discharged and transferred to another appropriate setting such as home, a hospital, or a nursing home when the resident, the resident's legal representative, ACLF administrator, or the resident's treating physician determine that the ACLF cannot safely and effectively meet the resident's needs, including medical services. The Board for Licensing Health Care Facilities may require that an ACLF resident be discharged or transferred to another level of care if it determines that the resident's needs, including medical services, cannot be safely and effectively met in the ACLF.

A facility shall not admit, but may permit the continued stay of residents who require the following treatments on an intermittent basis of up to three 21-day periods: (The resident's treating physician must certify that treatment can be safely and effectively provided by the ACLF for the last two 21-day periods.)
(1) Nasopharyngeal or tracheotomy aspiration;
(2) Nasogastric feedings;
(3) Gastrostomy feedings; or
(4) Intravenous therapy or intravenous feedings.

The treatments described above can be provided on an ongoing basis if:
(1) The resident is receiving hospice services;
(2) The resident does not qualify for nursing facility level of care, in which case a waiver may be granted by the Board for Licensing Health Care Facilities, allowing the person to remain in the ACLF; or
(3) A person who requires any of the treatments specified above and who is able to self-care for such conditions without the assistance of facility personnel or other appropriately licensed entity will not be subject to the limitations outlined above and may be admitted or permitted to continue as a resident in an...
Any ACLF resident who qualifies for hospice care shall be able to receive hospice services and continue as a resident of the facility as long as the resident's treating physician certifies that hospice care can be appropriately provided at the facility.

**Resident Assessment**

Facilities are required to assess prospective residents before they move in to make sure they meet the definition of an ACLF resident. The complete written assessment of the resident shall occur within a time-period determined by the ACLF, but no later than 72 hours after admission. Quarterly reviews are to be performed by an interdisciplinary team for residents in a secured unit.

**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.

**Physical Plant Requirements**

A minimum of 80 square feet of bedroom space must be provided to each resident. Living room and dining areas capable of accommodating all residents shall be provided, with a minimum of 15 square feet per resident per dining area. All new facilities must conform to the 2006 edition of the International Building Code, the 2006 edition of the National Fire Protection Code of the National Fire Protection Association (NFPA), the 2005 edition of the National Electrical Code, and the 2005 edition of the U.S. Public Health Service Food Code as adopted by the Board for Licensing Health Care Facilities. The requirements of the Americans with Disabilities Act, as revised in 2004, and the 1999 edition of the North Carolina Handicap Accessibility Codes with 2004 amendments apply to all new and existing facilities. Where there are conflicts between requirements in local codes and the above listed codes and regulations, the most stringent requirements shall apply.

**Residents Allowed Per Room**

No bedroom shall have more than two beds.

**Bathroom Requirements**

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

**Life Safety**

All facilities must be protected throughout by an approved automatic sprinkler system using quick-response or residential sprinklers. All facilities must have electrically operated smoke detectors with battery back-up power operating at all times in at least sleeping rooms, day rooms, corridors, laundry rooms, and any other hazardous areas. In addition to state and federal laws and regulations, Tennessee adheres to NFPA standards.

**Alzheimer's Unit Requirements**

Facilities are permitted to have secured units and can retain residents into the last stages of Alzheimer's disease, consistent with the above admission/discharge/transfer criteria. Facilities utilizing secured units must provide to survey staff specific information and documentation accumulated during the previous
| **Staff Training for Alzheimer's Care** | Any staff working on a secured unit must have annual in-service 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. |
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<td><strong>Staffing Requirements</strong></td>
<td>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. An ACLF shall employ a qualified dietician, full time, part time, or on a consultant basis.</td>
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<tr>
<td><strong>Administrator Education/Training</strong></td>
<td>Administrators must hold a high school diploma or equivalent, and must not have been convicted of a criminal offense involving the abuse or intentional neglect of an elderly or vulnerable individual. An administrator must be certified by the Board for Licensing Health Care Facilities, unless the administrator is currently licensed in Tennessee as a nursing home administrator as required by T.C.A. 63-16-101.</td>
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<tr>
<td><strong>Staff Education/Training</strong></td>
<td>The responsible attendant, administrator, and direct care staff must be at least 18 years of age.</td>
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<tr>
<td><strong>Continuing Education (CE) Requirements</strong></td>
<td>Administrators must complete 24 hours of continuing education every two years in courses related to Tennessee rules and regulations, health care management, nutrition and food service, financial management, and healthy lifestyles.</td>
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<tr>
<td><strong>Entity Approving CE Program</strong></td>
<td>Tennessee Board of Licensing Health Care Facilities. All NAB-approved classroom courses including interactive on-line courses are automatically accepted. Continuing education courses focusing on geriatric care that are sponsored by the state and/or national association are also accepted and can be taken either in a classroom setting or through interactive on-line courses. However, there is no licensing board for ACLF administrators.</td>
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<tr>
<td><strong>Medicaid Policy and Reimbursement</strong></td>
<td>Tennessee has both a state-only-funded and a Medicaid-funded home and community-based services (HCBS) program. Medicaid long-term care services, both HCBS and nursing facility care, are provided under a managed care program called CHOICES. ACLF services are included in CHOICES with the exception of room and board. ACLFs also can provide respite care to eligible individuals.</td>
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Licensure Term  
Assisted Living Facilities

