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Aspen State Regulation Set: D 1.08 ADULT DAY CARE (LICENSURE)

ST - D0000 - INITIAL COMMENTS

Title INITIAL COMMENTS

Statute or Rule

Type Memo Tag

Regulation Definition

Interpretive Guideline

ST - D0001 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 429.907(1) (2), 58A-6.003(1)

Type Rule

Regulation Definition

The center is licensed to provide services at this location.

429.907(1) (2), F.S.
58A-6.003(1), F.A.C.

Interpretive Guideline

The licensed location may consist of more than one building, an entire (all floors) building, or a portion of a building or floors. Separate licenses are required for centers operated on separate premises, even though operated under the same management. Separate licenses are not required for separate buildings on the same premises.

Surveyor Probes:

Examine the center license:

1. Is it current?
2. Is the license displayed in a conspicuous place?

NOTE: Shared areas between assisted living facility and ADCC are surveyed with assisted living facility.

If the center is not licensed, notify the center operator that operating without a license is a 2nd degree misdemeanor. Failure to apply for a license within 10 days notification will result in the Agency obtaining an injunction to close the center.

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ST - D0002 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 58A-6.006(1), 58A-6.006(11)

Type Rule

Regulation Definition

Center has a governing authority which is responsible for policies, by-laws, operations, and standards of service.
58A-6.006(1), F.A.C.

The governing authority establishes policies & procedures to facilitate reporting of abuse, neglect, and exploitation of participants.
58A-6.006(11), F.A.C.

Interpretive Guideline

Governing authority means the organization, person or persons designated to assume full legal responsibility for the determination of policy, management, operation, and financial viability of the center. The governing authority adopts by-laws or a set of rules to govern the center's operation.

58A-6.002(2)(j), F.A.C.

Surveyor Probes:

Surveyor should ask to see center's written policies and procedures.

Review governing body by-laws for documentation of governing body responsibility to the center.

Review governing body minutes for documentation of governing body involvement in the organization and operations of the center.

ST - D0003 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 58A-6.006(2)

Type Rule

Regulation Definition

The owner/operator or designated responsible person is on the premises during the center's hours of operation.

58A-6.006(2), F.A.C.

Interpretive Guideline

The governing authority is required to make certain that the owner or operator or the designated responsible person is on the premises during the center's hours of operation.

If the operator is away from the center, there is a designated responsible person who is on the premises and in

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charge of center operations.

Surveyor Probes:

Review governing body by-laws for documentation of designation of an operator who is responsible for the daily operation of the center.

Review organizational charts for documentation of line authority, with the operator in charge of center operation.

Review operators job description for verification that roles and responsibilities are included.

Is the owner/operator or designated responsible person at the center during the visit?

ST - D0004 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 429.925(4), 58A-6.0051(4)

Type Rule

Regulation Definition

If the center's owner changed operators, the owner or new operator notified the Agency in writing of the change within 30 days thereof and included the completed criminal background check form.

429.925(4), F.S.,
58A-6.0051(4), F.A.C.

Interpretive Guideline

If center operator has changed, the center should have a record of the notification to the Central Office.

Surveyor Probes:

Review center file prior to survey to determine operator of record. If changed, check center file, Central Office, and FRAES.

ST - D0005 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 429.925(1)

Type Rule

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Regulation Definition

When a center voluntarily discontinues operation, the Agency is notified in writing at least 60 days prior to the discontinuance of operation. The center also informs each participant, guardian or responsible person of the fact and the proposed time of such a discontinuance.

429.925(1), F.S.

Interpretive Guideline

The center should have written proof of notification to the Agency and participants.

Surveyor Probes:

Review Agency and participant notifications.

ST - D0006 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 429.933(1)(a), 429.917(2)

Type Rule

Regulation Definition

Advertising:

- a. The center does not advertise until it has a valid current license.
- b. Licensed centers that advertise they provide special care for persons with Alzheimers disease or other related disorders must disclose in their advertisements or in a separate document the services that distinguish the care as being suitable for such persons.

429.933(1)(a), F.S.

429.917(2), F.S.

Interpretive Guideline

A licensed assisted living facility, licensed hospital, or licensed nursing home facility is exempt from this requirement if the facility does not hold itself out to the public as an adult day care center. 58A-6.003(1)(b), F.A.C.

Applicable advertising may include brochures, highway signs (billboards), newspaper ads, internet, and listing or ads under adult day care centers in the telephone yellow pages, radio, and television announcements.

Licensed hospitals, nursing homes or assisted living facilities that do not hold themselves out to the public as an adult day care center may provide services such as social, health, therapeutic, recreational, nutritional, or respite services during the day to non-residents.

Surveyor Probes:

Review the latest telephone directory, area newspaper, center brochures, etc. to determine compliance.

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ST - D0100 - FISCAL STANDARD

Title FISCAL STANDARD

Statute or Rule 58A-6.012(1)(2), 58A-6.012(3)

Type Rule

Regulation Definition

The center manages, uses, and disposes of participants' funds held in trust as provided in 58A-6.012, F.A.C.

- a. Participants' funds are kept separate from center funds.
- b. Uses or expends participant funds at the request of the participant, guardian or responsible person.
- c. Furnishes annually and upon termination or transfer from the center, a complete verified statement of funds or property detailing the amount and items received with sources and disposition to the participant, guardian, or responsible person.

58A-6.012(1)(2), F.A.C.

Any agency, governmental or private, contributing funds or property to the account of a participant, shall, upon request, be entitled to receive the statement annually and upon termination or transfer.

58A-6.012(3), F.A.C.

Interpretive Guideline

The word verified as it pertains to statements would mean that the center has a copy of the statement that was given/sent to the participant, guardian, or responsible person.

Any agency, governmental or private, contributing funds or property to the account of a participant, is entitled to receive the annual statement upon request.
58A-6.012(3), F.A.C.

Surveyor Probes:

Surveyors should question the center operator, staff, and participants concerning the handling of participants' funds/property, and ask to see applicable accounting records.

Contact may also be made with any guardians to see if the center handles monies for thier clients.

Interview participants to determine if the facility is providing satisfactory reporting.

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ST - D0101 - FISCAL STANDARD

Title FISCAL STANDARD

Statute or Rule 58A-6.011(6)

Type Rule

Regulation Definition

The center accepts fee-for-service participants and there is a signed agreement in each for-pay participant's file documenting:

- a. The amount of fee,
- b. Hours and days of attendance,
- c. Services to be provided, and
- d. The frequency of payment.

58A-6.011(6), F.A.C.

Interpretive Guideline

The fee-for-service agreement must be current through the last payment period. The agreement is signed by the owner or operator, participant, or responsible person. 58A-6.011(6), F.A.C. Make sure all agreements contain items a through d.

Surveyor Probes:

Review fee-for-service participants' records for documentation that the required information is included and ask for fee-for-service fee schedule.

ST - D0102 - FISCAL STANDARD

Title FISCAL STANDARD

Statute or Rule 429.909(2)(c), 58A-6.003(5)(b), -6.012(4)

Type Rule

Regulation Definition

The center keeps adequate liability insurance coverage in force at all times.

429.909(2)(c), F.S.

58A-6.003(5)(b), F.A.C.

Interpretive Guideline

For centers licensed for seven or more participants, requirements are: proof of liability insurance coverage of \$100,000 per participant for bodily injury and \$300,000 per occurrence for the center, and proof of liability insurance coverage of \$100,000 per participant for bodily injury and \$300,000 per occurrence for the vehicle if transportation services are provided by the center. For centers licensed for six or less participants, requirements are: proof of liability insurance coverage of \$50,000 per participant for bodily injury and \$150,000 per occurrence for

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58A-6.012(4), F.A.C.

the center, and proof of liability insurance coverage of \$50,000 per participant for bodily injury and \$150,000 per occurrence for the vehicle(s) if transportation services are provided by the center.

58A-6.003(5)(b), F.A.C.

Surveyor Probes:

Review the centers liability insurance policy or certificate and verify dates of coverage to ensure the center maintains current liability insurance coverage.

Contact the insurance agent if there is a question regarding whether or not the policy is current.

ST - D0201 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 429.929(1)(f), F.S., 58A-6.011(3)(a-d)

Type Rule

Regulation Definition

The operator maintains a record of participant data consisting of:

- a. Number of participants enrolled to current date;
- b. Average daily attendance based upon attendance through the end of the preceding month;
- c. Hours of travel time current through the previous month, if the transportation is provided or arranged by the center. Hours of daily attendance excludes transportation time to and from the center.
- d. Business hours of operation of the center.

