



Assisted Living Regulations Webinar

Sponsored by:
New Mexico Center for Assisted Living
A Division of the New Mexico Health Care Association

Gerald Hamilton
Susan Peyerl
Ruby Munholland
Amber Espinosa - Trujillo

7.8.2 NMAC RESIDENTIAL HEALTH FACILITIES ASSISTED LIVING FACILITIES FOR ADULTS

By Susan C. Peyerl BSN
for NMCAL
February 2010

<http://dhi.health.state.nm.us/elibrary/regulations.php>

ASSISTED LIVING FACILITIES FOR ADULTS

- Effective January 15, 2010
- Read the regulations
- Many changes to regulations
- 180 days for full adoption and implementation – Amber Espinosa-Trujillo
- Start implementing changes

ASSISTED LIVING FACILITIES FOR ADULTS

- Added Assistance with Medication definition
 - Paid staff only can assist
 - No assessment of effects of medications
- Added Current Written Consent definition
 - Identifies type of medication delivery and assistance or administration needs of resident.

ASSISTED LIVING FACILITIES FOR ADULTS

- Added Current Written Consent definition
 - Signed by resident or legal representative
 - Signed **annually** or when change in resident abilities or legal representative occurs
- Added Crisis Prevention/Intervention Plan definition
 - Documented procedure providing guidance for staff for behaviors or health issues that can escalate – diabetes, seizure disorder, aggression, combativeness

ASSISTED LIVING FACILITIES FOR ADULTS

- Changed Direct Care Staff definition
 - Added that volunteers can be direct care staff
- Added Individual Service Plan (ISP) definition
 - Developed by the interdisciplinary team
- Added Medication Assistance Record (MAR)
- Changed Resident Assessment Form to Resident Evaluation Form
 - Used for pre-admission and ongoing resident evaluation

ASSISTED LIVING FACILITIES FOR ADULTS

- Added more to definition of Significant Change in Health Status
 - “Decline or improvement in physical ability;
 - Decline or improvement in cognitive or functional ability;
 - New diagnosis or event that requires a change in medication, or treatment or that requires a revision to an individual service plan; or
 - A change in medication or the medication route that would permanently alter the level of assistance with medication delivery.”

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.8D Application for Renewal
 - No exception for fire inspection report for 2 or more residents 7.8.2.60.
 - Added may not grant renewal for repeated non compliance with POC or payment of Civil monetary penalties.
- 7.8.2.8F Temporary License
 - Details regarding admission of residents and only receiving 2 temporary licenses before starting application process again.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.12B(3) Corrective Action
 - POC eliminated the need to “identify other residents having the potential to be affected by the same deficient practice.”
- Only 3 components to each POC instead of 4
- 7.8.2.16A Staff Qualifications – Administrator
 - “Complete a state approved certification program for assisted living administrators.”

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.17 Staff Training
 - A. "Training and orientation for each new employee and volunteer that provides direct care shall include a minimum of 16 hours of supervised training prior to providing unsupervised care."
 - C. 12 hours annual training – detailed list of trainings
 - 7.8.2.68B,C 6 hours Hospice training plus 1 hr per hospice resident about ISP with all direct care staff
 - 7.8.2.69C 12 hours Alzheimers/Dementia training-memory care unit

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.19A Staffing Ratios- changed
 - (2) "During resident sleeping hours facilities with 15 or fewer residents shall have at least 1 direct care staff person on duty, **awake** and responsible for the care and supervision of the residents."
 - (3) "During resident sleeping hours facilities with 16 to 30 residents shall have at least 1 direct care staff on duty and awake at all times and 1 additional staff person immediately available on the premises"

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.19A Staffing Ratios
 - (4) "During resident sleeping hours, facilities with 31-60 residents shall have at least 2 direct care staff on duty and awake at all times and 1 additional person immediately available on the premises."
 - (5) "During resident sleeping hours, facilities with more than 61 residents shall have at least 3 direct care staff awake at all times and 1 additional person immediately available on the premises for each additional 30 residents or fraction of in the facility."