Opening Statement  
Legislation enacted in 2012 resulted in the following changes:
Each facility must have a policy for vaccine preventable diseases based on U.S. Centers for Disease Control and Prevention recommendations. Also, under certain conditions, facilities were given more latitude to provide services beyond those normally included in care plans to residents whose care needs have increased since move in, and to retain residents whose ability to evacuate has decreased, thereby allowing them to remain at the facility.

Definition  
Assisted Living Facilities (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; 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.

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 and assist with the administration and management of medication.

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 comprehensive resident assessment is required. There is no state-mandated form. Facilities must include specific criteria.
Physical Plant Requirements

Bedroom usable floor space for Type A 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.

The regulations list extensive fire safety requirements under Chapters 12 or 21 of the National Fire Protection Association (NFPA) Life Safety Code. Type A ALFs are classified as 'slow' evacuation and Type B facilities as 'impractical' evacuation.

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.

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 10 residents is required.

Life Safety

ALFs must meet the requirements of the 1988 edition of NFPA 101, the Life Safety Code. Type A large and small facilities and Type B small facilities must meet Chapter 21, Residential Board and Care Occupancies based on evacuation capability. Type B large facilities must meet Chapter 12, New Healthcare Occupancies. Sprinkler requirements are established in the Life Safety Code, with Type B facilities requiring sprinkler coverage. Fire alarm and smoke detection systems are established in the

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. Staff who are not licensed or certified may assist with self-administration of medication as allowed under the regulations.
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. Direct care staff in an Alzheimer's-certified ALF must annually complete 12 hours of in-service education regarding Alzheimer's disease.

### 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 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. All staff must receive four hours of orientation on specific topics before assuming any job responsibilities. Attendants must complete 16 hours of on-the-job supervision and training within their first 16 hours of employment following orientation.

### Continuing Education (CE) Requirements

Direct care staff in an Alzheimer's-certified ALF must annually complete 12 hours of in-service education regarding Alzheimer's disease.

Direct care staff in ALFs must annually complete six hours of in-service education. Specific topics must be covered annually. Two hours of training must be competency-based.

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.
License 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 homelike and provide an array of 24-hour coordinated supportive personal and health care services to residents capable of achieving mobility sufficient to evacuate the facility with the assistance of one person.

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. There are four appropriate scenarios for medication administration: 1) The resident may self-administer; 2) The resident may self-direct with staff assistance; 3) Family members may administer, but must have total responsibility for all medications; and 4) Staff may administer with appropriate delegation from a licensed health care professional.

**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.

**Life Safety**

- Facilities must comply with the International Building Code for construction and the International Fire Code for fire safety maintenance. Assisted Living Type I facilities are not required to have fire sprinklers until they reach 17 total licensed beds or have at least 4,500 square feet of building space. Type II facilities are required to have fire sprinklers unless they qualify as a Limited Capacity facility, which has two to five residents. Smoke detectors are required throughout all types of assisted living facilities.

**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 who provide personal care 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 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 of 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**

Five Medicaid home and community-based services waivers are utilized for assisted living facilities, including Aging, Acquired Brain Injury, Community Supports, Physical Disabilities, and the New Choices Waiver. Each of these waivers has its own qualifications and level of care requirements.
Licensure Term Assisted Living Residences

Opening Statement Regulations for assisted living were adopted in March 2003. Assisted Living Residences also have to comply with Vermont's Residential Care Home licensing regulations.

Definition An assisted living residence is a program that combines housing, health, and supportive services to support resident independence and aging in place. Within a homelike setting, the residence must offer a minimum of a private bedroom, private bath, living space, kitchen capacity, and a lockable door. Assisted living must promote resident self-direction and active participation in decision making while emphasizing individuality, privacy, and dignity.

Disclosure Items Providers must describe all service plans, rates, and circumstances under which rates might be subject to change. A uniform disclosure form is required and must be available to residents prior to or at admission and to the public upon request. Information required includes:
(1) The services the assisted living residence will provide;
(2) The public programs or benefits that the assisted living residence accepts or delivers;
(3) The policies that affect a resident's ability to remain in the residence;
(4) If there are specialized programs offered, such as dementia care, a written statement of philosophy and mission and a description of how the assisted living residence can meet the specialized needs of residents; and
(5) Any physical plant features that vary from those required by regulation.

Facility Scope of Care The facility must provide services such as, but not limited to:
(1) 24-hour staff supervision to meet emergencies, and scheduled and unscheduled needs;
(2) Assistance with all personal care activities and instrumental activities of daily living;
(3) Nursing assessment, health monitoring, routine nursing tasks, and intermittent skilled nursing services;
(4) Appropriate supervision and services for residents with dementia or related issues requiring ongoing staff support and supervision; and
(5) Medication management, administration, and assistance.

