

# Assisted Living Licensing Statues & Regulations:

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

Presented by:  
Residential Licensing

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## Presenter:

- Nate Allen
- Community Care Licensing Specialist I
- Education in Biology, Psychology, and Communication
- Direct Line: 907-334-2494
- Email: [nate.allen@alaska.gov](mailto:nate.allen@alaska.gov)

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## Housekeeping

- Bathrooms
- In case of an emergency
- Cell Phone Use
- Questions
- Respect



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### Schedule

**Day 1  
October 11th**

- ALH State Regulations & Statutes: 8:30-10:00am Residential Licensing
- Break 10:00-10:10am
- OLTCO 10:10-11:10am Teresa Holt
- Break 11:10-11:15am
- APS Abuse/Neglect 11:15-12:00pm Sandra Jenkins
- Lunch 12:00-1:00pm
- ALH State Regulations & Statutes: 1:00-1:45pm Residential Licensing
- Disaster Planning 1:45-2:45pm Lanny Mommsen
- Break 2:45-3:00pm
- ALH State Regulations & Statutes: 3:00-4:00pm Residential Licensing
- Alaska Training Cooperative 4:00-4:30pm Jill Ramsey

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### Schedule

**Day 2  
October 12th**

- ALH Application Process 8:30-9:45am Residential Licensing
- Break 9:45-9:50am
- Worker's Compensation 9:50-10:20am Rhonda Gerharz
- Break 10:20-10:30am
- Wage & Hour 10:30-12:00pm Joy Hartlieb
- Lunch 12:00-1:00pm
- Municipality "Change of Use" 1:00-1:30pm Don Craft
- General Relief 1:30-2:00pm Michele Thurston
- DSDS HBC Waiver Eligibility 2:00-3:00pm Cina Fisher
- Break 3:00-3:15pm
- APD and Emergency Services 3:15-4:15pm APD – Ofc. Welch & Adolf
- Wrap Up 4:15-4:30pm

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### Residential Licensing Mission:

The mission of Certification and 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.

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### 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.

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### Assisted Living Homes

- Chapter 33 of Alaska State Law created Assisted Living Homes
- Applied to homes servicing 3 or more adults not related to the owner or Home receiving State or Federal payments
- Established services offered and assistance for the activities of daily living

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### FY17 Statistical Data for ALH

- As of 10/05/2016, 652 Assisted Living Homes
  - 230 SS
  - 381 MH/DD
  - 41 Dual population
- 430 Assisted Living Homes in Anchorage
- FY16 Processed 6,468 intake
- Since 07/01/2016 received 1807 intakes
- FY16 completed 296 investigation
- Since 07/01/2016 conducted 45 Investigations

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### The Facility



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### 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
- Hot water no less than 100, no more than 120
- Cleaners, medicines, 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.



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### 7 AAC 75.260 General Environmental Requirements

- Room Furniture is 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 ALP)
- Reasonable privacy when sharing a room
- Appropriate storage and work areas for preparing food and doing laundry



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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.




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Windows



- Sills: No more than 44 inches above floor (may install step)
- 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;

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7 AAC 10.1030 Toilets, sinks, showers, bathing facilities

- TOILETS = 1 per 6 persons
- HANDSINKS = 1 per 6 person
- BATHTUBS/SHOWERS= 1 per 6 persons
- This includes residents, household members, and staff
- Waste receptacles must be provided
- Toilet tissue must be hung from wall
- Toilets/ Bathrooms must be kept clean and sanitary
- Home's with three or more residents must have a single use towel dispenser, cloth towels laundered after each use, or one towel per resident




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### 7 AAC 10.1015 Heating and Heating Devices

- ALH 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




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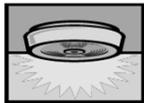
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### Carbon Monoxide Detectors

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

### Smoke Detectors

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




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### Fire Extinguishers

- At least One fully charged 2A:10BC dry chemical fire extinguisher on each level of the facility. Must be installed, inspected, tested and serviced each annually.




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**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: If House Rules do not prohibit use, then regulations and all other applicable ordinances will apply.



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**Disaster Kit** 

- (1) One flashlight and batteries
- (2) One battery-operated radio and batteries
- (3) Potable (Drinkable) water
- (4) Nonperishable food
- (5) Blankets

Recommend 3 days worth of supplies to include caregivers and residents





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**7 AAC 10.1075 First aid kit and procedures**

- 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.