429.929(1)(f), F.S., 58A-6.011(3)(a-d), F.A.C.

Interpretive Guideline

Business hours mean a time period established by the center that is no less than five hours per day on week days of center operation and may include a reduced schedule of weekend hours. Business hours shall be posted in a conspicuous place.

58A-6.011(4)(d), F.A.C.

Surveyor Probes:

Review centers' participant data records as identified in items a through d.

Ascertain whether business hours are clearly posted.

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ST - D0202 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 58A-6.011(5)

Type Rule

Regulation Definition

The center maintains a record of staff assignments.

58A-6.011(5), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review governing authority policies and procedures for documentation of staff assignments.

Review personnel records for verification of staff assignments.

ST - D0203 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 58A-6.011(7)&(8), 58A-6.002(l)

Type Rule

Regulation Definition

The center maintains a written record of major incidents affecting participants, employees, volunteers or the program which includes:

- a. Death of a participant from other than natural causes,
- b. Threats or occurrences of riots, bombings, or other extreme violence,
- c. Disappearance from the center of a participant,
- d. Assaults resulting in severe injury or death, sexual assaults or rape, on or by a participant,

Interpretive Guideline

Each major incident must be reported immediately to the appropriate field office.

Surveyor Probes:

Review major incident reports. This information may be pertinent in determining appropriateness of retention of staff and/or adequacy of staffing.

Interviews with residents and staff may provide information about recent incidents, which should then be compared against prepared reports.

Observe residents, noting any abrasions, bruises, casts, etc. which may indicate a recent incident.

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- e. Property damage from any cause that would interrupt routine operations or disrupt service delivery,
- f. Auto accidents with injuries involving participants,
- g. Involuntary center closure,
- h. Incidents of abuse, neglect, or fraud,
- i. Employee work conduct which results in a criminal law violation,
- j. Attempted suicide by a participant while under center supervision.

58A-6.011(7), F.A.C., 58A-6.002(1), F.A.C.

Major incident records are to be prepared by the person(s) having firsthand knowledge of the incidents whether they be paid staff, emergency or temporary staff, volunteers or student interns. Major incidents are reported immediately to the Agency.

58A-6.011(8), F.A.C.

ST - D0204 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 58A-6.011(10)

Type Rule

Regulation Definition

Each center shall develop and follow a written Comprehensive Emergency Management Plan for emergency care during an internal or external disaster in accordance with Emergency

Interpretive Guideline

Surveyor Probes:

The surveyor should ensure that the center has a Comprehensive Emergency Management Plan reviewed by the local

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Management Planning Criteria for Adult Day Care Facilities dated July 1, 2001. The initial Plan shall be reviewed by the local Emergency Management Agency to ensure compliance with the Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001.

emergency management office.

Where is the Plan located?

The Plan shall be available for immediate access by center staff. Ask employees if they know where the Plan is located and how to implement the Plan.

58A-6.011(10), F.A.C.

ST - D0205 - Center Record Standard

Title Center Record Standard

Statute or Rule 58A-6.011(10)(a)6(d)

Type Rule

Regulation Definition

Any revisions to the Comprehensive Emergency Management Plan must be made and resubmitted to the county emergency management agency within 30 days of receiving notification from the county agency that the Plan must be revised.

58A-6.011(10)(a)6(d), F.A.C.

Interpretive Guideline

Surveyor Probes:

If revisions were necessary, the surveyor should ensure that the revisions were submitted to the local emergency management office within the 30-day timeframe.

ST - D0206 - Center Record Standard

Title Center Record Standard

Statute or Rule 58A-6.011(10)(a)6(e)

Type Rule

Regulation Definition

The center shall review and update its Plan on an annual basis. The Plan shall be submitted annually, or more often if needed, to the local Emergency Management Agency.

58A-6.011(10)(a)6(e), F.A.C.

Interpretive Guideline

Surveyor Probes:

The surveyor should ensure the plan was submitted to the local Emergency Management Agency at least annually for review.

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ST - D0207 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 58A-6.011(9)

Type Rule

Regulation Definition

Each participant has on file a signed release allowing emergency treatment at the nearest hospital in the event that a family member or responsible party cannot be contacted.

58A-6.011(9), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review adult day care center procedure. Is the owner or operator aware of the requirement for obtaining the signed release?

Ask staff where residents would be taken for emergency treatment.

Review participant records for documentation that the signed release is on file for each participant.

ST - D0208 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 429.929(1)(c), F.S., 58A-6.009(2)(e-f)

Type Rule

Regulation Definition

In centers with 17 or more participants, all matters pertaining to food service shall comply with Chapter 64E-11, Florida Administrative Code. In centers with 16 or less participants, the owner or operator shall ensure that food preparation is accomplished in a safe and sanitary manner in accordance with rules 64E-11.002, Definitions, 64E-11.003, Food supplies, 64E-11.004, Food Protection, 64E-11.005, Personnel; and 64E-11.007, Sanitary Facilities and Controls.

429.929(1)(c), F.S., 58A-6.009(2)(e-f), F.A.C.

Interpretive Guideline

The last Food Service inspection report(s), Dept. of Health Food Service Inspection Report, DH Form 4023, should be on file or posted within the center. If deficiencies were cited, the facility should have a copy of an inspection report verifying correction of deficiencies.

Surveyor Probes:

Check to ensure that the most recent inspection report is on file or posted within the center and that any reported deficiencies have been corrected.

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ST - D0209 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 58A-6.006(11)

Type Rule

Regulation Definition

A copy of the Central Abuse Registry poster is posted in a prominent place in the center accompanied by the words, to Report the Abuse, Neglect, or Exploitation of an Elderly or Disabled Person, Please Call the Toll Free Number 1-800-96-ABUSE.

58A-6.006(11), F.A.C.

Interpretive Guideline

Surveyor Probes:

Verify copy of central Abuse Registry poster is in full view and is freely accessible to all participants.

ST - D0210 - CENTER RECORD STANDARD

Title CENTER RECORD STANDARD

Statute or Rule 58A-6.011(1)

Type Rule

Regulation Definition

The owner or operator establishes, maintains, and makes available complete and accurate social, medical, and fiscal records which fully disclose the extent of services maintained by the center and for periods of time required by state and federal law.

58A-6.011(1), F.A.C.

Interpretive Guideline

Records must be available for immediate review by the Agency.

58A-6.011(1), F.A.C.

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ST - D0300 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

Statute or Rule 58A-6.007(3)(a)-(q)

Type Rule

Regulation Definition

Participant care, policies, and procedures ensure that, as a minimum, all participants admitted to the center:

- a. Are informed of provisions for service as evidenced by written acknowledgment from the participant or responsible party prior to or at the time of admission, and given a statement or summary statement of the center policies and procedures, and an explanation of the participant's responsibility to comply with these policies and procedures and to respect the personal rights and private property of other participants;
- b. Are informed, and are given a written statement prior to or at the time of admission and during stay, of services available at the center and for any related charges including those for services not provided free or not covered by sources of third party payments or not covered by the facility's basic per diem rate. This statement includes the payment, fee, deposit, and refund policy of the center;
- c. Are promptly informed of substantive changes in policies, procedures, services, and rates;
- d. Are informed during the intake process, in writing, of the center's Emergency Management Plan;
- e. Are informed during the intake process of the local emergency management agency registry for disabled persons

Interpretive Guideline

The document is explained to the participant as appropriate. If the participant does not read or understand English, the information should be explained in a language understood by the individual.

Surveyor Probes:

Review participant records for documentation of written acknowledgment from the participant or responsible party that the statement was provided.

Review the center's policies and procedures to verify each point is covered.

Interview participants to determine their awareness of specific policies and procedures.