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 that cannot be managed through a negotiated risk agreement or to 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 dependent in four or more activities of daily living;
(3) Have severe cognitive decline;
(4) Have stage III or IV pressure sores; or
(5) 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 available online.

Medication Management

If residents are unable to self-administer medications, they may receive assistance with administration of medications from trained facility staff. Staff may be trained to administer medications by delegation from an RN in accordance with regulations and Vermont's Nurse Practice Act.

Physical Plant Requirements

Private resident units must be a minimum of 225 square feet (160 in pre-existing structures), excluding bathrooms and closets. 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.

Life Safety

Vermont uses the 2006 edition of the National Fire Protection Association Life Safety Code as the basis for fire safety.
Alzheimer's Unit Requirements

Special care units must meet requirements of the Residential Care Home Licensing Regulations at 5.6 (incorporated by reference into the Assisted Living Licensing Regulations). A residence must obtain approval from the licensing agency prior to establishing and operating a special care unit. Approval is based on demonstration that the unit will provide specialized services to a specific population. A request for approval must include all of the following:

1. A statement outlining the philosophy, purpose, and scope of services to be provided;
2. A definition of the categories of residents to be served;
3. A description of the organizational structure of the unit consistent with the unit’s philosophy, purpose, and scope of services;
4. A description and identification of the physical environment;
5. The criteria for admission, continued stay, and discharge; and
6. A description of unit staffing, including staff qualifications; orientation; in-service education and specialized training; and medical management and credentialing as necessary.

Staff Training for Alzheimer's Care

Staff who have any direct care responsibility shall have training in communication skills specific to persons with Alzheimer's disease and other types of dementia.

Staffing Requirements

Staff must have access to the administrator 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 have completed a state-approved certification course or have one of the following:

1. At least an associate’s degree in the area of human services and two years of administrative experience in adult residential care;
2. Three years of general experience in residential care, including one year in management, supervisory, or administrative capacity;
3. A current Vermont license as a nurse or nursing home administrator; or
Other professional qualifications and experience related to the provision of health care services or management of health care facilities including, but not limited to, that of a licensed or certified social worker.

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.

Entity Approving CE Program  
The licensing agency approves continuing education hours as part of the annual survey process.

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 Choices for Care 1115 Program includes an enhanced residential care service that provides funding for services to persons at the "highest" classification of need as an entitlement, and to as many persons at the "high" need classification as funds permit. The program began in October 2005. All participating individuals have needs that meet Vermont's nursing home level of care guideline and meet long term care Medicaid requirements.
Licensure Term Assisted Living Facilities

Opening Statement The assisted living facility regulations became effective Dec. 28, 2006, and have been revised several times, with the last amendment having an effective date of Nov. 1, 2011. The official process for a comprehensive revision to the regulations is underway, with regulatory advisory panels having met in 2010 and 2011. There are two levels of service: residential living care and assisted living care. Facilities may be licensed for either residential living care only or for both residential and assisted living care. The standards emphasize resident-centered care and services and include requirements that strive for a homelike environment for residents. A copy of the regulations is available at: http://www.dss.virginia.gov/facility/alf.cgi.

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. Maintenance or care means the protection, general supervision, and oversight of the physical and mental well-being of an aged, infirm, or disabled individual.

Disclosure Items Assisted living facilities must provide a disclosure statement on a department form to prospective residents, with the information also available to the general public. The disclosure statement includes the following information about the facility: ownership structure; licensed capacity; characteristics of the resident population; description of and fees charged for accommodations, services, and care; policy regarding increases in charges; advance or deposit payments; criteria for and restrictions on admission; criteria for transfer; criteria for discharge; rules regarding resident conduct; categories and frequency of activities; staffing on each shift; notification that contractor names are available upon request; and the department Web site address.

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

A licensed health care professional must be either directly employed or retained on a contractual basis to provide periodic health care oversight. Periodic reviews of residents' medications, when required, are performed by licensed health care professionals who are directly employed or are employed by a third party. Periodic oversight of special diets by a dietitian or nutritionist, either through direct or contractual employment, is required. 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 nurse, a home health agency, or a private duty licensed nurse. For each resident requiring mental health services, appropriate services based on evaluation of the resident must be secured from a mental health provider.

Move-In/Move-Out Requirements

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;
5. Need for continuous licensed nursing care; and
6. Physical or mental health care needs that cannot be met by a facility as determined by the facility.

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 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. An individual also must have a physical examination prior to admission. In addition, if needed, there must be a screening of psychological, behavioral, and emotional functioning.