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### First Aid Kit



- Non-latex gloves
- Alcohol wipes or antiseptic for thermometer cleaning only
- Scissors
- Tweezers
- A thermometer
- Adhesive bandages
- Bandage tape
- Sterile gauze pads
- Flexible roller gauze
- Triangular bandages
- Safety pins
- An eye dressing
- A note pad with a pen or pencil
- Activated charcoal
- A cold pack
- A current American Academy of Pediatrics or American Red Cross standard first aid text
- A CPR barrier device or mask
- The telephone number for the poison control center
- Potable water
- Splints
- Soap
- A working flashlight

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### 7 AAC 10.1070 Medications

- Stored in manner that prevents access by resident
- 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.




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### Medications, Cont..

- 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 unused medication.
- Medicine sets must be labeled with pertinent info and filled by the resident or guardian/POA, or Nurse




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## Organization and Operation




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### 7AAC 75.210 Organization: Administration: Staff



- **Administrator**
  - Oversee Day to Day operation of the Home
  - Must meet regulatory qualification
    - (Reviewed in detail Day 2)
- **Designee**
  - Appointed by Administrator to act on behalf
- **Resident Manager**
  - Must be appointed if Administrator does not oversee Day to Day operations
  - Must meet regulatory qualification
    - (Reviewed in detail Day 2)
- **Create and Implement personnel practices**
- **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 in under the required timeframes.**




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### 7AAC 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 working days unless they have previous working experience with population

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### 7 AAC 75.220 General Requirements

- Three (3) character references
- Two (2) employment references
- Background Check clearance
- Proof caregivers, employees, and household members are free from active TB.
- Speak/Understand the English Language
- 12 continuing education units each year of employment; 18 for administrator
- Have on duty a care provider current with CPR and First Aid




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### 7 AAC 10.1045 Universal Precautions Policy

- ALH must adopt universal precautions.
- Train staff in preventing spread of disease.
- 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




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### Prevention of Abuse, Neglect, and Exploitation Policy

- Home must develop and implement written policies and procedures that prohibit the abuse, neglect, exploitation, and mistreatment of residents
- Policy must provide safeguards
- 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

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### The Background Check Program

- 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 insures applicants are not barred from being employed.

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### Conducting Background Checks

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

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### Background Check Account

- To start an application to associate an individual to the ALH
  - Require SS# 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 to background
- If no current background check
  - Fill in the applicants 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 \$72.00 will need to be paid online or sent with fingerprints (if paying with cash, exact change is required)
- Payment of \$25 Application Fee
  - To Background check unit
- Payment of \$47 Finger Print Processing Fee
  - To public Safety and FBI

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### Eligibility

- Once the BCP has completed the registry check, a Provisional Clearance may be issued if there are no findings of a barrier under the regulation or statute
- The individual is eligible to have contact with the Home and residents **after** a Provisional Clearance is issued
- A final determination will be issued after the BCP receives and reviews state and FBI fingerprint results

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### Services Offered




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### Services Offered

#### 7 AAC 75.080(b)(8)

- Assistance with Activities of Daily living or ADLs are define by AS 47.33.990. DEFINITIONS (1)




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**Services Offered  
7 AAC 75.080(b)(8)**

- Assistance Instrumental Activities of Daily Living or IDLs are define by AS 47.33.990. DEFINITIONS (13)
- Doing laundry
- Cleaning of living areas
- Food preparation
- Managing money and conducting business affairs,




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**Services Offered 7 AAC 75.080(b)(8)  
Health-Related Services**

- Health-Related Services are services outside the scope of ADL's and IDL's
- These services include assistance with Assisting with medication self-administration, medication administration, and nursing duties




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**Assisting with Medication Self-Administration**

- The Home may supervise the resident's self-administration of medication
- AS 47.33.020 Any Home staff person may
  - Remind a resident to take medication



- Open a medication container or prepackaged medication for a resident

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### Assisting with Medication Self-Administration Cont.

- Read a medication label to a resident
- Observe a resident while they take medication



- Check a resident's self-administered dosage against the label of the medication container

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### Assisting with Medication Self-Administration Cont.