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who need assistance during evacuations or when in shelters because of physical or mental handicaps and the assistance provided by center staff to register such persons with the local emergency management agency;

f. Allowing the participant to retain the services of their personal physician at their own expense or under a health care plan; are assured of services provided, and are offered the opportunity to participate in the planning of their care;

g. Freedom from abuse, neglect, and exploitation, chemical and physical restraints. Drugs and other medications are not used for punishment, for convenience of center personnel, or in quantities that interfere with a participant's rehabilitation or ADL's.

h. Are assured privacy in treatment of their personal and medical records;

i. Are treated with consideration, respect, and full recognition of their dignity, individuality, and right to privacy;

j. Are not required to perform services for the center;

k. Are permitted to associate and communicate privately with persons of their choice, join with other participants or individuals within or outside the center to work for improvements in participant care, and upon their request, are given assistance in the reading and writing of correspondence;

l. Are permitted to participate in center activities, and meet with and participate in activities of social, religious, and community groups at their discretion;

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m. Are assured of the opportunity to exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, or any attendance at religious services shall be imposed upon any participant. The center encourages and assists in the exercise of these rights;

n. Are not the object of discrimination with respect to participation in activities which include recreation, meals, leisure, other social activities because of age, race, religion, sex, or nationality as defined in Title VI of the Civil Rights Act of 1964, or Americans with Disabilities Act of 1990;

o. Are not deprived of any constitutional, civil, or legal right solely by reason of admission to the center;

p. The participant is allowed to discharge himself from the center upon presentation of a request, preferably in writing; or if the participant has been adjudicated mentally incompetent, upon the written consent of his next of kin, or sponsor or guardian or responsible person. If the participant was assessed at intake as confused, the participant is not allowed to discharge himself until after the center notifies the participant's guardian, spouse, or person having durable power of attorney;

q. Is informed of the right to report abusive, neglectful, or exploitative practices.

58A-6.007(3)(a)-(q), F.A.C.

ST - D0301 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

Statute or Rule 58A-6.011(2)(a)-(h)

Type Rule

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Regulation Definition

The participant file shall include a participant data sheet that shall be completed within forty-five days prior to or within twenty-four hours after admission to the center which contains:

- a. Full name, birth date, address;
- b. Date admitted as a participant;
- c. Services to be provided;
- d. Social security number;
- e. Next of kin, address and phone number;
- f. Guardian or responsible person, and address and phone number;
- g. Medicaid and medicare identification and other health insurance numbers;
- h. Emergency contact person, home or office address and phone numbers;
- i. Name and telephone number of attending physician to be contacted when there is a significant deviation from normal appearance or state of well-being;
- j. A physician's statement or hospital discharge statement no older than 45 days which indicates prescribed medications and dosage and updated as changes are made by physicians or, until a statement is received, a dated and signed statement by the participant or guardian or responsible person stating that specific medication may be given as ordered by the attending physician; notation of physical and emotional

Interpretive Guideline

The participant file is a written record prepared and kept by the center which includes a care plan, medical and social history, recommended activities, orders for medication or modified diet, special needs for health or safety, permitted levels of physical activity, frequency of attendance at the day care center, frequency with which the participant shall be seen by the participant's physician, and notes as required in this rule Chapter. 58A-6.002(2)(p), F.A.C.

Responsible person means any person who has assumed the responsibility to manage the affairs and protect the rights of any participant in the center. The responsible person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the center, its operations or the personnel, unless court ordered.

d. Participants who have never worked outside their home may not have a social security number.

Surveyor Probes:

Review participant files for documentation of compliance.

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conditions requiring care and of medications administered;
diet and mobility restrictions.

58A-6.011(2)(a)-(h), F.A.C.

ST - D0302 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

Statute or Rule 58A-6.011(4)

Type Rule

Regulation Definition

Documentation shall be made of services, medication and special diets provided or administered and shall be kept current in the participant's record. Documentation shall mean a written, signed and dated notation or statement.

58A-6.011(4), F.A.C.

Interpretive Guideline

Review the participant's file for the written documentation. Ensure that the documentation is signed and dated.

ST - D0303 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

Statute or Rule 58A-6.011(2)(i)& (j)

Type Rule

Regulation Definition

The participant file shall be updated when there is a significant change in the participant, or at least quarterly;

The owner or operator or designated staff shall review and approve each participant care plan.

58A-6.011(2)(i)& (j), F.A.C.

Interpretive Guideline

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ST - D0400 - ADMISSION CRITERIA STANDARD

Title ADMISSION CRITERIA STANDARD

Statute or Rule 58A-6.006(1)(a), 58A-6.006(1)(a)2

Type Rule

Regulation Definition

Appropriate admissions of participants into the center are made under the supervision of the owner or operator.

Admission criteria of the center shall limit participant eligibility to adults with functional impairments in need of a protective environment and a program of therapeutic social and health activities and services as defined in the Rule Chapter.

58A-6.006(1)(a), F.A.C.

No participant shall be admitted or retained in a center if the required services from the center are beyond those that the center is licensed to provide.

58A-6.006(1)(a)2, F.A.C.

Interpretive Guideline

It is the responsibility of the owner or operator to continually observe the participants to determine that they meet the criteria for participation in the center.

No participant shall be admitted or retained in a center if the required services from the center are beyond those that the center is licensed to provide.

58A-6.006(1)(a)2, F.A.C.

Surveyor Probes:

During tour of center, observe participants interaction and involvement in center's activities.

ST - D0401 - ADMISSION CRITERIA STANDARD

Title ADMISSION CRITERIA STANDARD

Statute or Rule 58A-6.006(1)(a)1

Type Rule

Regulation Definition

Within forty-five days prior to the admission to the center, each person applying to be a participant shall provide a statement signed within said forty-five days by a Florida licensed health care provider under the direct supervision of

Interpretive Guideline

Any participant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious.

Participants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the center, provided

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a physician, physician, or a county public health unit documenting freedom from tuberculosis in the communicable form and documenting freedom from signs and symptoms of other communicable disease.

that they would otherwise be eligible according to this rule.

58A-6.006(1)(a)1, F.A.C.

Surveyor Probes:

Any participant who is diagnosed as having a communicable disease is excluded from participation until deemed non-infectious.

Review participants' records to verify the presence of a completed and dated medical statement.

58A-6.006(1)(a)1, F.A.C.

ST - D0402 - ADMISSION CRITERIA STANDARD

Title ADMISSION CRITERIA STANDARD

Statute or Rule 58A-6.006(1)(a)3

Type Rule

Regulation Definition

No participant who requires medication during the time spent at the center and who is incapable of self-administration of medications shall be admitted or retained unless there is a person licensed according to Florida law to administer medications who will provide this service.

58A-6.006(1)(a)3, F.A.C

Interpretive Guideline

A person licensed according to Florida law includes a physician licensed under chapters 458 and 459, F.S., an advanced registered nurse practitioner, a dentist, a registered nurse, licensed practical nurse, or a physician's assistant.

58A-6.006(1)(a)3, F.A.C.

Surveyor Probes:

The surveyor will review the participant's file and interview and observe the participants to determine their appropriateness for continued participation.

Staff should also be interviewed to determine the services the participant requires.

- a. Did the participant need limited or minimal assistance at admission but, now needs extensive assistance?
- b. Does participant now need his medication administered?

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ST - D0403 - ADMISSION CRITERIA STANDARD

Title ADMISSION CRITERIA STANDARD

Statute or Rule 58A-6.007(4)

Type Rule

Regulation Definition

The center does not accept or retain any applicant or participant whose behavior and physical limitations are deemed hazardous to the safety of the individual or other participants. Such conditions constitute a basis for termination of center participation.

58A-6.007(4), F.A.C.

Interpretive Guideline

Participation may be terminated after reasonable alternatives have failed, upon written notification to the participant, guardian and responsible person. Fifteen calendar days shall be allowed for arranging for alternative services for the participant except in cases of emergency as determined by the center's governing authority.

Surveyor Probes:

Interview operator and review records of participants who have been terminated from participation at the center.

ST - D0500 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(3), 58A-6.006(6),

Type Rule

Regulation Definition

The center is under the control of the owner or operator or agent designated in writing by the owner or operator who is responsible for the daily operation of the center. The owner or operator may supervise more than one center, provided that a qualified, responsible assistant operator appointed in writing is in charge of each center.

58A-6.006(3), F.A.C.

The owner or operator is responsible for the administration of all components of the facility and is accountable for the implementation and enforcement of all policies and

Interpretive Guideline

If the owner or operator supervises more than one center, review designees appointment letter.

Surveyor Probes:

If the owner or operator is not present, the designated person must be present.

Operators who supervise other centers should be questioned regarding the number of other centers. This information may be compared against field office or central office listings.

Compare the operator's name with the name listed on application. The Central Office needs correct operator information to perform the appropriate background screenings.