Medication Management

Medications may be administered by licensed individuals or by medication aides who have successfully completed a Board of Nursing approved training program, have passed a competency evaluation, and are registered with the Virginia Board of Nursing. Medication aides are permitted to act on a provisional basis when certain requirements are met. Each facility must have a written plan for medication management. A licensed health care professional must perform an annual review of all the medications of each resident assessed for residential living care, except for those who self-administer all of their medications, and a review every six months of all the medications of each resident assessed for assisted living care.
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 and occupancy classification on or after Feb. 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 and occupancy classification on or after Feb. 1, 1996; otherwise a minimum of 60 square feet per resident is required. Other physical plant requirements also apply.

Residents Allowed Per Room

If the building was approved for construction or change in use and occupancy classification on or after Dec. 28, 2006, there may not be more than two residents residing in a bedroom. Otherwise, there may not be more than four residents residing in a bedroom.

Bathroom Requirements

As of Dec. 28, 2006, in all buildings approved for construction or change in use and occupancy classification, on floors where there are resident bedrooms, there must be at least one toilet and one sink for every four persons and at least one bathtub or shower for every seven persons. When more than four persons live on a floor, toilets, sinks, and bathtubs or showers must be in separate rooms for men and women. Unless the provisions immediately above apply, on floors where there are resident bedrooms, there must be at least one toilet and one sink 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, sinks, 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 and on floors where there are resident bedrooms as well as the main living or dining area.

Life Safety

A written plan for fire and emergency evacuation is required. This plan must be approved by the appropriate fire official. Fire and emergency evacuation drawings must be posted in all facilities. The telephone numbers for the fire department, rescue squad or ambulance, police, and Poison Control Center must be posted by each telephone shown on the fire and emergency evacuation plan or, under specified circumstances, by a central switchboard. Staff and volunteers are to be fully informed of the approved fire and emergency evacuation plan, including their duties, and the location and operation of fire extinguishers, fire alarm boxes, and any other available emergency equipment.

Fire and emergency evacuation drill frequency and participation are in accordance with the current edition of the Virginia Statewide Fire Prevention Code. Additional fire and emergency evacuation drills may be held at the discretion of the administrator or licensing inspector and must be held when there is any reason to question whether the requirements of the approved fire and emergency evacuation plan can be met. Each
required fire and emergency evacuation drill must be unannounced and its effectiveness evaluated. Any problems identified in the evaluation must be corrected. A record of the required fire and emergency evacuation drills is to be kept in the facility for two years.

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, with an exception allowing one staff person in the unit under specified circumstances. 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 indoor 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.

Staffing Requirements

The facility must have an administrator who is responsible for the general administration and management of the facility and who oversees its day-to-day 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 and emergency evacuation plan. There must be a staff member on the premises at all times who has a current first aid certificate, unless the facility has an on-duty registered nurse or licensed practical nurse. In addition, each direct care staff member, unless he/she is an RN or LPN, must receive certification in first aid within 60 days of employment and then maintain current certification. There must also be a staff member on the premises at all times who has current certification in CPR. In facilities licensed for more than 100 residents, there must be at least one additional employee with current CPR certification for every 100 residents or portion thereof. A licensed health care professional must be on site at least every six months to provide health care oversight for

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.

Assisted living facilities must comply with the sprinkler and smoke detector requirements of the appropriate building and/or fire codes. The International Fire Code is used.

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residents who meet the residential living care criteria and at least every three months for residents who meet the assisted living care criteria. There are additional requirements to meet skilled nursing and rehabilitative needs of residents.

**Administrator Education/Training**

Effective Jan. 2, 2009, an administrator of a facility licensed for both residential and assisted living care must be licensed by the Virginia Board of Long-Term Care Administrators. An administrator of a facility licensed for residential living care only is not required to be licensed. Licensed assisted living facility administrators are regulated and governed by the Board of Long-Term Care Administrators, which has specific educational and Administrator in Training requirements. For facilities licensed for residential living care only, an administrator must be a high school graduate or have a GED, have at least 30 credit hours of post secondary education from an accredited college or university or a Department of Social Services approved course specific to the administration of an assisted living facility, and have at least one year of administrative or supervisory experience in caring for adults 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**

The Board of Long-Term Care Administrators regulates licensed administrators and requires 20 hours of approved continuing education annually. The Department of Social Services requires 20 hours of continuing education annually for any unlicensed administrators of residential living care only facilities. The training required by the Department of Social Services must be 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 residential living level of care) or at least 16 hours annually (for the assisted living level of care) of continuing education related to the population in care. Direct care staff who are licensed health care professionals or certified nurse aides can complete 12 hours annually of continuing education instead of 16.

**Entity Approving CE Program**

The Board of Long-Term Care Administrator regulations specify that CE programs must be approved by the National Association of Long Term Care Administrator Boards or an accredited educational institution or a governmental agency if the individual is a licensed assisted living facility administrator. If an administrator is not licensed, the Department of Social Services does not require approval for CE programs.