- Reassure a resident that the resident is taking the dosage as prescribed
- Direct or guide, at the request of the resident, the hand of the resident who is administering the resident's own medication.



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### Question?

Can I remove a medication from a bottle or a prepackaged medication to med-cup?

Under Board of Nursing guidance removing a medication from a bottle or prepacked medication to a med-cup is currently considered self-administration.

Please note: This guidance is currently under review and may change.

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### Medication Administration

- 12 AAC 44.990. DEFINITIONS “administration of medication” means the direct application of a medication to the body of a patient by injection, inhalation, ingestion, or other means;
- Medication Administration is an intermediate Nursing Service which requires a license to perform unless a license professional has delegated the task.

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### Understanding Delegation

- If you are being delegated a task by a Licensed Nurse you must demonstrate the following:
- You’ve received training and the training is documented. 12 AAC 44.950(4)
- You must be accountable and competent to safely perform the duty and accept the delegation. 12 AAC 44.950(5)

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### Understanding Delegation

- **Written instruction** must be given that includes:
  - how the person is to observe and report side effects, complications, or unexpected outcomes in the patient, and
  - the actions appropriate to respond to any of these situations 12 AAC 44.950(7)(B)(C)

**Delegation by the nurse is evaluated every 90 days at a minimum. 12 ACC 44.960 (8)(C)**

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### Delegating Medication Administration

- To Delegate Medication Administration a course is required to be taught by RN or LPN
- The course taught must be approved by the Board of Nursing
- The Board of Nursing has an approved course that can be used at the hyperlink below:  
<https://www.commerce.alaska.gov/web/cbpl/professionallicensing/boardofnursing/increasingscopeofpractice/duties.aspx>
- An approved written test is available with the Board of Nursing.
- Documentation must be maintained in personnel file

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### Delegating Medication Administration

- Once Staff have received training and the delegating Nurse approves the individual they may began Administrating medication to residents that have given the Home written permission to administer medication.
- Even if staff are completely trained on medication administration, the Resident and/or their Representative must give permission for the Home to administer medication.

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### Delegation Limitation

- Injections cannot be delegated by a nurse.
  - This includes insulin injections.
  - Insulin cannot be drawn up or dialed for the patient by staff.
- PRN medication means medication to be taken "as needed" by the patient
  - PRN controlled substances cannot be delegated by a nurse.
  - PRN non-controlled substances can be delegated by a nurse
    - They require an assessment by a nurse
    - Written instructions are required – when to give, the procedure (dosage amount, frequency, duration & when to call the nurse.)

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### Additional Delegatable Nursing Duties

- Changing simple, **non-sterile** dressings using aseptic technique
  - No wound debridement or packing is involved.
- Obtaining blood glucose level.
- Suctioning the oral **pharynx**.
- Removal of internal or external urinary catheters
- Adding fluids to an **established** g-tube feeding, changing tube feeding bags

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### Non-Delegatable Nursing Duties

- Providing and assessing **sterile wound** or **decubitus ulcer care**
- Managing and monitoring home **dialysis therapy**
- Oral **tracheal** suctioning
- Placement and administration of **nasogastric tubes and fluids**
- **Medication management for unstable medical conditions** requiring ongoing assessment and adjustment of dosage or timing of administration

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### Non-Delegatable Nursing Duties

- Initial assessment and management of newly-placed **gastrostomy** tubes and the patient's nutrition
- Administration of a **non-herbal nutritional supplement**
- Initiation, administration, and monitoring of **IV therapy**, including blood or blood products,

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### CNA's: Certified Nursing Assistant

- If you are a CNA you can only work within the scope of your license
- There may be situations where an unlicensed caregiver can perform a task, but a CNA cannot.
- For example:
  - A residents legal representative may be able to delegate and train a task that an unlicensed caregiver could perform that a CNA's license would prohibit.
- Contact your Licensing Specialist to learn more

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### Providing Health-Related Services

- If you provide Health-Related services for a resident:
- Thoroughly outline the services in the resident's assisted living plan.
  - Describe what staff will do to provide those services.
- Have a Nurse review the Health-Related services in the assisted living plan and sign it.
  - The review of Health-Related services is sometimes a separate document from the assisted living plan, but is considered part of the plan.
- If a resident has Health-Related services you will need to document a "quarterly", every three month review of the resident's Health-Related services. If the Health-Related services change you will need to update the assisted living plan and have a new Nurse review.

