

Assisted Living Licensing Statutes & Regulations Part I

**An overview of:
AS 47.32, AS 47.33 & AS 47.05
7 AAC 75 & 7 AAC 10**

**Presented by:
Residential Licensing**

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Residential Licensing Mission:

The mission of Residential Licensing is to protect and reduce the risk to the health, safety, and exploitation of Alaska's most vulnerable citizens being served, and to ensure that there is public confidence in the health care and community service delivery systems through regulatory, enforcement, and educational activities.

Residential Licensing Mission:

This is accomplished by:

- ▶ Conducting inspections of adult and children's residential facilities to ensure compliance with state licensing requirements;
- ▶ Receiving and investigating complaints involving resident physical, mental, and sexual abuse, financial exploitation, and safety/sanitation concerns;
- ▶ Providing facilities with a notice of violation, when necessary, and take appropriate action when facilities fail to come into compliance with state or federal law;
- ▶ Ensuring a process where all service providers with direct client access have a background check.

Residential Licensing

- ▶ Residential Licensing is made up of a Program Manager, two Community Care Licensing Specialist IIs, and 11 Community Care Licensing Specialist Is. These staff are all based in Anchorage and are responsible for overseeing all facilities statewide.

Assisted Living Homes

- ▶ Chapter 33 of Alaska State Law created Assisted Living Homes for the purpose of:
- ▶ Developing a system of care by encouraging the establishment of assisted living homes that provide a homelike environment for elderly persons and persons with a mental or physical disability who need assistance with the activities of daily living;
- ▶ Promote the establishment of homes that help the elderly to age in place, and adults with a physical or mental disability, to become integrated into the community and to reach their highest level of functioning;
- ▶ Establish standards that will protect residents, while at the same time promoting an environment that will encourage growth and independence, without discouraging operation of the Home;

Assisted Living Homes

- ▶ Require that a resident of an assisted living home have an assisted living plan that identifies the services that will be used to meet the resident's reasonable wants and needs; and
- ▶ Provide a resident of an assisted living home, or the resident's representative, with the opportunity to participate to the fullest extent possible in the design and implementation of the resident's assisted living plan and in any decisions involving the resident's care.
- ▶ Applies to homes serving 3 or more adults not related to the owner or any Home receiving State or Federal payments

Statistical Data for ALH

- ▶ As of 06/30/2020, 683 Assisted Living Homes
 - ▶ 225 SS: 2331 beds
 - ▶ 411 DD/MH: 1580 beds
 - ▶ 47 Dual population: 412 bed
- ▶ Homes in the Municipality of Anchorage
 - ▶ 449 Anchorage
 - ▶ 14 Eagle River
 - ▶ 4 Chugiak
- ▶ Homes Per Region
 - ▶ 617 Southcentral
 - ▶ 14 Southeast
 - ▶ 37 Interior
 - ▶ 10 Southwest
 - ▶ 5 Far North

Statistical Data for ALH

- ▶ FY18 Processed 7,803 intakes
- ▶ FY19 Processed 8,824 intakes
- ▶ FY20 Received 8,605 intakes

- ▶ FY18 Completed 340 Investigation
- ▶ FY19 Completed 322 Investigation
- ▶ FY20 Initiated 292 Investigations

The Facility



Premise

7 AAC 10.1035 Premises

- ▶ Surrounding grounds are clean, safe, in good repair.
- ▶ Free of hazards.
- ▶ Walls and ceilings have smooth, durable, nonabsorbent, easily cleanable surfaces.
- ▶ Stairways and steps have handrails.
- ▶ Lead-based paint is not used.

Premise cont.

7 AAC 10.1035 Premises

- ▶ Hot water no less than 100 degrees Fahrenheit, no more than 120 degrees Fahrenheit.
- ▶ Cleaners, medicines, and harmful substances stored inaccessible to adults with impaired judgment.
- ▶ Furniture and equipment is durable, safe, easily cleanable, and is kept clean and in good repair.
- ▶ ALHs licensed for adults with dementia or a cognitive impairment must have a method in place to alert staff when someone exits the home

General Environment

7 AAC 75.260 General Environmental Requirements

- ▶ A home shall ensure that each resident has:
 - ▶ Room Furniture typical for residents of homes in the community and neighborhood in which the assisted living home is located.
 - ▶ Storage space for clothing/possessions.
 - ▶ Linen, soap, personal hygiene facilities.
 - ▶ Signal device (if in the Assisted Living Plan).
 - ▶ Reasonable privacy when sharing a room.
 - ▶ Appropriate storage and work areas for preparing food and doing laundry.