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procedures, standards of care, and program development in accordance with the social, physical and mental capabilities and needs of the participants served. 58A-6.006(6), F.A.C.

ST - D0501 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.007(2), 58A-6.002(2)(o)

Type Rule

Regulation Definition

The center staff shall be trained to implement policies and procedures as specified in the staff orientation and training plan.

58A-6.007(2), F.A.C.

Orientation and training plan is written and is developed and reviewed at least annually and implemented throughout the year. The plan describes a coordinated program for staff training for each service and for orientation of each new staff member on center policies, procedures, assigned duties and responsibilities. The plan is implemented no later than the first day of employment.

58A-6.002(2)(o), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review the plan for content and evidence of an annual review.

Review staff files for evidence of training.

Interview staff to determine their knowledge of and awareness of the center's policies, procedures, and their job responsibilities.

ST - D0502 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 429.929(1)(b), 58A-6.006(8)(a,d,e)

Type Rule

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Regulation Definition

The minimum staff ratio of one staff member who provides direct services for every 6 participants shall be present in the center at all times.

429.929(1)(b), F.S.

58A-6.006(8)(a), F.A.C.

01-06 - 2

07-12 - 2

13-18 - 3

19-24 - 4, etc.

a. The owner or operator may be counted as one of the required staff members provided the owner or operator provides direct services and is included in the work schedule for the center.

b. The owner or operator is not counted more than once in the staff/participant ratio, calculated on the basis of daily census.

429.929(1)(b), F.S.

58A-6.006(8)(e), F.A.C.

c. The owner or operator may serve in a dual capacity as an RN, occupational therapist, physical therapist, speech language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services.

429.929(1)(b), F.S.

58A-6.006(8)(d), F.A.C.

Interpretive Guideline

The work schedule should reflect the staffing pattern maintained by the center for a given time period, (i.e., week, month, etc.). Staff is defined as any person employed by a center who provides direct or indirect services to the participants and volunteers who are included in the minimum staff ratio.

58A-6.002(2)(v), F.A.C.

Violations in the area of participant care, such as unmet needs, could indicate that staff training is needed and staffing is inadequate.

Surveyor Probes:

Obtain the number of participants from center operator or designee to determine the required staffing pattern.

Determine if written work assignments are present for each facility position.

Review center's written policy and procedure manual or other documentation which includes the center's personnel policies.

Compare written work schedule to staff on duty at survey.

Review staffing patterns.

ST - D0503 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 429.929(1)(b), 58A-6.006(8)(b)

Type Rule

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Regulation Definition

At least two staff is present at all times, one of whom has a certification in first aid and CPR.

429.929(1)(b), F.S.
58A-6.006(8)(b), F.A.C.

Interpretive Guideline

A Florida licensed registered nurse (RN), licensed practical nurse (LPN), emergency medical technician (EMT), or advanced registered nurse practitioner (ARNP) is exempt from additional certification.

Surveyor Probes:

Review employment application, continuing education, certificates, and copies of licenses on file.

Compare the written work schedule against documentation in employee's files for current certification in first aid/CPR.

ST - D0504 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(5)(b)9

Type Rule

Regulation Definition

Staff is free from tuberculosis in a communicable form and apparent signs and symptoms of other communicable diseases, as documented by a statement from a Florida licensed health care provider under the direct supervision of a physician, physician, or a county public health unit. The health care provider's statement is dated within 45 days prior to beginning work.

58A-6.006(5)(b)9, F.A.C.

The center does not exclude a potential employee who is infected with HIV who would otherwise meet the conditions of employment.

58A-6.006(5)(b)9, F.A.C.

Interpretive Guideline

Documentation of lab reports does not meet this requirement.

The written statement must be from a Florida licensed health care provider.

Any employee who is diagnosed as having a communicable disease after beginning work in the center shall be excluded from working until deemed non-infectious in the work setting.

58A-6.006(7)(c), F.A.C.

Surveyor Probes:

Identify and review the files of employees to determine if documentation is received 45 days or less prior to employee hire/start date.

Ask the operator about the center's policy regarding hiring HIV positive individuals. If such individual's applied, but were not selected, what reason was given for not hiring them?

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ST - D0505 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(4), 58A-6.006(8)(c)

Type Rule

Regulation Definition

The center has qualified staff to provide the services, personal assistance and safety measures required by the participants.

58A-6.006(4), F.A.C.

Staffing is maintained to meet the needs of participants as required by the participant's file, including centers which serve persons with Alzheimer's disease and related dementias, persons with physical handicaps, or other special target populations.

58A-6.006(8)(c), F.A.C.

Interpretive Guideline

This may include preventive measures taken by staff to provide for a safe environment and attention to participants' needs.

If the center serves the special populations listed, additional staffing may be needed in order to meet their identified needs.

Surveyor Probes:

Inspect the center noting any violations which may pose/present a threat to the safety of residents.

Determine from observations, interview of participants and staff of the center, if unmet needs are present.

Review incident reports for evidence of repeated problems which could indicate staff are not performing their duties within their capacities; and/or that there is insufficient staff. When doubt exists regarding an employee's ability to perform or that staff have been assigned duties inconsistent with their education and preparation, and/or that the staff has not been properly trained, an interview with the employee(s) and/or employer may be conducted.

ST - D0506 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(7)(a)

Type Rule

Regulation Definition

Each person employed by the center maintains personal cleanliness and hygiene.

Interpretive Guideline

Surveyor Probes:

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Observe staff.

58A-6.006(7)(a), F.A.C.

ST - D0507 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 429.929(1)(b), 58A-6.006(5)(b)

Type Rule

Regulation Definition

Interpretive Guideline

The owner or operator maintains a personnel file of each staff to include:

Surveyor Probes:

Review personnel files for compliance with this standard.

- a. Name, home address, phone number;
- b. Name, address and phone number of person(s) to be contacted in case of an emergency;
- c. Name, address, and phone number of physician(s) to be contacted in case of an emergency;
- d. Education and experience;
- e. Job assignment and salary;
- f. Evaluation of performance at least yearly;
- g. Dates of employment and termination;
- h. Character references which include former employers and supervisors; and
- i. A statement from a Florida licensed health care provider under the direct supervision of a physician or a county public health unit dated within 45 days prior to beginning work in the center that the employee is free from tuberculosis in a

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communicable form and signs and symptoms of other communicable diseases.

429.929(1)(b), F.S.

58A-6.006(5)(b), F.A.C.

ST - D0508 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(5)(a)

Type Rule

Regulation Definition

The owner or operator maintains a written job description for each center staff member containing a list of qualifications, duties, responsibilities and accountability required of each staff member.

58A-6.006(5)(a), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review employee job descriptions for compliance with this standard.

ST - D0509 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule Chap 435, 408.809, 429.919

Type Rule

Regulation Definition

Employees hired on or after August 1, 2010, that provide personal care or services directly to clients or have access to client funds, personal property, or living areas must be in compliance with level II background screening requirements beginning August 1, 2010.

Any person contracting with a licensee or provider whose responsibilities require him or her to provide personal care or

Interpretive Guideline

Employees hired before August 1, 2010, have until 2015 to obtain Level II screening, unless an earlier deadline is established by rule.

Employees and contractors who do not meet the background screening requirements cannot be retained in a direct care capacity, unless an exemption from disqualification has been approved by the agency.

Personal services means direct physical assistance with or supervision of the activities of daily living and the self-administration of medication and other similar services. Activities of daily living include ambulation, bathing, dressing, eating, grooming, and toileting, and other similar self-care tasks

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personal services directly to clients must be in compliance with level II background screening requirements beginning August 1, 2010. Evidence of contractor screening may be retained by the contractor ' s employer or the licensee. If, upon rescreening, such person has a disqualifying offense that was not a disqualifying offense at the time of the last screening, but is a current disqualifying offense and was committed before the last screening, he or she may apply for an exemption from the appropriate licensing agency and, if agreed to by the employer, may continue to perform his or her duties until the licensing agency renders a decision on the application for exemption if the person is eligible to apply for an exemption and the exemption request is received by the agency within 30 days after receipt of the rescreening results by the person.
Chapter 435, F.S.
408. 809, F.S.
429.919, F.S.