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### AS 47.33.040 and 7 AAC 75.310 Resident's Money

- May accept for safekeeping and management
- Must establish a written policy that tracks the use of money
- Homes are not required to accept money that belongs to a resident
- May not have more than \$100 cash a month on hand for a residents day to day needs

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### 7 AAC 75.265

### Food Service



- Three (3) balanced meals and one (1) snack daily (follow my plate).
- Abide by health restrictions, religious, cultural and ethnic choices.
- Maintain a written record of what is OFFERED and SERVED at each meal. Maintain for one year.
- Medicaid requires residents have access to food at all times.

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### Additional Services to consider

- Providing and Arranging Transportation
- Appointment Escorts
- Activities
- Finger and Toe nail clipping
- Cleaning
- Amenities (example: therapeutic tub, cable in room, telephone in room)

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### Residents



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### Screening Residents

- Participates in the Activities of Daily Living
- Bedbound or other issues with mobility
- Exhibits behaviors that present serious harm to self and others
- Requires physical/medical restraints
- Needs more than one staff member to assist with daily activities
- Health conditions that require skilled nursing services
- Diagnosis of individual consistent with license type

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### AS 47.33.210 Residential Service Contracts

- A person may not begin residency without one!
- Must be completely filled out upon admission and include:
  - Services and accommodations provided
  - Rates charged
  - Description of rights, duties, obligations of resident.
  - Termination policy
  - Amount and Purpose of advance payment
  - Refund of advance payment in event of death, or termination of contract
  - Must include copy of House Rules



This contract must be approved and signed by the resident and/or legal guardian to be a valid contract

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### AS 47.33.040 Advance Payments

- ALH MAY NOT require a resident to make an advance payment except for **security performance** of the contract or as advance rent for the **following rental period.**
- IF YOU CHOOSE TO DO THIS, THEN...




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- Immediately deposit \$ into a separate bank account
- Do not represent \$ on financial statement as an asset of home
- Use only for the resident listed on the account
- Notify representative where \$ is. (Name and address of bank)
- Provide terms to representative how the \$ may be withheld by the home.

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**AS 47.33.360 Involuntary Termination of Contract**

- Medical Reasons
- Engaging in a documented pattern of conduct harmful to resident, other residents or staff of ALH
- Violating Residential Service Contract including non-payment
- Emergency transfer ordered by physician
- ALH is Closing
- ALH can no longer provide services needed




A Home must give 24 to 72 hour (7AAC 75.340 (a)(3)) Written notice if terminating a residential service contract for medical reasons or emergency order. All others involuntary terminations require a 30 day notice to resident/representative.

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- Involuntary Termination of Residential Service Contract**
- Provides at least 30 days written notice
  - Provides the basis for the termination
  - Resident has the right to contest the termination
  - Provider must participate in a case conference if requested by resident or representative
  - Provider must cooperate with the resident in making arrangements to relocate
  - Provider must notify the Department of the termination as well (7AAC 75.340 (a)(6)(B))

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### AS 47.33.230 Assisted Living Plan

- Must be created within 30 days upon the residents move in date
- Developed in conjunction with:
  - Past Assisted Living Plans
  - Physician Statement from Doctors
    - medical history and physical, not older than six months, of the person
    - current medicine regimen
    - statement of current therapy regimen necessary to maintain or increase the person's functioning, mobility, or independence;
  - Resident's Service Coordinator,
  - The Resident and/or their representative
  - Administrator.

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### Assisted Living Plan Content

- Promote the resident's participation in the community
- Recognize the responsibility and right of the resident or the resident's representative
- Recognize the right of the home to evaluate and to either consent or refuse to accept the resident's choice of risk

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### Assisted Living Plan Content

- identify and describe
  - strengths and limitations
  - any physical disabilities and impairments
  - resident's preference in roommates, living environment, food, recreational activities, religious affiliation, and relationships and visitation with friends, family members
  - specific activities of daily living with which the resident needs assistance
  - how assistance with the activities of daily living will be provided or arranged
  - training for independent living
  - personal assistance
  - need for health-related services
  - reasonable wants and the services that will be used to meet those wants

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### Assisted Living Plan Content

- If a resident’s reasonable wants and needs can be met by a particular assisted living home and a decision is made to enter into a residential services contract between the person and the home, the resident's assisted living plan shall be approved, dated, and signed by the administrator of that home and either the resident or the resident's representative.