**Medicaid Policy and Reimbursement**

A Medicaid Alzheimer’s assisted living waiver became effective in 2006.
Opening Statement
In 2012, the state legislature changed the licensure term from “boarding home” to “assisted living facility.” The Washington State Department of Social and Health Services/Aging and Disability Services Administration (DSHS/ADSA) is responsible for licensing assisted living facilities (ALFs). ALFs may contract with ADSA and meet additional contract requirements to provide assisted living services to residents paid for fully or partially by DSHS.

ALF regulations were updated in 2012 to implement bills enacted by the state legislature:
-- To clarify background check requirements;
-- To clarify that drug crimes disqualifying a person from working in an ALF apply if a person is charged with manufacture or delivery of drugs or intent to manufacture or deliver drugs, but not simple possession of a drug;
-- To allow ALFs to provide some services to “nonresident individuals” residing in unlicensed rooms within an ALF; and
-- To provide a disclosure statement to “nonresident individuals” upon admission, and when additional services are requested, that resident rights, licensing regulations, and ombudsman jurisdiction do not apply to individuals in nonresident units.

Definition
An ALF 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, an ALF 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. An ALF does not include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the U.S. Department of Housing and Urban Development.

Disclosure Items
ALFs are required to disclose to interested persons on a standardized form the scope of care and services that they offer, including:
(1) Activities;
Facility Scope of Care

ALFs must provide the following basic services, consistent with the resident’s assessed needs and negotiated service agreement:

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 ALF’s services;
9. Monitoring of residents' functional status; and
10. Emergency assistance.

ALFs may provide the following optional services:

1. Assistance with ADLs;
2. Intermittent nursing services;
3. Health support services;
4. Medication administration;
5. Adult day services;
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 ALF must allow a resident to arrange to receive on-site care and services from licensed health care practitioners and licensed home health, hospice, or home care agencies, if the resident chooses to do so. The ALF 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 ALF may admit and retain an individual as a resident only if:
(1) The ALF can safely and appropriately serve the individual with appropriate available staff who provide the scope of care and services described in the facility'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 ALF has the capacity to meet the individual's identified needs; and
(3) The individual is ambulatory, unless the ALF is approved by the Washington state director of fire protection to care for semiambulatory or nonambulatory residents.

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

Medication Management
(1) All ALFs must provide medication assistance services (differentiated from medication administration). Medication assistance may be provided by staff other than licensed nurses without nursing supervision.
(2) ALFs 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 ALF may permit family members to administer medications to residents.
(4) Residents have the right to refuse medications.
(5) residents who have physical disabilities may accurately direct others to administer medications to them.
(6) An ALF may alter the form in which medications are administered under certain conditions.
(7) residents who are assessed as capable have the right to store their own medications. The ALF must ensure that residents are protected from gaining access to other residents' medications.
(8) 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. ALFs receiving Medicaid funding under an assisted living contract with the state must provide a private room with a kitchen area and private bathroom. The room must be a minimum of 220 square feet, excluding the bathroom. ALFs with other contracts with DSHS/ADSA must meet the licensing requirements for room size.
<table>
<thead>
<tr>
<th><strong>Residents Allowed Per Room</strong></th>
<th>A maximum of four residents is allowed per resident unit for ALFs licensed before July 1, 1989. For ALFs licensed after this date, a maximum of two residents is allowed per unit. Under an assisted living services contract with DSHS/ADSA, only one resident per room is allowed unless the resident requests to share the room with another person, such as his or her spouse.</th>
</tr>
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<tbody>
<tr>
<td><strong>Bathroom Requirements</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Life Safety</strong></td>
<td>All facilities or portions of facilities proposed for licensure as an ALF that initially submit construction review documents after July 1, 2005 are required to be protected by an automatic fire sprinkler system. All facilities or portions of facilities proposed for licensure as an ALF are required to be equipped with smoke detectors in each sleeping room, outside each sleeping room, and on each level. The primary power source for these detection systems must be the building wiring system with battery backup. When these new facilities are to be licensed for more than 16 residents, then they are required to be provided with an approved manual and automatic fire alarm system complying with National Fire Protection Association 72.</td>
</tr>
<tr>
<td><strong>Alzheimer's Unit Requirements</strong></td>
<td>ALFs must collect additional assessment information for residents who meet screening criteria for having dementia. Additionally, an ALF 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; (4) Make provisions for an appropriate secured outdoor area for residents; and (5) Provide group, individual, and independent activities.</td>
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<tr>
<td><strong>Staff Training for Alzheimer's Care</strong></td>
<td>If an ALF serves residents with dementia, the facility must provide specialized training with specific learning outcomes to staff who work with those residents.</td>
</tr>
<tr>
<td><strong>Staffing Requirements</strong></td>
<td>The ALF must have a qualified administrator who is responsible</td>
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for the overall 24-hour operation of the facility. The ALF 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 ALF free of hazards, and
(3) Implement fire and disaster plans.

Long-term care workers hired after Jan. 7, 2012 must have a federal fingerprint-based background check, in addition to a state background check.