Room Size

7 AAC 75.260 General Environmental Requirements

- ▶ **Single Occupancy Room:**
 - ▶ Minimum of 80 square feet.
- ▶ **Double Occupancy Room:**
 - ▶ Minimum of 140 square feet.
- ▶ **No more than two (2) residents per room.**

Windows

7 AAC 10.1010. Life and fire safety.(l)(3)(A)&(B).

- ▶ Sills: No more than 44 inches above the floor (may install step).
 - ▶ See Muni Policy A.01 Emergency Escape and Rescue Opening.
- ▶ Net clear opening area must be a minimum of 5.7 square feet.
- ▶ Height may not be less than 24 inches;
 - ▶ if the height is 24 inches, the width may not be less than 34.25 inches; and
- ▶ Width may not be less than 20 inches;
 - ▶ if the width is 20 inches, the height may not be less than 41.25 inches;

Carbon Monoxide Detectors

7 AAC 10.1010. Life and fire safety.(k).

- ▶ One in each sleeping area (no more that 3 feet from entrance to area).
- ▶ At least one on each level of home.

Smoke Detectors

7 AAC 10.1010. Life and fire safety.(l)(6)

- ▶ Battery backup.
- ▶ One In each bedroom.
- ▶ One per floor.
- ▶ Less than 10 years old.

Fire Extinguishers

7 AAC 10.1010. Life and fire safety.(l)(7)

- ▶ At least One fully charged 2A:10BC dry chemical fire extinguisher on each level of the facility.
- ▶ After the first year of purchase must be:
 - ▶ Inspected,
 - ▶ tested, and
 - ▶ serviced each year.
- ▶ Keep your receipt if purchasing for initial inspection.

Fire Sprinkler Systems

7 AAC 10.1010. Life and fire safety. (e)

- ▶ Homes wishing to be licensed for two (2) or fewer are not required to have a fire sprinkler system.
- ▶ Homes wishing to be licensed for three (3) or more need to contact their local Fire Authority and/or Building Safety Departments to determine if they need a fire sprinkler system.
 - ▶ Fire Authority will depend on your location and may fall under local or state authority.
- ▶ Homes wishing to serve three (3) or more in the Municipality of Anchorage are required to have a fire sprinkler system.
 - ▶ The type of fire sprinkler system required will vary by the number of residents and the population the Home wishes to service.

Bathrooms

7 AAC 10.1030 Toilets, sinks, showers, bathing facilities

- ▶ Toilets = 1 per 6 persons.
- ▶ Hand sinks = 1 per 6 person.
- ▶ Bathtubs/Shower= 1 per 6 persons.
- ▶ This includes residents, household members, and staff.
- ▶ Waste receptacles must be provided.
- ▶ Toilet tissue must be hung from wall or on a stand.
- ▶ Toilets/ Bathrooms must be kept clean and sanitary.
- ▶ Homes with three or more residents must have a single use towel dispenser, cloth towels laundered after each use, or one towel per resident.

Room Temperature

7 AAC 10.1015 Heating and Heating Devices

- ▶ The Home must be at least 68 degrees Fahrenheit.
- ▶ If used, portable electric heaters are equipped with tip over switches.
- ▶ Home must develop and implement a policy that outlines the safe and proper use of portable heaters.

Smoking

7 AAC 10.1085 Smoking.

- ▶ If smoking is allowed, a designated smoking area must be provided.
- ▶ If indoors, the smoking area must be provided with ventilation sufficient to provide fresh air and to prevent the accumulation of smoke or smoke odor.
- ▶ Recreational Marijuana: Similar to smoking, if House Rules do not prohibit use, then regulations and all other applicable ordinances will apply.

Disaster Kit

7 AAC 10.1010. Life and fire safety.(j).

- ▶ One flashlight and batteries.
- ▶ One battery-operated radio and batteries.
- ▶ Potable (Drinkable) water.
- ▶ Nonperishable food.
- ▶ Blankets.
- ▶ Recommend 3 days worth of supplies including caregivers and residents.