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### Don't Forget

- If health related services are provided or arranged for, then
- An RN must review the portion of the Assisted Living Plan that describes how the health related services will be met.




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### 7 AAC 10.1010 Life and Fire Safety

- Disaster Preparedness and Emergency Evacuation Plan:
- Includes evacuation procedures that will ensure the complete evacuation of adults in care, including adults with limited mobility according to specific guidelines set within this chapter.
  - Describe in detail the procedures that will be followed for complete evacuation of the entity, including individuals who are mentally, visually, or hearing impaired.

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### Emergency Evacuation Plan Cont.

- Include procedures for other emergency situations including fire, ash, tsunami, flooding, earthquake, snowstorm, windstorm emergencies.
- Procedures developed in the plan must be reviewed with each adult in care or their representative BEFORE the start receiving care at the facility.



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### Floor Plan

Provide location of:

- Fire extinguishers
- Smoke detectors
- Carbon monoxide detectors
- Disaster Kit
- First Aid Kit
- Egress routes and meeting place

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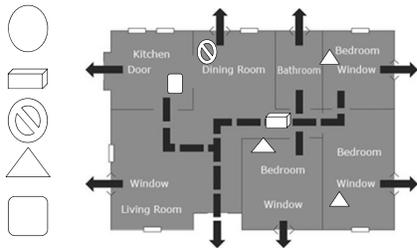
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### Evacuation Diagram Sample



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## Evacuation Drills

- Must be completed once every three months per shift.
- Entity must maintain a written record available to the department upon request.
- Time limits for evacuation drills are 3 or 13 minutes depending on if you have a fire retardant system and central alarm approved by local fire authority.




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## 7 AAC 75.295 Use of Intervention and Physical Restraint

- An assisted living home must have a written procedure regarding the use of physical restraint.
- Must be reviewed with resident upon admission
- Home must evaluate residents need for restraints
- If there is a need, the Home must have permission and recommendation from resident's physician
- Must report the use of restraints to the Department within 5 days of their use (7AAC 75.340 (a)(4))
- The following items are not considered restraints if you have written orders from a physician;
  - Bed Rails
  - Self Release Safety Belts
  - Lap Top Trays
  - Wedge Chair Cushions
  - Concave Mattresses

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## 7 AAC 10.1055 Incontinence Care

- Sufficient quantities of pads
- Adequate supply of bedding/mattress pads
- ALH (licensed for six or more) must have written incontinence care procedures




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### AS 47.33.300 Notice of Resident's Rights

(a select few)

- Must Review Resident Rights
- Sample Form Available
- Live in a safe and sanitary environment
- Be treated with consideration and respect for personal dignity, individuality, and the need for privacy, including privacy in:
  - Medical exam
  - Resident's room
  - Bathing and toileting (unless otherwise noted)
  - The right to keep a locked drawer



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- Engage in private communications, including:



- Receiving and sending unopened mail
- Having access to a telephone, or having a private line at resident's expense
- Visiting with people of the resident's choice
- Engage in private communication
- Right to store medication in their bedroom
- Ability to leave voice messages with the home



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- Close the door of their room at any time
- Exercise civil and religious liberties
- Receive meals that are consistent with religious or health-related restrictions



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### Grievance Procedure and Protection from retaliation

- The Home must establish and review its Grievance Procedure with residents
- Grievance procedure should establish how Home will handle complaints.
- The Home may not retaliate against a resident for exercising their rights
- Must Notify Resident of their protection from retaliation
- Sample forms available

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### House Rules

- If the Home chooses to establish House Rules, they must review rules with the resident and legal representative before entering into the Residential Service Contract
- House Rules can establish
  - Telephone use
  - Viewing and volume for listening to the TV and Radio
  - Visitors
  - Movement in and out of Home
  - Use of Tobacco, Marijuana, and Alcohol
  - Physical, verbal, or other abuse of other residents or staff
  - House rule cannot restrict a right of a resident

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### 7 AAC 10.1090 Animals

- ALH must inform resident/representative, care coordinator, case manager of animals kept in entity.
- Very specific rules for birds. 
- Cages, aquariums must be clean.
- ALH's larger than 2 residents may not have amphibians, ferrets, reptiles, wild, poisonous or predatory animals living in the ALH.
- Animal waste must be removed daily.
- If dogs/cats have history of biting, you must disclose to the department.
- Please review for additional requirements. 