Surveyor Probes:

Staff who do not have access to client property, funds, or living areas or who do not provide direct care or personal services are not required to be screened.
If a contractor ' s responsibility requires him or her to provide personal care or personal services directly to clients, a Level 2 background screening is required.
The contractor requirement only applies if the contract is with the licensee. A resident may contract with a service provider and there will be no screening requirement.
Was the employee hired on or after August 1, 2010?
Does the licensee have evidence of contractor screening?
Does the licensee have evidence of employee screening?

The employee is ineligible if the exemption is denied.

If the employee has not committed any new offenses since the last screening but we have determined through Level II screening that there is a disqualifying offense that pre-dates the previous Level I screening, the employee can continue to work provided:

1. An exemption request is received within 30 days of the receipt of the screening results.
2. The employer agrees to allow the employee to work.

ST - D0510 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 435.05(2), 408.809(2)

Type Rule

Regulation Definition

Every employee required to undergo Level 2 background screening must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer.

435.05(2), F.S.

Proof of compliance with level 2 screening standards

Interpretive Guideline

The background screening law requires ADCC owners or administrators, to provide Level II screening on all employees hired on or after, August 1, 2010, who provide basic services or supportive and optional services to participants.

Employees hired before August 1, 2010, have until 2015 to obtain Level II screening, unless an earlier deadline is established by rule.

Basic services include, but are not limited to, providing a protective environment that promotes a non-institutional atmosphere as possible; therapeutic programs of social and health activities and services; leisure activities; self-care training; rest; nutritional services; and respite care.

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submitted within the previous 5 years to meet any provider or professional licensure requirements of the agency, the Department of Health, the Agency for Persons with Disabilities, the Department of Children and Family Services, or the Department of Financial Services for an applicant for a certificate of authority or provisional certificate of authority to operate a continuing care retirement community under Chapter 651 if the person has not been unemployed for more than 90 days is required.
408.809(2), F.S.

Supportive and optional services include, but are not limited to, speech, occupational, and physical therapy; transportation; legal consultation; consumer education; and referrals for follow-up services.
The ADCC shall be cited for an unclassified deficiency for retaining an employee or contractor whose job duty is to provide personal care/services to participants, but has not met the background screening requirements, and for whom an exemption from disqualification has not been approved by the Agency. An ADCC that fails to correct the unclassified deficiency by retaining an employee(s) that does not meet background screening requirements, shall be assessed a \$500 administrative fine per violation, and denial or revocation of their ADCC license.
An ADCC cited for retaining an employee who does not meet the background screening requirements, and has not received an exemption, shall provide the Agency at the time of survey written documentation that the disqualified employee will immediately no longer provide personal care/services to participants. Failure to provide this documentation shall result in a Field Office recommendation to Central Office for licensure denial or revocation.

Surveyor Probes:

Is AHCA Recommended Form 3100-0008, August 2010, Affidavit of Compliance with Background Screening Requirements, in the employee 's personnel file?

Does the employee have a similar document attesting under penalty of perjury that they are in compliance with Chapter 435, F.S.

Does the employee have a Level II screening, pursuant to Chapter 435, F.S. from one of these Agencies: the Department of Health, the Agency for Persons with Disabilities, the Department of Children and Family Services?

Is the Level II conducted by the Department of Financial Services in conjunction with a certificate of authority to operate a continuing care retirement community?

ST - D0511 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(7)(b)

Type Rule

Regulation Definition

Employees refrain from abusive, immoral or other unacceptable conduct such as use of alcohol, illegal use of narcotics or other impairing drugs and behavior or language which may be injurious to participants.

58A-6.006(7)(b), F.A.C.

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Interpretive Guideline

Surveyor Probes:

Interview operator regarding the center's policy regarding employee behavior and conduct. Ask participants about staff behavior and conduct.

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ST - D0512 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.006(9), 58A-6.006(10)

Type Rule

Regulation Definition

Center staff whose conduct constitutes abuse, neglect, or exploitation of a participant is immediately terminated from employment and is reported to the Department of Children and Family Services in accordance with Section 415.103, F.S. 58A-6.006(9), F.A.C.

The center does not employ any person who has been terminated because of abuse, neglect, or exploitation. 58A-6.006(10), F.A.C.

Interpretive Guideline

Chapter 415, F.S., requires that such individuals be immediately reported to the Florida Abuse Registry, (1-800-96-ABUSE)

Chapter 429.911, F.S., authorizes the Agency to deny, suspend, or revoke the ADCC license when the center has retained employees who did not pass the required background screening.

Surveyor Probes:

Interview the operator and participants regarding any possible situations involving staff that should have been reported.

ST - D0513 - STAFFING STANDARD

Title STAFFING STANDARD

Statute or Rule 58A-6.010(6)(c)1-4

Type Rule

Regulation Definition

In addition to the minimum staffing required, for centers providing adult day health care services the following staff must be provided:

a. The operator shall have a minimum of a Bachelor's degree in a health or social services or related field with one year of supervisory experience in a social or health service setting or hold a registered nurse license with one year of supervisory

Interpretive Guideline

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experience or have 5 years of supervisory experience in a social or health service setting;

b. An RN or LPN shall be on site during the primary hours of program operation and on call during all hours the center is open. All LPN's must be supervised in accordance with Chapter 464, F.S.;

c. A social worker with a minimum of a Bachelor's degree in social work, sociology, psychology or nursing or a Bachelor's degree with at least 2 years of experience in a human service field;

d. An activity director or Recreational Therapist with a Bachelor's degree in a social or health service field or an Associate's degree in a related field plus 2 years of experience. All services provided by program aides in this service area must be provided under the direct supervision of the activity director or recreation therapist. The certified recreation therapist may be retained as a consultant.

58A-6.010(6)(c)1-4, F.A.C.

ST - D0514 - Staffing Standard

Title Staffing Standard

Statute or Rule 429.917(1)(a)

Type Rule

Regulation Definition

Each employee must receive basic written information about interacting with participants who have Alzheimer's disease or dementia-related disorders at the time of employment.

429.917(1)(a), F.S.

Interpretive Guideline

The basic written information must be provided to all ADCC employees.

Surveyor Probes:

Review copies of, and verify, that basic written information has been provided to each employee upon their employment.

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Determine employment dates of sampled staff to verify compliance.

ST - D0515 - Staffing Standard

Title Staffing Standard

Statute or Rule 429.917(1)(b), 58A-6.015(1)(a)

Type Rule

Regulation Definition

Newly hired personnel whose responsibilities require them to have direct contact with participants having Alzheimer's disease or dementia-related disorders must complete at least 1 hour of initial training within the first 3 months of employment.

429.917(1)(b), F.S.
58A-6.015(1)(a), F.A.C.

Interpretive Guideline

This training is required for an employee hired on or after July 1, 2004.

Upon completion of training, the trainee must be issued a certificate by the approved training provider. The certificate must include the title of the training, the DOEA curriculum approval number, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name, the DOEA training provider's approval number, and dated signature. The training provider's signature on the certificate serves as documentation that the training provider has verified that the trainee has completed the required training.

Training certificates or copies of certificates must be documented in the center's personnel files.

Alzheimer's Disease or Related Disorders training and training providers must be approved by DOEA or its designee.

An ADCC employee who has successfully completed Alzheimer's disease or other related disorders training and continuing education requirements for ALFs pursuant to Section 429.178, F.S., or completed Alzheimer's disease or related disorders training for nursing homes specified in s. 400.1755, F.S., or for hospices under s. 400.6045, F.S., meets the training standard for ADCCs.

Health care practitioner (e.g., physicians, nurses) required continuing education hours are counted toward meeting the 1 hour of initial Alzheimer's disease training.

The employee is not required to repeat this training if the employee changes employment to a different adult day care center or to an assisted living facility, nursing home, home health agency, or hospice.

Surveyor Probes:

Select a sample of staff having direct contact with participants having Alzheimer's disease or related disorders.

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Determine employment dates for sample staff selected.

Review personnel files for a certificate documenting completion of required training within time frame.

Was the training conducted by a DOEA approved training provider? The University of South Florida, Florida Policy Exchange Center on Aging through contract with DOEA maintains a list of approved training providers and training curriculum. If approval of training provider or curriculum is questioned, you may access the Florida Policy Exchange Center at www.fpeca.usf.edu.

Training curriculum approval is granted for 3 years and must be resubmitted to DOEA or its designee for re-approval.

ST - D0516 - Staffing Standard

Title Staffing Standard

Statute or Rule 429.917(1)(c), 58A-6.015(1)(b)

Type Rule

Regulation Definition

An employee providing direct care to a participant with Alzheimer's disease or a dementia-related disorder must complete an additional 3 hours of training within 9 months of employment.