Administrator Education/Training

The administrator must be at least 21 years of age, and have the education, training, and experience outlined in the ALF regulations to qualify as an ALF administrator. Additionally, ALF 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 an ALF.

Staff Education/Training

Long-term care workers must complete an orientation and safety program before having routine interaction with residents. The orientation provides basic introductory information appropriate to the residential care setting and population served. They also must complete a basic training class and demonstrate competency in the core knowledge and skills needed in order to provide personal care services effectively and safely. DSHS/ADSA must approve basic training curricula. Most long-term care workers must complete 75 hours of training within 120 days of hire and become certified home care aides within 150 days of hire. Until competency in the basic training has been demonstrated, they must have direct supervision when providing hands-on personal care.

Long-term care workers must complete specialty training whenever the ALF serves a resident whose primary special need is assessed as 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.

Certified or registered nursing assistants who accept delegated nursing tasks must complete nurse delegation training. If the nursing assistant will be administering insulin through nurse delegation, he or she must complete the “Special Focus on Diabetes” course and successfully pass an exam with a score of 90 percent prior to assuming these duties. The nurse will continue to meet with the nursing assistant once a week for the first four weeks of delegation.

Continuing Education (CE) Requirements

ALF administrators (or their designees) and long-term care workers must complete 12 hours of continuing education each year by their birthday.
<table>
<thead>
<tr>
<th>Entity Approving CE Program</th>
<th>Effective July 1, 2012, DSHS must pre-approve all continuing education courses and instructors.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Medicaid Policy and Reimbursement</td>
<td>A Medicaid home and community-based services waiver covers assisted living services, enhanced adult residential care, and adult residential care contracted services in ALFs that contract with DSHS/ADSA to serve Medicaid clients. Medicaid payments to ALFs are based on the assessed needs of the residents. Additionally, ALFs may contract with DSHS/ADSA to provide specialized dementia care.</td>
</tr>
</tbody>
</table>
West Virginia

Agency  Department of Health and Human Resources, Bureau for Public Health, Office of Health Facilities Licensure and Certification
Contact  Sharon Kirk
E-mail  Sharon.R.Kirk@wv.gov
Web Site  www.WVDHHR.org/OHFLAC

Phone  (304) 558-0050
Phone  (304) 558-3151

Licensure Term  Assisted Living Residence and Residential Care Community
Opening Statement  Under a new state statute, effective Sept. 1, 2012, all assisted living communities with permanently installed, fuel-burning appliances or equipment that emits carbon monoxide as a byproduct of combustion are required to have carbon monoxide detectors. See: http://www.legis.state.wv.us/wvcode/ChapterEntire.cfm?chap=29&art=3&section=16A.
Regulations for Assisted Living Residences went into effect in 2003. Regulations for Residential Care Communities were last updated in 1999.

Definition  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.

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.

Disclosure Items  None specified.

Facility Scope of Care  Facilities may provide assistance with activities of daily living and/or supervision and have the option of providing limited and intermittent nursing services. They may also make arrangements for hospice or a Medicare-certified home health agency.
<table>
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<tr>
<th>Topic</th>
<th>Description</th>
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<tr>
<td>Third Party Scope of Care</td>
<td>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.</td>
</tr>
<tr>
<td>Move-In/Move-Out Requirements</td>
<td>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. 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.</td>
</tr>
<tr>
<td>Resident Assessment</td>
<td>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.</td>
</tr>
<tr>
<td>Medication Management</td>
<td>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.</td>
</tr>
<tr>
<td>Physical Plant Requirements</td>
<td>bedrooms in an existing large ALR must provide a minimum of 80 square feet per resident. in an existing small ALR, a semi-private room must provide at least 60 square feet per resident and a private room 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.</td>
</tr>
<tr>
<td>Residents Allowed Per Room</td>
<td>A maximum of two residents is allowed per resident unit.</td>
</tr>
<tr>
<td>Bathroom Requirements</td>
<td>Common toilet, lavatory, and bathing facilities are permitted.</td>
</tr>
<tr>
<td>Life Safety</td>
<td>All ALRs and RCCs with four or more beds must comply with state fire commission rules and must have smoke detectors, fire alarm systems, and fire suppression systems. Small ALRs (with four to 16 beds) must have a National Fire Protection Association (NFPA) 13D- or 13R-type sprinkler system. Large ALRs (with 17+ beds) must have an NFPA 13-type sprinkler system. All facilities must have smoke detectors in all corridors and resident rooms. Assisted living communities with permanently installed,</td>
</tr>
</tbody>
</table>
### 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.

### Staffing Requirements
An administrator must be on staff. At least one direct care staff person who can read and write must be present 24 hours per day. A sufficient number of qualified employees must be on duty to provide residents all the care and services they require. If nursing services are provided, a registered nurse must be employed to provide oversight and supervision. 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 RCCs and large ALRs, the administrator must be at least 21 years of age and hold an associate's degree or its equivalent in a related field. For small ALRs, 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 ALR.