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7 AAC 10.1095 Toxic Substances, poisonous plants

- Cleaning materials, toxins must be stored in original labeled container.
- Must be inaccessible to adults with impaired judgment and stored separately from food and medication.
- ALH will submit a list of poisonous plants in home and how the home will protect the adults from being harmed.
- ALH must notify resident/representative, care coordinators and case managers of poisonous plants on the premises.




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7 AAC 10.1080 Firearms and Ammunition

- No firearms in ALH's licensed for 6 or more.
- Must be unloaded and stored in a locked safe or other locked place not visible to residents.
- Ammunition must be stored separately.
- ALH will notify adult's representative, care coordinators, or case managers if firearms are present in home.




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7 AAC 75.340 Notification Requirements

- Very specific timelines for notifying your licensing specialist
  - **24 Hours or next business day**
    - Arrest, resident death from other than natural causes, abuse by employee, volunteer, household member, aggressive animal behavior or animal biting, disaster affecting entity
  - **48 hour**
    - Medical emergency, assaultive behavior requiring police, absent from home over 24 hours




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### Notification Requirements

- The Division of Senior and Disability Services has different reporting requirements
- When in doubt, submit incident report

Please review regulations for additional reporting requirements

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### AS 47.32.110 Right of Access and Inspection

- A licensing inspector has the right to access an ALH for
  - Licensure and renewal
  - Conduct investigations
  - Conduct inspections
  - Inspect documents (records, accounts, the building or premises)
  - Interview staff and residents
  - Reasonable cause to believe ALH is operating in violation of statutes




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### AS 47.32.100 Cooperation with Investigation

An ALH shall cooperate with investigations by:

- Permitting inspections by the Department
- Providing the Department with truthful information and documentation regarding compliance with statutes and regulations

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**AS 47.33.330 Prohibitions**

- ALH MAY NOT
  - Deprive residents of any right, benefit or privilege guaranteed by law.
  - Enter a resident room without obtaining permission (few exceptions).
  - Impose religious beliefs or practices upon a resident or require them to attend church.
  - An owner, administrator, employee or agent of an ALH may not act as a representative of a resident.

These are only a few of the prohibitions.  
Please review all sections!!

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What was covered in this presentation was only an overview of specific state regulations and statutes. Please be aware that you are responsible to know AS 47.32, AS.47.33, AS 47.05, 7 AAC 10, and 7AAC.75 in their entirety.

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## Applying for an Assisted Living Home License

Department of Health and Social Services  
Division of Health Care Services  
Residential Licensing



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### Basic steps to a provisional license

- ▶ Submit a completed Application
- ▶ Administrator/Designee/Resident Manager questionnaire packet
- ▶ pay licensing fee to the Department.



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### Basic steps to a provisional license

- ▶ Application is submitted to our front desk
- ▶ Application is forwarded and reviewed by a Licensing Supervisor.



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**Basic steps to a provisional license**

- ▶ Licensing Supervisor will then assign the application to a Licensing Specialist.



- ▶ Licensing Specialist will then review application to ensure all policies and procedure have been submitted and meet the minimum regulatory requirements.

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**Basic steps to a provisional license**

- ▶ Once the application has been reviewed, Licensing Specialist will schedule an in person meeting or telephonic conference to review the application and if needed issue a letter outlining corrections needed and list any missing items that are needed to complete the application.



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**Basic steps to a provisional license**

- ▶ Applicants will be given two weeks to make corrections and submit and missing documents.
- ▶ After received applicants will be given an additional two week to complete all needed correction if further corrections are identified.



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**Basic steps to a provisional license**

- ▶ Failure to make needed corrections and submit missing documents will result in an incomplete application.
- ▶ Incomplete applications will be returned to applicant with a notice of denial.
- ▶ The notice of denial will indicate if you can reapply in the future.

