



Adult Care Policy Committee

Growing our presence in the field
of adult care licensing,
professional development,
practice and policy



Presenters:
Margie Zelenak, President
Partners in Personal Care
Terry Jarvis, Secretary
NARA Board of Directors



Adult Care Policy Committee

Responsible for reviewing, creating
and recommending evidence-based
policy, practice, research, studies and
standards to the Board of Directors.



Functions

Recommend to the Board of Directors:

- Evidence-based policy & practice
- Research & studies
- Minimum standards for adult care licensing

(Established June 2013)



First Step

Adult Care Policy Committee

Analyze & Compare State Regulations

→

Recommend Minimum Standards for Licensing








Focus

- Adult care encompasses a wide variety of regulated care settings for different populations in care.
- There has been media interest in minimum standards for assisted living.
- Assisted living is the initial focus of the committee.



Survey State AL Regulations

- St. Louis 2013 conference presentation
- Small focus group on adult care
- Worksheets to gather top priorities



What would you like to know when comparing Assisted Living regulations?

- Definition of
- Fees
- Funding (Medicare/Medicaid)
- Level of acuity allowed
- Scope of services
- Regulatory agency and contacts
- Licensure requirements/criteria
- Staffing requirements
- Staff Training
- Administrator qualifications



Areas of Focus

- **Staffing:**
ratio, number qualifications, training
- **General Provisions:**
definition of assisted living, scope of services permitted
- **Resident rights:**
respect, privacy, autonomy, protection from abuse




Project team

- Steven Eng (co-chair) – British Columbia, Canada
- Margie Zelenak (co-chair) - Pennsylvania
- Jane Urbanovsky – Alaska
- Dorothy Breen - Alberta, Canada
- Eric Dowdy – California
- Gloria Merk – Past chair/retired - California
- Nancy Starr – Florida
- Mark Ryan - Florida
- Jamie Simpson – Idaho
- Wayne Curtin - Kentucky
- Terry Jarvis – New Hampshire
- Tom van der Veen (NARA board) - Oregon
- Sandi Wooters - Pennsylvania



Committee Project

- Identify Gaps in Regulations
- Develop Position Statement
- NARA Board of Directors for Review and Approval



Committee Project

August 2013, Board approved the committee’s project:

- Analyze and compare state licensing regulations for assisted living
- Identify common regulatory themes across state regulations that NARA would consider essential to include in a set of national standards

Obtain all regulations for AL in the US



Survey States

Based on NARA licensing categories:

- General provisions
- Physical site
- Fire safety & emergency preparedness
- Resident Rights
- Staffing
- Care & Services
- Resident Health
- Medication
- Nutrition
- Transportation
- Records



Rule Model Outline

- State Reference
- General Provisions
- Physical Site
- Fire Safety & Emergency Preparedness
- Resident Rights
- Staffing
- Care & Services
- Resident Health
- Medication
- Nutrition
- Transportation
- Records



Committee Monthly conference calls

- Review results of St. Louis presentation
- Obtained all state licensing regulations for Assisted Living
- Developed NARA licensing Rule Model Outline to review each states regulations
- Assigned states to committee members to review
- Short Survey sent to each state
- Compiled results of survey



Roadblocks

- Licensure terms for adult care facilities
- Range of licensing agencies
- Our interpretation of the regulation versus agency interpretation
- Time constraints

Assisted Living Facilities

Residential Care Facilities

Assisted Living Residences

Personal Care Homes

Assisted Living Homes

Residential Living

Assisted Living Programs

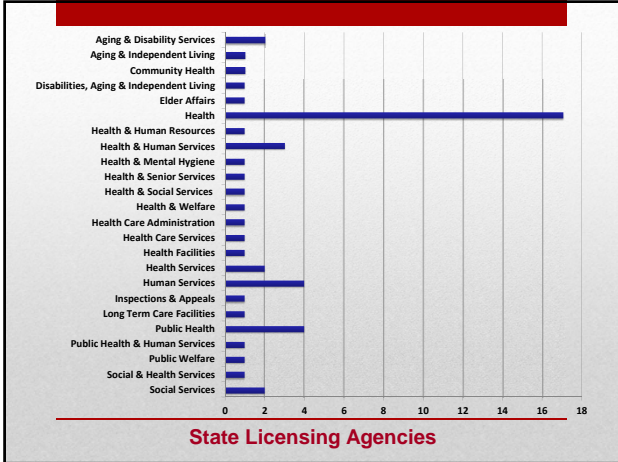
Adult Care Facilities

Assisted Living Communities

Home for the Aged

Adult Residential Care Homes

Community Residence Facilities



Regulation versus interpretation by agencies

- Set up of regulations varied by state
- Not all areas of outline addressed in regulations
- Committee member interpretation could be different than state agency

Time Constraints

Project 2014-2015

Survey of State Assisted Living Regulations

- Assisted Living and Licensing
- Staffing and Staff qualifications

Methodology

- Narrowed project to specific area of concentration identified at 2013 conference
- Developed survey sent to state licensing contacts via email in 51 states in July 2014
- Follow up emails and calls to obtain participation

Survey Response

29 states with 56.9% response rate

The map shows the following states highlighted in green: Washington, Oregon, California, Nevada, Idaho, Utah, Arizona, New Mexico, Texas, Colorado, Wyoming, North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Missouri, Illinois, Indiana, Ohio, Pennsylvania, Maryland, Delaware, Virginia, West Virginia, Kentucky, Tennessee, Mississippi, Alabama, Georgia, Florida, South Carolina, North Carolina, and Virginia.