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.20A Admission Agreement
 - Read through this. Has very specific requirements.
 - Example: (14) facilities representing their services as "specialized" must disclose evidence of staff specialty training to prospective residents.
- 7.8.2.20B Restrictions in Admissions- may include but not limited to
 - Changed injections directly into the vein to injections.
 - Added residents with a diagnosis that requires isolation techniques.
 - Added residents that require use of a Hoyer lift.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.20B Restrictions in Admissions
 - Added ostomy (unless resident is able to provide self care).
- 7.8.2.20D Coordination of Care
 - Added this section. "Assisted living facilities shall show evidence of care coordination on an ISP for all services that are provided in the facility by and outside care provider, such as Hospice or Home Health care."
- 7.8.2.21 Resident Records
 - Records are to be organized and have a table of contents.
 - Detailed list of required papers.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.21 Resident Records
 - Example: A(4) the physical exam report – in resident file within 10 days of admission. Previously was within 5 days of admission.
- 7.8.2.22 Reports, Records, Rules, Policies and Procedures
 - A. Changed- no TB tests required.
 - D. Added a couple new policy and procedures
 - Example: D(2) "policy and procedure for updating and consolidating the residents current physician or PCP orders, treatments and diet plans every 6 months or when a significant change occurs, such as a hospital admission;"

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.25 Resident Evaluation
 - Completed within 15 days **prior** to admission.
 - Updated every 6 months or when there is a significant change in the resident's health status (remember the significant change definition).
 - (C) Resident evaluation – new areas
 - Example: (C)(5) physical functioning and skeletal problems;
 - (C)(7) psychosocial well-being

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.25 Resident Evaluation
 - (D) History and Physical within 6 months of admission. Medical evaluation annually.
- 7.8.2.26 Individual Service Plan (ISP)
 - Changed- developed and implemented within 10 calendar days of admission.
 - Updated every 6 months or when there is a significant change in the resident's health status (remember the significant change definition).

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.34A Custodial Drug Permits, Procurement, Labeling and Storage
 - (3) "A separate, locked refrigerator shall be provided by the facility for medications."
 - (5) A resident self administering medications, has to keep medications in a locked compartment in the resident room.
- 7.8.2.34B(1) Consulting Pharmacist
 - Change regarding quarterly pharmacist visit -"All irregularities shall be reported to the administrator of the facility and these irregularities shall be resolved within 72 hours."

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.35 C PRN medications
 - (1) All PRN orders shall “indicate under what circumstances the primary care practitioner is to be notified.”
 - (2) “Frequent or escalating use of PRN medications shall be reported to the PCP.”
- 7.8.2.35 E PRN medications
 - “Staff that assist in the self administration of medications shall know interactions or possible side effects that might occur.”
- 7.8.2.35 G MAR
 - No MAR required for residents that self administer medications.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.36 A Dietary Services Policies and Procedures
 - Need written policies and procedures for meal service, staff inservice training.
- 7.8.2.36 A (1) (e) Meal Service
 - Have special menus or meal items for resident’s on special diets.
- 7.8.2.36 A (2) Staff Inservice Training
 - There are specific areas to cover for food service personnel.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.36 B (2) Dietary Records
 - Keep a systematic record of therapeutic diets as prescribed by a PCP.
 - Keep records of food temperatures, refrigerators and freezers.
- 7.8.2.37 A (5) Laundry Services, General Requirements
 - “In new construction or newly licensed facilities with more than 15 residents, washers shall be in separate rooms from dryers.”*

*applies to any facility that is asking for change in licensure, change in capacity, remodel or is newly licensed.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.37 A (5) Laundry Services, General Requirements
 - “The rooms with washers shall have negative air pressure from the other facility rooms.”*
- 7.8.2.40 C Capacity of Buildings
 - “All facilities shall comply with the state building code and fire codes, pursuant to 14.7NMAC”*
 - (1) “Facilities with 16 residents or fewer are classified as “group R.”**

