



Residential Care & Assisted Living Newsletter

June 2015

IDAPA 16.03.22 Rule Updates - Effective 7/1/15

Updates to the Residential Care or Assisted Living Facilities Rule, IDAPA 16.03.22, were passed during the 2015 legislative session. The rule updates will not be published until 7/1/15, when they go into effect. If you would like to review the updates before they are published, please go to http://adminrules.idaho.gov/legislative_books/2015/pending/15S_HealthWelfare.pdf.

Here is a quick review of the upcoming changes, going into effect on 7/1/15:

- ◆ **Applications (110.01.b & 126)** - applicants must disclose enforcements and revocations in Idaho and other states. Applications will not be reviewed until enforcements are resolved.
- ◆ **Unlicensed Operators (940.02.m)** - A person or licensee who previously operated an unlicensed RALF or CFH, will not be eligible to obtain a license.
- ◆ **Administrator Designee (010.06)** - Is now defined. The designee can act in the absence of the administrator, but must have knowledge of: a) the facility's operations, b) the residents and their needs, c) emergency procedures, d) the location and operation of emergency equipment and e) how the administrator can be reached in an emergency.
- ◆ **Administrator Designee guidelines (215.11)**: establishes the designee cannot act in the absence of the administrator for ***more than 30 consecutive days*** and only when the administrator: is on vacation, has days off, is ill or away at trainings/meetings.
- ◆ **Criminal History Checks (009.03.a & b)**: Still required to complete the Department Criminal History Check. However, while waiting for the Department Criminal History Check, the new staff can work unsupervised, if the facility completes an alternative background check that meets 009.02.b-e and the facility rules out any potential danger to residents. The alternative background check becomes null and void, once the Department check is completed



Rule changes continued...

- ◆ **Up and Awake Staff (600.01)** – All facilities must have up and awake staff during resident sleeping hours.
- ◆ **Staff Orientation (625.02):** Orientation must be completed within 30 days, rather than within a month of being hired.
- ◆ **Specialized Training (630.01-.04):** must be completed within 30 day of hire or of admission of a resident with diagnoses of Dementia, Mental Illness, Developmental Disability or Traumatic Brain Injury.
- ◆ **Staff Training for policies and procedures (641):** staff must receive additional training when P & Ps are added, modified or deleted.
- ◆ **Bi-PAP usage (152.05.b.v)** - Residents who use devices strictly for sleep apnea can be admitted and retained without a variance.
- ◆ **MRSA diagnosis (152.05.b.xi):** The rule excluding residents who have active MRSA, from being admitted or retained, has been omitted from rules.
- ◆ **Tracking or Monitoring of Incidents and Accidents (215.09 & 350.08):** Accidents and incidents need to be documented and reviewed by the administrator to identify and monitor patterns.
- ◆ **Medication Distribution System (310.01):** Over-the-counter medications are not required to be in a distribution system and a variance is no longer required for OTC's not in a bubble pack. However, prescription medication must still be in an approved distribution system.
- ◆ **Medication Orders and Treatments (305.02 a - c):** This rule has been clarified and placed into three categories, which include: medications must match physician's orders, physician's ordered diets, treatments and medications need to be followed and a copy of the physician's signed and dated orders need to be in the residents' records.
- ◆ **Administrator over multiple licensed facilities (216.01 - .08 and 217.01 - .04):** These rule changes will not affect all of you. If you currently have a variance to have an administrator over multiple licensed facilities, the variance will become null and void on 7/1/15. Instead of a variance, your facilities will need to have an approved plan of operation by the Department. We will be sending out an e-mail with a form to fill out for your plan of operation. We also encourage you to read section 216 and 217 about the requirements you will need to meet to have an administrator over multiple licensed facilities.
- ◆ **Civil Monetary Penalties (925.04):** When CMPS are appealed, the interest begins one day after the initial assessment of the penalty and will no longer be deferred during the appeals process.



Licensing & Certification Changes

We are currently in the process of updating our computer systems. Eventually, our surveys will be completed electronically in the field and our forms will all be computerized. In addition, there will be a facility web portal designed where all communication, forms, survey results, etc. between your facility and Licensing and Certification will be conducted. You will be receiving information about the web portable in the near future.

Licensing & Certification Staff Updates

We are happy to report that we have hired two new surveyors in the Residential Care or Assisted Living Program, making a total of 9 surveyors for our team.

Lisa Bennett, RN



Jeremy Walker, LSW



Please welcome our two new surveyors, as you will be seeing them soon at your facilities.

Frequently Asked Questions Corner

Question: Does the Facility have to carry liability insurance?

Answer: No, but if they don't, they must notify the residents in writing per IDAPA 16.03.22.220.05 and the staff per IDAPA 16.03.22.730.01.c

Question: Are cooks required to have specialized training in Alzheimer's/Dementia also?

Answer: Yes. The rule states the facility must train "staff." The rules do not differentiate between direct care and other staff. All staff is likely to interact with residents occasionally and should be trained in the special needs of the population being served. Refer to IDAPA 16.03.22.630.



Your life does not get better by chance, it gets
better by change.

~ Jim Rohn