### Entity Approving CE Program
None specified.

### Medicaid Policy and Reimbursement
There is no Medicaid home and community-based services waiver at this time.
Opening Statement

There are three types of regulated residential assisted living providers 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 Assisted Living, Division of Quality Assurance.

For more information on provider types, see: http://dhs.wisconsin.gov/bqaconsumer/AssistedLiving/AsLivindex.htm.

Profiles showing regulatory compliance over a three-year period can be found at: http://dhs.wisconsin.gov/bqaconsumer/AssistedLiving/AsLivDirs.htm.

Statistics and trends regarding assisted living facilities can be found at: http://www.dhs.wisconsin.gov/bqaconsumer/AssistedLiving/AstLvStats.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 homelike 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

CBRF: Requires a Program Statement that discloses the type of facility, services provided, facility contact, employee availability including 24-hour staffing patterns and the availability of a licensed nurse, if any, and whether an entrance fee is required. The admission agreement is required to disclose rates, services, security deposit, entrance fee, refund policy, bedhold fee, and discharge criteria.

RCAC: Requires a services agreement that discloses the services provided, the fees, and the facility policy and procedures.

AFH: Requires a Program Statement that discloses the type of facility, clients served, and services provided. A service agreement is required to disclose rates, services, and discharge criteria.

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 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.

Move-In/Move-Out Requirements

CBRF: Must ensure that residents of different ages, development levels, or behavior patterns, as identified in their assessment and individual service plans, are compatible and meet the license classification of the facility. 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 have 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
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.

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: 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.

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.
Physical Plant Requirements

CBRF: Facilities must comply with all local building codes, ordinances, and zoning requirements. In addition, CBRFs must comply with DHS 83, Subchapters IX, X, & XI relating to physical environment and safety, structural requirements, and additional requirements. 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 and 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 homelike 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 shall accommodate no more than two residents.

RCAC: A maximum of two residents is allowed per unit (limited to a spouse or a roommate chosen at the initiative of the tenant).

AFH: A maximum of two residents is allowed per room.

Bathroom Requirements

CBRF: Each CBRF 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
Life Safety

Different fire safety standards apply to Wisconsin’s three types of assisted living.

At a minimum, all CBRFs must determine the evacuation ability of each resident, develop an emergency plan, be inspected by the local fire authority, maintain a minimum of two exits, maintain a fire extinguisher on each floor, and have an interconnected smoke and heat detection system. Based on the type of residents the facility serves and the residents’ ability to evacuate the facility, other fire safety requirements may be required. The additional requirements include: an externally monitored smoke detection system, vertical smoke separation between floors, a sprinkler system, and 24-hour awake staff.

RCACs must comply with Wisconsin Department of Commerce codes for multifamily dwellings and with local fire and building codes.

Every AFH must be equipped with one or more fire extinguisher and one or more single station smoke detector on each floor. Smoke detectors are required in each habitable room except kitchens and bathrooms and are also required in other specific locations. The first floor of the home must have at least two means of exiting. The licensee must have a written evacuation plan and conduct semi-annual fire drills.

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

CBRF: If a facility serves persons with dementia, staff must receive training within 90 days of employment. This training is specific to the client groups served by the CBRF and includes, but is not limited to, the characteristics of the client group served.
by the facility such as group members' physical, social, and mental health needs; specific medications or treatments needed by the residents; program services needed by the residents; meeting the needs of persons with a dual diagnosis; and maintaining or increasing social participation, self direction, self care, and vocational abilities.

RCAC: None specified.

AFH: 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: The administrator of a CBRF shall be at least 21 years of age and exhibit the capacity to respond to the needs of the residents and manage the complexity of the CBRF. The administrator shall have any one of the following qualifications:

1. An associate degree or higher from an accredited college in a health care related field;
2. A bachelor's degree in a field other than in health care from an accredited college and one year experience working in a health care related field having direct contact with one or more of the client groups identified under s. DHS 83.02 (16);
3. A bachelor's degree in a field other than in health care from an accredited college and have successfully completed a department-approved assisted living administrator's training course;
4. At least two years experience working in a health care related field having direct contact with one or more of the client groups identified under s. DHS 83.02 (16) and have successfully completed a department-approved assisted living administrator's training course; or
5. A valid nursing home administrator's license issued by the department of regulation and licensing.
RCAC: Service managers must be capable of managing a multidisciplinary 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: Employees need to have orientation training before they can perform any job duty. Minimum initial training consists of department-approved training in medication management, standard precautions, fire safety, and first aid. In addition, all staff must have training in resident rights, the client group, and challenging behaviors. Resident care staff involved in certain tasks must have training in needs assessment of prospective residents; development of service plans; provision of personal care; and in dietary needs, menu planning, food preparation, and sanitation.

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

**Continuing Education (CE) Requirements**

CBRF: Administrator and resident care staff receive 15 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.
None specified.