429.917(1)(c), F.S.
58A-6.015(1)(b), F.A.C.

Interpretive Guideline

This training is required for an employee hired on or after July 1, 2004.

Upon completion of training, the trainee must be issued a certificate by the approved training provider. The certificate must include the title of the training, the DOEA curriculum approval number, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name, the DOEA training provider's approval number, and dated signature. The training provider's signature on the certificate serves as documentation that the training provider has verified that the trainee has completed the required training.

Training certificates or copies of certificates must be documented in the center's personnel files.

Alzheimer's Disease or Related Disorders training and training providers must be approved by DOEA or its designee.

An ADCC employee who has successfully completed Alzheimer's disease or other related disorders training and continuing education requirements for ALFs pursuant to Section 429.178, F.S., or completed Alzheimer's disease or related disorders training for nursing homes specified in s. 400.1755, F.S., or for hospices under s. 400.6045, F.S., meets the training standard for ADCCs.

Health care practitioner (e.g., physicians, nurses) required continuing education hours are counted toward meeting the

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3 hours of additional Alzheimer's disease training.

The employee is not required to repeat this training if the employee changes employment to a different adult day care center or to an assisted living facility, nursing home, home health agency, or hospice.

Surveyor Probes:

Select a sample of staff providing direct care to participants having Alzheimer's disease or related disorders. Determine employment dates for sample staff selected.

Review personnel files for a certificate documenting completion of required training within time frame.

Was the training conducted by a DOEA approved training provider? The University of South Florida, Florida Policy Exchange Center on Aging through contract with DOEA maintains a list of approved training providers and training curriculum. If approval of training provider or curriculum is questioned, you may access the Florida Policy Exchange Center at www.fpeca.usf.edu.

Training curriculum approval is granted for 3 years and must be resubmitted to DOEA or its designee for re-approval.

ST - D0601 - MEDICATION STANDARD

Title MEDICATION STANDARD

Statute or Rule 58A-6.002(2)(w)

Type Rule

Regulation Definition

Supervision of self-administered medications shall mean:

- a. Reminding participants to take medication at the time indicated on the prescription;
- b. Opening or closing medication container(s) or assisting in the opening of prepackaged medication;
- c. Reading the medication label to participants;

Interpretive Guideline

Supervision of self-administered medication shall not be construed to mean that a center shall provide such supervision to participants who are capable of administering their own medications.

58A-6.002(2)(w), F.A.C.

Surveyor Probes:

Interview staff who are designated responsible for supervision of self-administration of medication to determine their proficiency.

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| d. Observing participants while they take medication; | Observe participants self-administering medication with supervision and/or medication being administered by licensed personnel. Are participants capable of self-administration? |
| e. Checking the self-administered dosage against the label of container; | Observe staff supervise the self-administration of medication. Does he/she at any time administer medications? |
| f. Reassuring participants that they have obtained and are taking the dosage as prescribed; | |
| g. Keeping daily records of when participants received supervision; and | |
| h. Immediately reporting apparent adverse effects to a participants physician and responsible person. | |

58A-6.002(2)(w), F.A.C.

ST - D0602 - MEDICATION STANDARD

Title MEDICATION STANDARD

Statute or Rule 58A-6.006(1)(a)3

Type Rule

Regulation Definition

Administration of medication: Only persons who are licensed to administer medications may administer medications in accordance with the health care providers directions.

58A-6.006(1)(a)3, F.A.C.

Interpretive Guideline

In a center where participants cannot self-administer medications and require the administration of medications, a licensed person would be defined as a person licensed to administer medication, i.e., a licensed physician, advanced registered nurse practitioner, a dentist, a registered nurse, licensed practical nurse or a physician's assistant.

Surveyor Probes:

All licensed staff must have a copy of their current, valid license on file at the center for review.

Question participants on how their medications are being administered or supervised.

Observe medications being administered by licensed personnel.

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ST - D0603 - MEDICATION STANDARD

Title MEDICATION STANDARD

Statute or Rule 58A-6.013(12)(d)

Type Rule

Regulation Definition

Centrally stored medication shall be:

A. Kept in a locked cabinet or other container; and refrigerated, if required;

B. Accessible only to the authorized staff responsible for distribution of medications;

C. Located in an area free from dampness and abnormal temperatures;

58A-6.013(12)(d), F.A.C.

Interpretive Guideline

Cabinet or medication cart must be kept locked at all times. Medication requiring refrigeration must be in a locked container.

Keys must only be in the possession of authorized personnel, i.e., personnel who are responsible for the distribution of medication.

Storage of medication above a steam table or stove would be inappropriate.

Each container of medication shall be labeled, including the name of person for whom prescribed, the name of drug, and instructions for use.

58A-6.013(12)(e), F.A.C.

ST - D0604 - MEDICATION STANDARD

Title MEDICATION STANDARD

Statute or Rule 58A-6.013(12)(f)

Type Rule

Regulation Definition

No person other than the dispensing pharmacist shall:

A. Alter the prescription label;

B. Transfer medication from one storage container to another.

Interpretive Guideline

Surveyor Probes:

Observe medication containers to ensure they appear to be pharmacy containers.

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58A-6.013(12)(f), F.A.C.

ST - D0605 - MEDICATION STANDARD

Title MEDICATION STANDARD

Statute or Rule 58A-6.013(12)(g)

Type Rule

Regulation Definition

Prescription medications which are not taken with the person upon discharge shall be destroyed by the center operator or designee in the presence of one other staff member. Both shall verify in the participant's record the prescription number, name of the pharmacy, drug name, strength and quantity destroyed, and date destroyed. These records are maintained by the center for at least three years.

58A-6.013(12)(g), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review records of participants who have been discharged for notation of drug disposition in their file. Examine medication cabinets for drugs prescribed for participants that have been discharged.

ST - D0606 - MEDICATION STANDARD

Title MEDICATION STANDARD

Statute or Rule 58A-6.013(12)(h)

Type Rule

Regulation Definition

There shall be a staff person available at all times who has access to and is responsible for distribution of centrally stored medications.

58A-6.013(12)(h), F.A.C.

Interpretive Guideline

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ST - D0700 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 58A-6.008(1)

Type Rule

Regulation Definition

The center offers:

- a. A planned program of varied activities and services promoting and maintaining the health of participants and encouraging leisure activities.
- b. Interaction and communication among participants on a daily basis in order to enhance the participant's well being and to maximize individual functioning.
- c. Activities and services are available at least 60 percent of the time the center is open to participants.
- d. Activities and services are documented.

58A-6.008(1), F.A.C.

Interpretive Guideline

Surveyor Probes:

Observe center activities. Interview participants and staff to verify that activities are taking place.

ST - D0701 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 58A-6.008(5)

Type Rule

Regulation Definition

A monthly schedule of daily activities shall be maintained on a current basis and displayed in a conspicuous place.

Interpretive Guideline

Verify that the center has an up-to-date activities calendar. Observe center activities. Interview participants and staff to verify that these activities are taking place.

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58A-6.008(5), F.A.C.

ST - D0702 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 58A-6.008(3)

Type Rule

Regulation Definition

The center provides family consultation or referral service to community agencies, clinics, or physicians when the participant or family is observed to be in need of intensive counseling, health, or mental health services.

58A-6.008(3), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review policy and procedures manual for documentation that a policy and procedure has been established for consultation and referral.

Interview staff for verification of understanding and compliance with policies and procedures for consultation and referral services.

ST - D0703 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 429.901(3), 429.929(1)(d), 58A-6.009(1)

Type Rule

Regulation Definition

The center provides the following required services:

- a. A protective environment that promotes a non-institutional atmosphere;
- b. Therapeutic, social and health activities and services designed to increase interaction with others;
- c. Leisure activities designed to provide mental stimulation

Interpretive Guideline

The obvious failure to provide all of the basic services can be cited here.

Respite care is a service provided by the center to relieve the participant's caregiver.

Surveyor Probes:

Review policies and procedures and activity schedules for documentation of services provided by the center.

Observe activities in progress.

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and social participation;

d. Self-care training;

e. Rest or periods of relaxation;

f. Nutrition services; and

g. In facility respite care.

429.901(3), 429.929(1)(d), F.S.,
58A-6.009(1)a-g, F.A.C.