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**Basic steps to a provisional license**

- ▶ Once the application is complete the Licensing Specialist will schedule an onsite inspection of the location to check for any health and safety concerns and measure rooms and windows. Any violations of regulations found at the inspection will be cited by Licensing Specialist and need to be corrected.



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**Basic steps to a provisional license**

- ▶ Once all violations are corrected, the Licensing Specialist will review the application with Supervisor and if all statues and regulations have been meet the Department may issue applicant a provisional license.



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### Owner of Premises

6. **Owner of Premises:** Please identify the owner of the premises (if the applicant is not the owner) in which the proposed assisted living home will be located.

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_ if \_\_\_\_\_ applicable: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Physical Address: \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_  
 Email Address: \_\_\_\_\_  
 Phone Number: ( ) \_\_\_\_\_  
 Fax Number: ( ) \_\_\_\_\_

▶ Must submit Permission to Operate at proposed Location

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### Physical Address of Proposed ALH

7. **Physical Address of the Proposed Assisted Living Home:** A physical location MUST be identified PRIOR to submission of an application. Changes in the proposed physical location during the licensure process may require a new application and associated fees. Applications that do not specify a physical location will be returned as incomplete applications.

Street: \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

▶ Must have a Location of Operation prior to Submission

▶ Changes in Proposed location during licensure process may require new application and fees

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### Phone Number and Mailing Address

8. **Facility Phone:** If licensed, this is the phone number that will be posted on the website listing of licensed facilities. If you do not enter a phone number here, no phone will be listed on the website unless a request is submitted in writing. \_\_\_\_\_

9. **Mailing Address of the Assisted Living Home:**

Street: \_\_\_\_\_  
 \_\_\_\_\_  
 City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

▶ Important: The phone number provided will be posted on the website

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### Number of individuals the Home intends to serve

10. Total number of individuals the home intends to serve: \_\_\_\_\_  
The total number of individuals the home intends to serve may be less than or equal to the maximum occupancy allowed by the fire department but may not be more than the maximum occupancy allowed by the fire department.

- ▶ Depending on the number of residents served, you may be required to submit additional experience, policies, and permits

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### Population the Home intends to serve

11. Type of License the individual wants to operate:  
 Adults age 18 years of age or older who have a mental health or developmental disability.  
 Adults age 18 years of age or older who have physical disability, are elderly, or suffering from dementia, but who are not chronically mentally ill.

- ▶ Select one

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### Other Licenses

12. Does the Applicant currently hold, or ever previously held, any other licenses or certifications issued by the Department? (Example: Child Care License, Foster Care License, Medicaid certification, etc...) If so, please list them below with their expiration dates.  
\_\_\_\_\_  
\_\_\_\_\_

Include any licenses issued by the Department of Health and Social Services



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## Household Member

- ▶ If the Assisted Living Home will have household member residing on the premise.
- ▶ Provide:
  - Legal Name
  - DOB
  - Drivers License #
- ▶ Submits copy of Drivers License or ID.
- ▶ Submit evidence members are free from active pulmonary tuberculosis.
- ▶ If household members are over the age 16 they will need a background check.




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## Attach to Application

- 7. Universal Precautions Policy - (see enclosed guide lines and 7 AAC 10.1045 for information on what is required to be included).
- 8. Incontinence Care Procedures – *only required for six or more resident* (see 7 AAC 10.1055 for information on what is required to be included).
- 9. Staff Plan and Staff Responsibilities – (see enclosed sample form and 7 AAC 75.080 (b)(11) for information on what is required to be included).
- 10. Business Plan – *only required if applying for a home with 11 or more residents or to operate multiple homes* (see 7 AAC 75.080 (b)(13) for information on what is required to be included).
- 11. Personnel Practices – create policies you will require your staff to comply with. This is similar to an employee handbook.
- 12. Disaster Preparedness Plan – (see 7 AAC 10.1010 (e)-(f) for information on what is required to be included). See also the enclosed sample emergency evacuation drill form.
- 13. Emergency Evacuation Plan/Floor Plan – Will be a clear diagram of each level of the home that identifies walls, doorways and windows. Also create a key that identifies the location of smoke detectors, location of CO2 detectors, location of fire extinguisher, location of Disaster Kit and First Aid Kit, and location of the meeting place outside the home. Include also arrows showing evacuation routes used in an emergency.
- 14. Restraint Policy – (see 7 AAC 75.295 for information on what is required to be included).
- 15. List of Services Offered – (see enclosed sample form and 7 AAC 75.080 (b)(8) for information on