Survey Response

29 States included in the survey results

- 26 responses received

Alaska, Delaware, District of Columbia, Georgia, Idaho, Iowa, Illinois, Kansas, Louisiana, Maryland, Michigan, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Virginia, West Virginia

- 3 completed by a member of the Committee

California, Hawaii, Washington

Assisted Living & Licensure

How is Assisted Living defined in your state?

Definitions vary but a common theme is “providing support services to assist with activities of daily living”.

- 15 States (52%) provision of “health-related” services and/or “medication administration
- 6 States (21%) some level of “nursing” may be provided but place limitations such as: being intermittent, not 24-hour nursing, not skilled nursing
- 10 States (34%) made no reference to health related services, medication administration or nursing services

Assisted Living & Licensure

Is registration or licensing required to operate or provide Assisted Living?

- 28 States (96%) indicated that “licensing” is required to operate or provide Assisted Living
- What triggers when a license is required?
 - Type of services/care provided
 - Number of residents
 - Other (California & Hawaii)

| State | If licensure is required, what triggers when a license is required? | | |
|----------------------|---------------------------------------------------------------------|--------------------|-------|
| | Type of services/care provided | Number of resident | Other |
| Alaska | X | X | |
| California | | | X |
| Delaware | X | | |
| District of Columbia | X | | |
| Georgia | | X | |
| Hawaii | | | X |
| Idaho | X | X | |
| Illinois | X | | |
| Iowa | | | X |
| Kansas | X | | |
| Louisiana | X | | |
| Maryland | X | | |
| Michigan | X | X | |
| Montana | X | | |
| Nebraska | X | X | |
| New Hampshire | X | | |
| New Jersey | X | | |
| New Mexico | X | | |
| New York | X | X | |
| Oregon | X | | |
| Pennsylvania | | X | |
| Rhode Island | | X | |
| Utah | | X | |
| Virginia | | X | |
| Washington | X | | |
| West Virginia | | X | |

Staffing and Staff Qualifications



Number of Staff

Are there regulations that specify the minimum staff-to-resident ratio?

During the "day"?

During the "night"?

Are there regulations that specify the minimum staff-to-resident ratio?

- 22 States (76%) have regulations the “do not” specify a minimum staff-to-resident ratio
- 7 States (24%) staff-to-resident ratio
- 6 States (21%) number of direct care staff hours per resident per day
- 18 States (62%) having a licensed nurse available (or on-call) at all times
- 19 States specify having to provide additional staff necessary to meet the needs of the residents (e.g. transportation, laundry, food service, housekeeping, facility maintenance)”

Administrator Qualifications

For an “Administrator” of an Assisted Living facility, are there regulations that specify the person’s minimum age, level of educations, training and/or certification ?

- 22 States (76%) minimum age
- 23 States (79%) minimum level of education
- 27 States (93%) minimum level training and/or certification
- 8 States (27%) require a Supervisor or Manager of Care staff
 - 4 specify the person’s minimum age
 - 6 specify their minimum level of education
 - 8 specify minimum level of training and/or certification

Direct Care Staff Qualifications

For “Direct Care Staff”, are there regulations that specify the person’s minimum age, level of educations, training and/or certification?

- 18 States (62%) minimum age
- 4 States (14%) minimum level of education
- 12 States (41%) minimum level training and/or certification

Direct Care Staff Qualifications

For "Direct Care Staff", are the following required by regulation as a condition of employment:

- 15 States (52%) **valid/current CPR training certificate**
- 9 States (31%) **valid/current First Aid training certificate**
- 24 States (83%) **criminal history background check prior to employment"**
- 7 States (24%) have regulations requiring a **criminal record checks to be redone at specific intervals**

Direct Care Staff Qualifications

For "Direct Care Staff" are the following required by regulation as a condition of employment:

- 12 States (41%) **medical evaluation prior to employment**
- 5 States (17%) **immunization history from their health care provide**
- 19 States (65%) **TB status from their health care provider**

Staff Conduct

Are there regulatory requirements that explicitly prohibit staff employed at an Assisted Living facility from:

- 28 States (96%) **neglecting residents**
- 26 States (90%) **abusing residents**
- 20 States (69%) **applying restraints on residents**
- Of the 9 States that don't have regulations prohibiting staff from applying restraints, 2 States indicate that certain types of restraints are allowed under specific circumstances

Staff Training & Development

Are there regulatory requirements that require staff employed at an Assisted Living facility to:

- 24 States (83%) have an annual training plan for staff
- 26 States (90%) provide dementia-specific training for staff
- 7 States (24%) conduct regular reviews of staff performance
- 2 States (7%) regularly measure or survey staff satisfaction

Conclusions

General Provisions

- Definition for assisted living:
- Definition of the scope of services that may or may not be provided:
- Type of events that must be reported to Licensing:

Staffing

- Ratios, number of staff, qualifications
- Staff health examinations
- Staff training and development
- Prohibited actions towards residents
- Use of restrictive procedures
- Performance review / staff satisfaction







Adult Care Policy Committee

Future Projects

- Develop resources for NARA membership for Adult Care
- Develop Minimum standards for Adult Care Licensing



Request for Volunteers

We value ideas and input from NARA members

Levels of participation:

1. Monthly conference calls
2. Help coordinate a project
3. Provide feedback on draft documents and suggest ideas for improvement