*applies to any facility that is asking for change in licensure, change in capacity, remodel or is newly licensed.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.40 C Capacity of Buildings
 - (2) “Facilities with more than 16 residents are classified as “group I-1.”**
 - (3) “Facilities with more than 5 residents who are not capable of self-preservation are classified as “group I-2.”**
- 7.8.2.41 Building Construction
 - Expanded on the detailed requirements*
- 7.8.2.54F Resident Rooms
 - Only private and semi-private. No dorms or wards*

*applies to any facility that is asking for change in licensure, change in capacity, remodel or is newly licensed.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.56 Living or Multipurpose Room
 - Changed providing a minimum of **15 square feet per resident** for common living, dining and social spaces to **40 square feet per resident.***
- 7.8.2.57 Meeting Room
 - “The facility shall have adequate meeting rooms and office space for use by staff and the interdisciplinary care team. Other rooms may serve as meeting rooms, provided resident confidentiality is maintained.”*

*applies to any facility that is asking for change in licensure, change in capacity, remodel or is newly licensed.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.62 Automatic Fire Protection (Sprinkler) System
 - “Facilities with 9 or more residents shall have an automatic fire protection (sprinkler) system.”*
- 7.8.2.68B Hospice Employee Training and Support
 - (1) “provide a minimum of 6 hours per year of palliative/hospice care training, which includes 1 hour specific to the hospice resident’s ISP, in addition to the basic staff education requirements pursuant to 7.8.2.17 NMAC.”

*applies to any facility that is asking for change in licensure, change in capacity, remodel or is newly licensed.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.68C Hospice Individual Service Plan (ISP) Requirements
 - (1) “Each resident who receives hospice services shall be provided the necessary palliative care to meet the individual resident’s needs as outlined in the ISP and shall include 1 hour of training specific to the resident for all direct care staff.”
- 7.8.2.68E (2) Hospice Additional Provisions, private visiting space
 - a. “physical space for private family visits;
 - b. accommodations for family members to remain with the patient throughout the night; and
 - c. accommodations for family privacy after a resident’s death”

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.69A (4) Memory Care Units
 - Definition: an assisted living facility or part of an assisted living facility that provides added security, enhanced programming and staffing appropriate for residents with a diagnosis of dementia, Alzheimer’s disease or other related disorders causing memory impairments and for residents whose functional needs require a specialized program.

ASSISTED LIVING FACILITIES FOR ADULTS

- 7.8.2.69C Employee Training
 - "In addition to the training requirements for all assisted living facilities, pursuant to 7.8.2.17 NMAC, 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."
- 7.8.2.69E Assessments and Reevaluations
 - (1) "An assessment shall be completed by a registered nurse or a physician extender within 15 days prior to admission. When emergency placement is warranted the 15 day assessment shall be waived and the assessment shall be completed within 5 days after admission."



New Mexico Center For Assisted Living NMCAL

- NMCAL will post FAQs from this webinar on our website at www.nmhca.org
- If you have a question related to this webinar, please email it to talter@nmhca.org so it can be added to the FAQ page
- All attendees will receive a copy of the FAQ page upon completion



New Mexico Center For Assisted Living NMCAL

- A copy of this webinar will be posted on our website at www.nmhca.org
- NMCAL will host a variety of webinars to assist with staff training beginning March 11, 2010 with Resident Rights.
 - Live Webinars \$20 for members \$30 for non-members. Includes 1 certificate of completion.
 - Webinar may be accessed by on our website after the live presentation for staff training. Certificates of completion available for \$10 for members and \$20 for non-members. Bulk purchase discounts are available. Contact NMCHA/NMCAL for more information
- NMCAL Membership information is available on – line at www.nmhca.org or by contacting Tracy Alter at 505.880.1088 or via email at talter@nmhca.org.