ST - D0704 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 429.929(1)(f), 58A-6.010,(2-4)

Type Rule

Regulation Definition

Center may provide optional supportive services, i.e., health or social assessment, counseling, treatment and referral, speech therapy, physical therapy or occupational therapy.

Staff providing specialized therapy (speech, physical or occupational) must be licensed, certified and/or registered according to relevant Florida Statutes.

429.929(1)(f), F.S.
58A-6.010,(2-4), F.A.C.

Interpretive Guideline

Surveyor Probes:

Review license(s) or certification(s) or registration(s).

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ST - D0705 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 58A-6.010(6)(a)&(b)1-5

Type Rule

Regulation Definition

Interpretive Guideline

Adult day health care services for disabled adults or aged persons may be provided by the center if:

- a. Services are available for a minimum of 5 hours per day 5 days per week, excluding legal holidays;
- b. In addition to basic services specified in Rule 58A-6.009 and optional services pursuant to paragraphs (1), (2), (3), (4) and (5), provide or coordinate the following:
 1. Medical screening emphasizing prevention and continuity of care which include routine blood pressure checks or blood glucose diabetic maintenance checks;
 2. Nursing services including a configuration of services at different levels of intensity including:
 - a. Health education and counseling including nutritional advice, liaison with the participant's personal physician, and notification of physician as well as the caregiver or family of any changes in the participant's health status;
 - b. Coordination of the provision of other health services provided outside the center;
 - c. Supervision of health services provided by program aides.
 3. Social services including counseling for participants' families and caregivers; compilation of a social history and psychosocial assessment of formal and informal support systems, mental and emotional status, caregiver data, and information on planning for discharge; and referral for

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persons not appropriate for adult day care;

4. Additional medical services such as dental, ophthalmology, optometric, hearing aid, or laboratory services;

5. Transportation to and from the adult day health care services.

58A-6.010(6)(a)&(b)1-5, F.A.C.

ST - D0706 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 58A-6.010(6)(d)

Type Rule

Regulation Definition

Adult day health care services must be documented in the participants' files. Participant care plans must be reviewed at least quarterly by a multidisciplinary team. At a minimum, narrative nursing, social work, and activity notes must be entered in the participant's record quarterly indicating the participant's progress toward achieving health goals. More frequent notes are required if indicated by the participant's condition.

58A-6.010(6)(d), F.A.C.

Interpretive Guideline

ST - D0707 - PARTICIPANT SERVICES STANDARD

Title PARTICIPANT SERVICES STANDARD

Statute or Rule 58A-6.010(6)(e)1-3

Type Rule

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Regulation Definition

Centers providing adult day care or adult day health care services to Medicaid clients through a Medicaid Waiver must also comply with the following:

- a. Be enrolled as a Medicaid provider through the Agency for Health Care Administration's Medicaid office;
- b. Have a current authorization for services from an enrolled Medicaid waiver case manager. ADHC providers must be enrolled in the same waiver as those for whom services are authorized;
- c. Comply with all provisions of the program and Medicaid waiver requirements

58A-6.010(6)(e)1-3, F.A.C.

Interpretive Guideline

ST - D0800 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 429.929(1)(c), 58A-6.009(2)(d)1-3

Type Rule

Regulation Definition

For centers providing food service, the owner or operator or person designated shall:

- a. Be responsible for the total food services and the day-to-day supervision of food services staff,
- b. Perform all duties in a safe and sanitary manner,
- c. Plan nutritious menus for regular or special diets,

Interpretive Guideline

Coordination--the primary issue is as follows: does the dietary department (kitchen) have a record of who is on a special diet and what diet, with meal patterns or menus.

Work assignments--where there are separate dietary staff do they all have duties to perform and are they aware of these duties?

Purchasing--Are foods regularly available that match the menus?

Orientation, training--do the required employees have nutrition in-service and food management training; through

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d. Be knowledgeable of foods that meet regular or special diets,

observation during survey do employees follow proper dishwashing, food handling and hygiene procedures (hair effectively restrained, clothes clean, washing of hands, three step dishwashing followed?)

Surveyor Probes:

e. Be responsible for coordinating food services with other services, developing work assignments, purchasing food, and orienting, training and supervising food service employees,

Interview staff and participants, surveyor observations and a review of written documentation to determine compliance with this standard.

f. Participate in on-going orientation and training, and participate in biennial in-service training provided by a Registered Dietician.

429.929(1)(c), F.S.
58A-6.009(2)(d)1-3, F.A.C.

ST - D0801 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 58A-6.009(2)(d)4

Type Rule

Regulation Definition

Menus not approved by or meeting the requirements of Title III-C of the Older Americans Act or the Adult Care Food Program of USDA are reviewed by a Registered or Florida Licensed Dietitian or Dietetic Technician, supervised by a RD to ensure that the menus are commensurate with the current RDA's established by the Food and Nutrition Board National Research Council, adjusted for age, sex, and activity. The review is documented in the center files including signature of the reviewer, registration or license number, and the date reviewed. Menus are kept on file for one year and are accessible to participants and family members.

58A-6.009(2)(d)4, F.A.C.

Interpretive Guideline

Regular and therapeutic menus should include the signature of the reviewer, the date reviewed, and credentials of the reviewer, i.e., Registered Dietitian, Licensed Dietitian, or Dietetic Technician supervised by a Registered or Licensed Dietitian.

Surveyor Probes:

Examine menus to determine if requirements are satisfied.

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ST - D0802 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 429.929(1)(f), 58A-6.009(2)(a)

Type Rule

Regulation Definition

Participants attending or in transit to the center for four or more hours are served a meal which provide one-third of the Recommended Dietary Allowances of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex, and activity. Modified diets, if required, meet the nutritional standards to the extent medically possible.

429.929(1)(f), F.S.
58A-6.009(2)(a), F.A.C.

Interpretive Guideline

The primary issue is as follows: how many hours are participants attending or in transit to the day care, and which meals are served during these hours.

A copy of the Recommended Dietary Allowances interpreted by a daily food guide can be obtained at no cost by writing to the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or the local county public health unit.

Surveyor Probes:

Establish meal times by observing a meal and by asking participants.

Menus are approved by a Registered Licensed Dietitian or Dietetic Technician and are served as approved.

Menus approved and provided by Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be evidence of meeting the one-third of the RDA requirement.

ST - D0803 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 58A-6.009(2)(c)

Type Rule

Regulation Definition

Participants in the center 3 hours before the noon meal or 2 hours after the noon meal receive a snack consisting of at least 2 servings from the following four food groups: milk,

Interpretive Guideline

The primary issue is as follows: how many participants are in the center during these hours and whether or not they receive a snack.

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bread or bread alternate, meat or meat alternate, and vegetables or fruits.

Surveyor Probes:

Establish snack time by observing snack interval and by asking participants.

58A-6.009(2)(c), F.A.C.

ST - D0804 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 58A-6.009(2)(h)

Type Rule

Regulation Definition

Duty assignments of food service staff are posted in the kitchen area in centers having five or more food service staff.

58A-6.009(2)(h), F.A.C.

Interpretive Guideline

Duty assignments are not job descriptions. Job descriptions are broad based and general, whereas a duty assignment could be time framed to do certain tasks at a specific time, or time table (before lunch, after all meals, etc.) and detail how a job is to be done.

Surveyor Probes:

Check to see where duty assignments are posted; review against what the employees are doing to see if they are valid.

ST - D0805 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 58A-6.009(2)(g)

Type Rule

Regulation Definition

When food is catered from outside sources:

a. The catered meals must be prepared in an approved food establishment and once delivered to the center, must be adequately protected.

b. A copy of the formal contract between licensee and

Interpretive Guideline

There is a formal contract between the center and the food service provider and all nutrition and sanitation requirements are met.

Surveyor Probes:

Verify that the center food service inspection report, Food Service Inspection Report DH Form 4023 is up-to-date and on file in the center.

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provider containing assurances that the provider will meet all food service and dietary standards should be kept on file.

Reported deficiencies should have been corrected and dated as to when they were corrected.

58A-6.009(2)(g), F.A.C.

ST - D0806 - NUTRITION AND DIETARY STANDARD

Title NUTRITION AND DIETARY STANDARD

Statute or Rule 58A-6.010(5)

Type Rule

Regulation Definition

Modified diets or diets based on the normal diet and designated to meet the requirements of a given situation such as altering individual nutrients, caloric values, consistency, flavor, techniques of service or preparation, content of specific foods, or a combination of these factors, may be provided as an optional service. When modified diets are provided, a physician's written or documented oral order for each participant receiving a modified diet is on file. A menu including types and amounts of food to be served are on file in the food service area. Diets are prepared and served as ordered by the physician.

