



Investing for tomorrow, delivering today.

Assisted Living: Regulatory Update 2024

Presenters:

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Licensed Facilities

- 220 Assisted Living Facilities
 - 22 closures since July 2022
- 26 Adult Day Cares
- 3 Boarding Homes
- 4 Crisis Triage Centers

Licensed Oversight Surveyors

- 12 LO surveyor positions
- (1) Manager
- (1) Supervisor
- (1) Vacancy (RN Surveyor)

Licensed Oversight Department

Assisted Living Survey Stats 2023

20 Initials, including LSC initials and CHOWs
1 Initial with complaints
16 Full onsite only
41 Full onsite with complaints
34 Complaints Surveys
115 Revisits

Conducted 142 total onsite surveys
Cited 450 Deficiencies
Completed 187 Complaint investigations

Average onsite survey time: 30 hours
More offsite interviews and record reviews
Survey reports submitted within 10 days: 52%

Top Deficiencies

0032 - Reporting of Incidents	30
0034 - Custodial Drug Permits	29
0036 - Nutrition	28
0017 - Staff Training	27
0026 - Individual Service Plan	24
0020 - Admissions and Discharge	23
0038 - Housekeeping Services	23
0033 - Resident Rights	21
0016 - Staff Qualifications	19
0059 - Windows	19
0063 - Fire Extinguishers	18
0025 - Resident Evaluation	16
0035 - Medication	16
0042 - Maintenance of Building and Grounds	15
0065 - Fire Drills	13
0068 - Hospice	13
0069 - Memory Care Units	10
0019 - Staffing Ratios	9
0037 - Laundry Services	9
0047 - Lighting and Lighting Fixtures	9
0043 - Hazardous Areas	8
0045 - Water	8

What to expect

Imposing CMPs for repeat deficiencies

Reviewing license status for continued non-compliance

Referrals made to
Employee
Abuse Registry

Growing survey team

Rewriting the regulations

Feedback from Surveyors

Provide

Provide records requested quicker onsite and via fax/email:

- Resident/Staff/Facility records disorganized or not available when requested.
- Resident list with admission dates
- Staff list with hire dates

Review

Review regulations when developing ISPs, evaluations (every 6 months or upon change in condition), staff trainings and policies.

Documentation and implementation of Code Status
Staff progress notes to include date, time and name of caregiver

Submit

Submit POCs timely (10 calendar days): must be on state form and sign/dated

- Don't send encrypted, send as an email attachment

Prepared

Be survey ready: organize files according to regulations

Be prepared for revisit, provide requested documentation. This may be in person or requested via email

Senate Bill (SB) 0335 - 2013

AN ACT RELATING TO HEALTH CARE; REQUIRING CONTRACTS FOR ASSISTED LIVING FACILITIES TO CONTAIN A REFUND POLICY UPON TERMINATION OF A CONTRACT DUE TO THE DEATH OF THE RESIDENT; PROVIDING FOR STORAGE OF A RESIDENT'S BELONGINGS; DECLARING AN EMERGENCY. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of the Public Health Act is enacted to read:

"ASSISTED LIVING FACILITIES CONTRACTS--LIMIT ON CHARGES AFTER RESIDENT DEATH.--


A. The contract for each resident of an assisted living facility shall include a refund policy to be implemented at the time of a resident's death. The refund policy shall provide that the resident's estate or responsible party is entitled to a prorated refund based on the calculated daily rate for any unused portion of payment beyond the termination date after all charges have been paid to the licensee. For the purpose of this section, the termination date shall be the date the unit is vacated by the resident due to the resident's death and cleared of all personal belongings.

B. If a resident's belongings are not removed within one week of the resident's death and the amount of belongings does not preclude renting the unit, the facility may clear the unit and charge the resident's estate for moving and storing the items at a rate equal to the actual cost to the facility, not to exceed ten percent of the regular rate for the unit; provided that the responsible party for the resident is given notice at least one week before the resident's belongings are removed. If the resident's belongings are not claimed within forty-five days after notification, the facility may dispose of them.

C. For the purposes of this section, "assisted living facility" means a facility required to be licensed as an assisted living facility for adults by the department of health."

SECTION 2. EMERGENCY.--It is necessary for the public peace, health and safety that this act take effect immediately.

Signed into law by the Governor and effective April 2, 2013.



Civil Monetary Penalties (CMPs) 2023

Fined approx. \$3.2k from (3) ALF Providers

- A033: Resident to resident repeated physical and emotional abuse: Class C; Fine \$600
- A033: Not initiating CPR or immediately call 911 when resident with full code status was found unresponsive. Class A; Fine \$2000
- Repeat citations: Fine \$600

Satisfaction Survey Results

DHI staff:	
Professional/courteous	100% Agree/Strongly Agree
Fair/Unbiased	100% Agree/Strongly Agree
Trained/Knowledgeable	100% Agree/Strongly Agree
Team Leader kept you informed	100% Agree/Strongly Agree

* 15 Assisted Living Facility responses

- Some of the best I have had the pleasure of working with
- This was the best experience I've had in the 20 years I've been here at this facility.
- Nothing on this current survey, even though our complaint survey was substantiated it was very informative and helpful
- It went well, no complaints DOH staff was extremely knowledgeable
- They walked me around showing me and explaining the areas that needed my attention. Nice and personable.
- Everything was very professional and geared toward the regulatory process
- Just thank you for being nice and helpful when something is wrong.



Thank you!