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## Attach to Application

- 16. Nonprescription Drug Policy – *only required for a home with 3 or more residents* (see 7 AAC 10.1070 (g)(4) for information on what is required to be included).
- 17. Prohibition of Abuse, Neglect, or Exploitation Policy – (see 7 AAC 75.220 for information on what is required to be included).
- 18. Employee Orientation (see 7 AAC 75.210 (a)(3) and 7 AAC 75.240 (b) for information on what is required to be included).
- 19. Background Checks – When we receive your application, we will contact the Background Checks Program (BCP) and request an account be set up. The BCP will notify you via e-mail what your account is, your password, and how to enter individuals information to request a background check. Do not submit anything for the background check until you have received this e-mail and have begun entering individuals. The e-mail will include a phone number and e-mail address if you have any further questions. You will need to get a background checks for all employees and every household member residing in the home who is at least 16 years of age.
- 20. TB Clearance – You will need to submit documentation that each employee and household member in the home is clear of TB.
- 21. Notice of Resident Rights – (see enclosed sample form and AS 47.33.300 for information on what is required to be included).
- 22. Notice of Protection From Retaliation – (see AS 47.33.350 for information on what is required to be included).
- 23. Grievance Procedure – (see enclosed sample form and AS 47.33.340 for information on what is required to be included).
- 24. House Rules – (see enclosed sample form and AS 47.33.060 for information on suggested items to include).

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### Attach to Application

- 25. Residential Service Contract – (see enclosed sample form and AS 47.33.210 for information on what is required to be included)
- 26. Assisted Living Plan & Physician Statement – (see enclosed sample forms and AS 47.33.220 and AS 47.33.230 for information on what is required to be included).
- 27. Plant Notification – *only required if the home has poisonous plants and the Department has approved them to remain in the home.* (see 7 AAC 10.1095 for information on what is required to be included).
- 28. Animal Notification – *only required for homes with animals present.* If the home has animals, you must create a form to notify residents and/or their representatives that animals are in the home. (see 7 AAC 10.1090 for information on what is required to be included).
- 29. Firearm Notification – *firearms are not allowed in homes with 6 or more residents.* If the home has firearms, or you will allow firearms, you must create a form to notify residents and/or representatives that firearms are in the home. (see 7 AAC 10.1080 for information on what is required to be included).
- 30. Change of Use Permit – *only required for homes in the Municipality of Anchorage with 3 or more residents or for buildings that have multiple assisted living homes operating in them.* (see the enclosed flyer on Change of Use Permit requirement)
- 31. Fire Inspection Report – *only required for homes with 6 or more residents, or 3 or more resident in the Fairbanks Municipality.* Contact your local fire authority to find out what they require.
- 32. Kitchen/Food Service Inspection – *only required for homes with 13 or more residents.* In the Municipality of Anchorage, contact Food Safety and Sanitation at 343-4200. Outside the Municipality of Anchorage, contact the DEC Food Safety and Sanitation Program at (907) 269-7501.

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### Attach to Application

- 33. Well Water – *only required if on well water.* You are required to register your well with the Department of Conservation (DEC). Contact Darryl Gillespie at (907) 376-1824.
  - 34. Written permission from property owner and/or Home Owners Association allowing an Assisted Living Home to operate in the property (if applicable).
- The regulations/statutes that are cited to provide additional information can be found at <http://dhss.alaska.gov/dhcs/Documents/cl/all/assets/ALHStatutesRegulationsGuide.pdf>

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### Fees

17. Application / modification fees: Please include check or money order with this application.
- Licensure for one or two residents: \$25.00
  - Licensure for three (3) or more residents: \$25.00 per resident. (For example, to apply for licensure to service five (5) residents, the fee is calculated as follows: \$25.00 for each resident for a total of \$125.00).
  - Modification of (a) location or other major modification: \$25.00
  - Modification of (b) capacity (# of residents): \$25.00 per additional resident.
  - Modification of both (a) and (b): \$25.00 plus \$25.00 for each additional resident.
- Total fee enclosed: \_\_\_\_\_



► Sorry– Fees are not refundable

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