58A-6.010(5), F.A.C.

Interpretive Guideline

Written physician orders can be on a separate order or prescription form or a part of the medical examination. This information should be in the participant's file and the food service area.

Foods being prepared should match the diet order or be of equal values. Substitutions are to be noted when the change is made or before--not after the meal has been served.

Surveyor Probes:

Review participant files for physician diet orders.

Interview food service personnel to see if they are aware of the diet order.

Observe food being prepared to see if it matches the diet that has been ordered.

Modified diets are an optional service. However, if ordered by a physician and provided by the center, all requirements must be met.

ST - D0900 - MAINTENANCE AND HOUSEKEEPING STANDARD

Title MAINTENANCE AND HOUSEKEEPING

STANDARD
Statute or Rule 429.929(1)(a)(c), 58A-6.013(15)a-f

Type Rule

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Regulation Definition

Centers providing their own maintenance have a written maintenance plan which will assure preventive maintenance as well as immediate attention to and correction of hazardous or potentially hazardous conditions. The plan provides for:

- a. Keeping the building in good repair and free of hazards such as cracks in floors, walls, or ceiling, warped or loose boards, tile, linoleum, hand rails on railings, broken window panes, and similar hazards;
- b. Keeping all heating, air conditioning, electrical, mechanical, water supply, fire protection, and sewage disposal systems in a safe and functioning condition. Electrical wiring cords and appliances are maintained in a safe condition. Emergency generators, where existing, shall be tested monthly.
- c. Keeping all plumbing fixtures in good repair, properly functioning and satisfactorily provided with protection to prevent contamination from entering the water supply.
- d. Painting the interior and exterior of the building as needed to keep it reasonably attractive. Loose, cracked or peeling wallpaper or paint is promptly replaced or repaired to provide a satisfactory finish.
- e. Keeping all furniture and furnishing, clean and in good repair; and
- f. Keeping the grounds and building in a safe, sanitary and presentable condition. Grounds and buildings are free from refuse, litter, and insect breeding areas.

429.929(1)(a)(c), F.S.
58A-6.013(15)a-f, F.A.C.

Interpretive Guideline

Surveyor Probes:

Review maintenance plan for verification of written policy and procedures.

Observation through tour of interior and exterior and participant interviews.

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ST - D0901 - MAINTENANCE AND HOUSEKEEPING STANDARD

Title MAINTENANCE AND HOUSEKEEPING
STANDARD
Statute or Rule 58A-6.013(4)

Type Rule

Regulation Definition

The center has available written policies and procedures for the cleaning of the physical plant and equipment and for its maintenance.

58A-6.013(4), F.A.C.

Interpretive Guideline

ST - D1000 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD
Statute or Rule 429.929(1)(a), 58A-6.013(10)

Type Rule

Regulation Definition

All areas used by participants shall be suitably lighted and ventilated and maintained at a minimal inside temperature of 72 degrees F. when outside temperatures are 65 degrees F. or below, and all areas used by participants must not exceed 90 degrees F. Mechanical cooling devices must be provided when indoor temperatures exceed 84 degrees F and the facility has a thermometer which accurately identifies the temperature.

429.929(1)(a), F.S.
58A-6.013(10), F.A.C.

Interpretive Guideline

Surveyor Probes:

During the tour of the center, determine if the inside temperature meets requirements by using a calibrated thermometer.

Participants may be asked during the tour or in an interview as to the comfort level during the center hours of operation. Complaints may warrant further investigation.

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ST - D1001 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 429.929(1)(a), 58A-6.013(2)

Type Rule

Regulation Definition

A minimum of 30 square feet of net floor space area per participant is provided by the center prior to 11/9/95. For centers initially licensed after 11/9/95, a minimum of 45 square feet of net floor area per participant is required.

Additional floor space is provided by centers that have participants from special target populations to accommodate activities required by participant care plans.

429.929(1)(a), F.S.
58A-6.013(2), F.A.C.

Interpretive Guideline

Net floor space shall mean the actual climatically controlled occupied area, not including accessory unoccupied area such as hallways, stairs, closets, storage areas, bathrooms, kitchen or thickness of walls, set aside for the use of the day care center participants. 58A-6.002(2)(m), F.A.C.

If an existing facility licensed prior to 11/9/95 wants to increase their capacity by adding a room or wing onto the existing facility, only the new addition must meet the 45 square feet of net floor area per participant requirement.

If an existing facility licensed prior to 11/9/95 wants to increase their capacity and renovates the existing facility and expands the space, the entire facility must meet the 45 square feet of net floor area per participant requirement.

Surveyor Probes:

Review center floor plan with square footage measurement. If in doubt measure.

ST - D1002 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 429.929(1)(a), 58A-6.013(8)

Type Rule

Regulation Definition

Bathrooms are ventilated and have hot and cold running water, supplying hot water at a minimum of 105 degrees Fahrenheit and a maximum of 115 degrees Fahrenheit. Facilities licensed prior to 11/9/95 are exempt from the requirement for hot running water only.

Interpretive Guideline

Ventilation may consist of exhaust fans, air conditioning/heating ducts, or windows which open to allow air circulation.

Surveyor Probes:

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During center tour, determine if bathrooms meet ventilation and running water requirements.

429.929(1)(a), F.S.
58A-6.013(8), F.A.C.

ST - D1003 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 58A-6.013(13)

Type Rule

Regulation Definition

Centers that provide their own laundry service have sufficient area and equipment for the amount of laundry to be processed.

58A-6.013(13), F.A.C.

Interpretive Guideline

If processing of laundry is in the space available results in a sanitation violation, then sufficient area may not be available for center needs.

Surveyor Probes:

Observe laundry being processed, if possible, to determine if available area is adequate.

During the tour and interviews, question participants regarding laundry procedures, complaints, etc.

ST - D1004 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 58A-6.013(7)

Type Rule

Regulation Definition

Rest areas are provided for at least one-fourth of the participants who are present for four or more hours a day or additional as needed by the participants. The rest area includes: bed and mattress, or recliner, or sofa, or chair with back arm support.

Each participant is provided with adequately padded, clean,

Interpretive Guideline

Surveyor Probes:

During the tour, determine if rest areas are available for participants.

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comfortable seating, with support meeting the the needs of each participant.

58A-6.013(7), F.A.C.

ST - D1005 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 429.929(1)(a), 58A-6.011(11)(a-c)

Type Rule

Regulation Definition

Fire safety protection shall be governed by the local fire code applicable to adult day care centers. In every instance, a center shall comply with local and state standards before a license may be issued.

a. A fire evacuation drill shall be conducted once a month for center staff and once every three months for participants.

b. A written record of each fire drill shall be maintained and available for review. The record includes the date, hour, and general description of each drill, the extent of staff involvement, and the name of the person in charge.

c. Evacuation routes shall be posted conspicuously in the center.

429.929(1)(a)

58A-6.011(11)(a-c), F.A.C.

Interpretive Guideline

In areas where no local fire code applies, the standards contained in Rule 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities, may be used to determine compliance with fire safety standards.

The center has a copy of the satisfactory fire safety inspection conducted by the local fire safety authorities.

The center must make these records available for review by the Agency.

Surveyor Probes:

Review the latest fire safety inspection to ensure the center has received a satisfactory inspection.

Review the records of each fire drill to ensure the fire drills are being conducted as required.

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ST - D1006 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 58A-6.013(5)

Type Rule

Regulation Definition

Interpretive Guideline

Center facilities consist of, but are not limited to:

- a. bathrooms
- b. dining areas
- c. kitchen areas
- d. rest areas
- e. recreation and leisure time areas

58A-6.013(5), F.A.C.

ST - D1007 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 58A-6.013(6)

Type Rule

Regulation Definition

Interpretive Guideline

A private area is available for the provision of first aid, special care, and counseling services when provided, or as necessary for other services required by participants. This area is appropriately furnished and equipped.

58A-6.013(6), F.A.C.

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ST - D9999 - FINAL OBSERVATIONS

Title FINAL OBSERVATIONS

Statute or Rule

Type Memo Tag

Regulation Definition

Interpretive Guideline