

2019 Proposed Residential Assisted Living Facilities Rule Changes

Material changes– section numbers correspond to the sections in the [Draft Rule Change - Full Document](#)

Net Reduction: 6,385 words, 61 restrictive words

1. Staff accepting money from residents as gifts or in exchange for additional services added to the definition of exploitation. (010.31)
2. Accreditation may be accepted in lieu of survey. (130.03)
3. Evidence or resolution (for non-core deficiencies) no longer required. (130.09)
4. Activity requirements no longer include activities of daily living or leisure time. (151)
5. Disaster plan now requires two separate locations for evacuation. (155.01)
6. Emergency generators, when installed, must comply with NFPA. (155.03)
7. Admission agreement to disclose charges that result when resident does not give 30-day notice. (216.10.c)
8. Multiple facility administrator criteria removed from rule (except size and number). (215)
9. Reportable incidents can be reported within 1 business day, rather than 24 hours. (215.08.f)
10. Facility to provide a copy of smoking policy upon move in. (216.18)
11. AC to keep facility below 78 during the day and 75 at night. (250.10)
12. Secured environment required only for residents at risk for elopement, not all cognitive impairments. (250.13)
13. 100 sf per resident in shared room for construction after 1/1/21 (up from 80). (250.12.d)
14. Chemicals now must be locked only for residents with cognitive impairments. (260.07)
15. LPN rather than RN can now respond to changes of condition. (300.01)
16. Staff other than RN can now report medication concerns to physician. RN still responsible to ensure notifications occur. (305.01)
17. No longer required to report to physician or state if care or services are not provided. (305.05)
18. Medications can be donated to any authorized entity. (310.02)
19. Behavior interventions reviewed as appropriate rather than after 72 hours. (330.06.b.ii)
20. Weekly Menu to be posted in common area. (451.01.c)
21. Fluids to be offered between meals and at bedtime. (460.2.d)
22. Policies and procedures for abuse, neglect, exploitation and inadequate care must be posted in facility, available upon request and shared annually with residents. (510-525)
23. Policy changes must be dated. (641)
24. Allows for single use items for special events. (460.04)
25. No civil monetary penalties for first time deficiencies. (925.01)
26. Ban on admissions no longer imposed for repeat non-core deficiencies. (920.01)

Clarifications

- Removed Department Clients – rules apply equally to all.
- Line of sight for direct resident access until background check complete. (009.03.b)
- Direct resident access is to person, financial or health information. (010.26)
- A resident getting out of a secured unit without personnel knowledge is an elopement. (010.29)
- Definition of Maladaptive Behavior-interferes with resident care, other residents' rights or presents a danger. (011.11)
- Nursing assessment defined. (011.19)
- Resident need for treatment or assessment outside facility as a result of incident is reportable. (012.14.f)
- Resident access to funds during "normal business" hours rather than "reasonable". (153.02.f)
- Administrator required all the time – core if more than 30 days without. (215.02-03)
- Notify administrator of abuse, neglect, incidents and accidents immediately, complaints next business day. (215.08.a)
- DRI & Ombudsman contacts listed in all discharge notices. (217)
- PRN medications must be available in facility. (310.01.g)
- Spelled out what to document for controlled substance tracking. (310.03)
- Assessment – all assessment requirements in one place and spelled out psycho, social, medical and historical. (319)
- Consolidated record requirements into one place. (330)
- Facility to provide copy of resident records within 2 business days of authorized request. (550.01)
- Enforcement Actions section greatly shortened and specific about what situations could lead to each enforcement action. (900-940)