First aid kit

7 AAC 10.1075 First aid kit and procedures.(c).

- ▶ Must post emergency telephone numbers, and first aid procedures.
- ▶ Must have one kit for ALH and one kit for outings away from entity (not abbreviated).
- ▶ PLEASE BE SURE TO CHECK THIS SECTION FOR ITEMS REQUIRED IN A FIRST AID KIT.

First aid kit

7 AAC 10.1075 First aid kit and procedures.(c).

- ▶ (1) disposable nonporous, non-latex gloves;
- ▶ (2) sealed packages of alcohol wipes or antiseptic for thermometer cleaning only;
- ▶ (3) scissors;
- ▶ (4) tweezers;
- ▶ (5) a thermometer;
- ▶ (6) adhesive bandages;
- ▶ (7) bandage tape;
- ▶ (8) sterile gauze pads;
- ▶ (9) flexible roller gauze;
- ▶ (10) triangular bandages;
- ▶ (11) safety pins;
- ▶ (12) an eye dressing;
- ▶ (13) a note pad with a pen or pencil;
- ▶ (14) activated charcoal, for use only under the direction of a poison control center or another medical professional;
- ▶ (15) a cold pack;
- ▶ (16) a current American Academy of Pediatrics or American Red Cross standard first aid text or equivalent first aid guide;
- ▶ (17) a CPR barrier device or mask;
- ▶ (18) the telephone number for the poison control center;
- ▶ (19) potable water;
- ▶ (20) splints, including small child-size splints if children are in care;
- ▶ (21) soap;
- ▶ (22) a working flashlight;

Medications Storage

7 AAC 10.1070. Medications.

- ▶ Stored in a manner that prevents access by resident(s).
- ▶ Controlled substances must be in a locked, permanently affixed storage container.
- ▶ If controlled substances need refrigeration, they must also be locked in a permanently affixed storage container.
- ▶ ALH must have policy for accounting for controlled substances (document receipt, use, and reconciliation).
- ▶ Nonprescription and health supplements must be stored in its original container and labeled.

Medications Storage Cont.

7 AAC 10.1070. Medications...

- ▶ ALH must have a written policy for use of any commonly used nonprescription medication.
- ▶ Prescription medication must be stored in original containers or a medicine set filled by a pharmacist, medical professional, or resident's representative.
- ▶ Only one employee per shift may administer medication. That employee shall record and initial the time the dose was given.
- ▶ The ALH must properly discard of unused medication.
- ▶ Medicine sets must be labeled with pertinent info and filled by the resident or guardian/POA, Nurse, or licensed professional.

Any Questions?

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Organization and Operation



Administrator and Staffing

7 AAC 75.210. Organization; Administration; Staff.

- ▶ Administrator:
 - ▶ Oversees the day to day operations of the Home.
 - ▶ Must meet regulatory qualifications.
- ▶ Designee:
 - ▶ Appointed by Administrator to act on behalf or as a backup.
 - ▶ May have more than one.
- ▶ Resident Manager:
 - ▶ Required if the Administrator does not oversee the day to day operations of the Home.
 - ▶ Must meet the same regulatory qualifications as Administrator.
- ▶ See website for forms.

Qualifications

7 AAC 75.230. ADMINISTRATOR. (c).

Serving 1-10 residents	Serving 11 or more
Baccalaureate or higher degree in gerontology, health administration, or another health-related field that meets the Departments satisfaction. <u>OR</u>	Completion of an approved management or administrator training courses (Alaska Core Competencies) and two years of experience relevant to the population. <u>OR</u>
Completion of Certified Nurse Aide approved by Board of Nursing and one year of relevant experience. <u>OR</u>	Completion of Certified Nurse Aide approved by Board of Nursing and two year of relevant experience. <u>OR</u>
Completion of an approved management or administrator training courses (Alaska Core Competencies) and have at least one year of documented experience, relevant to the population of residents to be served, as a care provider. If you find one submit to the Department for approval. <u>OR</u>	Five years of documented experience relevant to the population being served, as an administrator or staff supervisor of a home serving 10 or less. <u>OR</u>
Two years of documented experience relevant to the population. <u>OR</u>	Licensed LPN or RN with documented experience relevant to the population
Sufficient documented experience in an out-of-home care facility w/ training, education and experience to be able to fulfill the duties of an Administrator.	