CBRF: Community Option Program (COP) and COP-Waiver funds may be available, depending on eligibility and waiting lists. Wisconsin also has a program called Family Care that provides public funding.

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. Wisconsin also has a program called Family Care that provides public funding.

AFH: COP and COP-waiver funds may be available, depending on eligibility and waiting lists. Wisconsin also has a program called Family Care that provides public funding.

The state has begun an initiative to expand managed long-term care options in Wisconsin. See: http://dhs.wisconsin.gov/LTCare/.
Licensure Term: Assisted Living Facilities

Opening Statement: Rules for the program administration of assisted living facilities promulgated in December 2007 allow secure dementia units under a tiered licensing system.

Definition: An assisted living facility is a non-institutional dwelling engaged in providing limited nursing care, personal care, and boarding home care, but not rehabilitative care, for persons not related to the owner.

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.'

In addition, residents of secure dementia units require discharge when they score less than 10 on the Mini-Mental State Exam (MMSE), when it has been determined that intermittent nursing care has become ongoing, or when the resident requires more than limited assistance to evacuate the building.
<table>
<thead>
<tr>
<th>Requirement</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Resident Assessment</strong></td>
<td>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. Residents admitted to secure dementia units must be assessed on the MMSE on admission, and at least annually thereafter, and score between 20 and 10.</td>
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<tr>
<td><strong>Medication Management</strong></td>
<td>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.</td>
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<tr>
<td><strong>Physical Plant Requirements</strong></td>
<td>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.</td>
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<tr>
<td><strong>Residents Allowed Per Room</strong></td>
<td>A maximum of two residents is allowed per resident unit.</td>
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<tr>
<td><strong>Bathroom Requirements</strong></td>
<td>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.</td>
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<tr>
<td><strong>Life Safety</strong></td>
<td>Assisted living facilities are evaluated for safety using the National Fire Protection Association (NFPA) Life Safety Code 101. This code requires the facilities to meet national standards for sprinkler protection using NFPA 13 Installation of Sprinkler Systems and national standards for fire alarm systems using NFPA 72, the National Fire Alarm Code, which determines the installation and maintenance of smoke detectors and applicable devices.</td>
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<tr>
<td><strong>Alzheimer's Unit Requirements</strong></td>
<td>Assisted living rules promulgated in December 2007 allow secure dementia units under a tiered licensing system and include admission/discharge, assessment, background check, and staff training requirements for this level of care. See Move-In/Move-Out Requirements, Administrator Education/Training, Staff Education/Training, and Continuing Education sections for more information.</td>
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<tr>
<td><strong>Staff Training for Alzheimer's Care</strong></td>
<td>See Administrator Education/Training, Staff Education/Training, and Continuing Education sections for more information.</td>
</tr>
<tr>
<td><strong>Staffing Requirements</strong></td>
<td>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.</td>
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<tr>
<td><strong>Administrator Education/Training</strong></td>
<td>The manager must be at least 21 years of age; pass an open book test on the state's assisted living licensure and program</td>
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administration rules; and meet at least one of the following:
(1) Be a CNA;
(2) Have completed at least 48 semester hours or 72 quarter-
    system 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.

Managers of secure dementia units must:
(1) Have at least three years experience in working in the field of
    geriatrics or caring for disabled residents in a licensed facility
    and
(2) Be certified as a residential care/assisted living facility
    administrator or have equivalent training.
Certification requirements include a training program covering
    topics referenced in the regulations. The course work must take
    place in a college, vocational training, or state or national
    certification program, approved by the Department of Health.
Licensed nursing home administrators, for the purpose of these
rules, meet the qualifications.

Staff Education/Training A licensed nurse must be on duty on all shifts to administer
P.R.N. medications and to perform ongoing resident evaluations
in order to ensure appropriate, timely interventions. In addition
to all other requirements, direct care staff in secure dementia
units must receive additional documented training in the facility
philosophy and approaches to providing care and supervision of
persons with severe cognitive impairment; techniques for
    minimizing challenging behaviors; therapeutic programming to
    support the highest level of residents function; promoting
    residents’ dignity, independence, individuality, privacy, and
    choice; identifying and alleviating safety risks to residents;
    recognizing common side effects and reactions to medications;
    and techniques for dealing with bowel and bladder aberrant
    behavior.

Continuing Education
(CE) Requirements Administrators must complete at least 16 hours of continuing
education annually. At least eight of the 16 hours of the annual
continuing education shall pertain to caring for persons with
severe cognitive impairments. Staff must have at least 12 hours
of continuing education annually related to the care of persons
with dementia.

Entity Approving
CE Program None specified.

Medicaid Policy and
Reimbursement There is a Medicaid home and community-based services waiver
program.
The National Center for Assisted Living (NCAL) represents more than 3,100 not-for-profit and proprietary assisted living and residential care communities dedicated to continuous improvement in the delivery of professional compassionate care and services for the elderly and disabled. NCAL is the assisted living voice of the American Health Care Association. For more information, please visit www.ncal.org.