Staffing

7 AAC 75.210. ORGANIZATION; ADMINISTRATION; STAFF.

- ▶ Create and Implement personnel practices.
 - ▶ Consider how you would expect staff to conduct themselves.
- ▶ Create a Staffing Plan and Staff Responsibilities.
 - ▶ 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 specific needs of residents as defined in the residents' residential services contracts and assisted living plans.
- ▶ Have the means available to implement your disaster plan and evacuate the home within the required timeframes.

Care Providers

7 AAC 75.240 Care Provider

- ▶ Must be 21 if they are serving as a Supervisor/Designee.
- ▶ Must be 18 to provide care without direct supervision.
- ▶ Must be 16 to provide care with direct supervision.
- ▶ Must be oriented to the assisted living home's policies and procedures within 14 days of employment.
- ▶ Must work with direct supervision for three documented working days unless they have previous working experience with population.

General Staffing Requirements

7 AAC 75.220 General Requirements

- ▶ Three (3) character references.
- ▶ Two (2) employment references.
- ▶ Background Check clearance.
- ▶ Proof that caregivers, employees, and household members are free from active Tuberculosis.
- ▶ Speak and understand the English language.
- ▶ Annually obtain 12 hours of continuing education, 18 hours for Administrators and Resident Managers.
- ▶ Must have on duty a care provider current with CPR and First Aid.

Universal Precautions

7 AAC 10.1045 Universal Precautions Policy

- ▶ ALH must adopt universal precautions.
- ▶ This includes training staff in preventing spread of diseases.
- ▶ Encourage adults to wash hands.
- ▶ A caregiver with a communicable disease, rash, or infection, or an acute respiratory infection, may not work in an entity in any capacity in which the caregiver likely could transmit that disease, rash, infection, or respiratory infection to an adult or child in care.

Prevention of Abuse, Neglect, and Exploitation Policy

7 AAC 75.220. GENERAL REQUIREMENTS. (a).

- ▶ Home must develop and implement written policies and procedures that prohibit the abuse, neglect, exploitation, and mistreatment of residents.

The policy should address:

- ▶ Provide for safeguards against abuse, neglect, and exploitation.
- ▶ Remove the potential for further abuse, neglect, exploitation, or mistreatment of a resident.
- ▶ How the Home will document and investigate alleged or suspected incidents of abuse, neglect, exploitation.
- ▶ Include how to identify abuse, neglect, exploitation, and mistreatment of residents in your policy.

Background Check Program (BCP)

7 AAC 10.900 to 10.990

- ▶ Conducts background checks for all individuals providing direct care to vulnerable Alaskans in entities licensed, approved, certified, or eligible to receive payments from the State of Alaska.
- ▶ The Background Check Program Determines:
 - ▶ Eligibility to work and ensures applicants are not barred from being employed.

Background Check Program (BCP)

7 AAC 10.900 to 10.990

- ▶ When you submit your licensing package, Residential Licensing notifies the BCP to open a NABCS account.
- ▶ NABCS is the online system for the BCP
- ▶ BCP creates the account and e-mails the account information to you.
- ▶ Your NABCS account access is through your Myalaska.gov account.

Background Check Program (BCP)

7 AAC 10.900 to 10.990.

- ▶ To start an application to associate an individual to the ALH:
 - ▶ Requires SSN# and Last Name or DOB.
 - ▶ System will Search for a current background check.
 - ▶ If applicant is in the system, you will be able to attach the application to the current background check.
- ▶ If no current background check:
 - ▶ Fill in the applicant's personal and demographic information.
 - ▶ A Release of Information must be signed and kept with personnel file.
- ▶ Applicant will then need to submit their Fingerprint Card to the BCP.
- ▶ A total fee of \$73.25 will need to be paid online or sent with fingerprints (if paying with cash, exact change is required).
 - ▶ Payment of \$25.00 Application Fee.
 - ▶ To Background check unit.
 - ▶ Payment of \$48.25 Finger Print Processing Fee.
 - ▶ To Public Safety and FBI.

Background Check Program (BCP)

7 AAC 10.900 to 10.990.

- ▶ Once the BCP has completed the registry check, a Provisional Clearance may be issued if there are no findings of a barrier condition.
- ▶ The individual is eligible to have contact with the Home and residents **after** a Provisional Clearance.
- ▶ A final determination will be issued after the BCP receives and reviews state and FBI fingerprint results.
- ▶ You will need to 'hire' the individual in your NABCS account before they start working.

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