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Aspen State Regulation Set: D 2.03 Adult Day Care (licensure)

ST - D0000 - INITIAL COMMENTS

Title INITIAL COMMENTS

Statute or Rule

Type Memo Tag

Regulation Definition

Interpretive Guideline

These guidelines are meant solely to provide guidance to surveyors in the survey process.

ST - D0001 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Statute or Rule 429.907(1-4), 58A-6.013(16)

Type Rule

Regulation Definition

Interpretive Guideline

429.907 (1) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this part and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to this part. A license issued by the agency is required in order to operate an adult day care center in this state.

(2)(a) Except as otherwise provided in this subsection, 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.

(b) If a licensed center becomes wholly or substantially unusable due to a disaster or due to an emergency as those terms are defined in s. 252.34:

1. The licensee may continue to operate under its current license in premises separate from that authorized under the

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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license if the licensee has:

a. Specified the location of the premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and
b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate premises.

2. The licensee shall operate the separate premises only while the licensed center ' s original location is substantially unusable and for up to 180 days. The agency may extend use of the alternate premises beyond the initial 180 days. The agency may also review the operation of the disaster premises quarterly.

(3) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part and part II of chapter 408. The amount of the fee shall be established by rule and may not exceed \$150.

(4) County-operated or municipally operated centers applying for licensure under this part are exempt from the payment of license fees.

58A-6.013 Physical Plant, Sanitary Conditions, Housekeeping Standards and Maintenance.

(16) A space use change that increases or decreases the center ' s participant capacity shall not be made without prior approval from the AHCA central office, which shall ensure that such space use change would not place a center out of compliance with standards contained in this chapter.

ST - D0002 - Governing Body

Title Governing Body

Statute or Rule 58A-6.006(1)

Type Rule

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Regulation Definition

(1) The Center shall have a Governing Authority which shall establish policies in compliance with this rule chapter. Governing Authority, as defined in this rule chapter, may consist of one or more people, and designation of its membership or composition shall be determined by the owner or operator. The Governing Authority shall be responsible for ensuring compliance with standards requiring that:

(a) Admission criteria shall be determined by the Owner, Operator, or Governing Authority and it may limit Participant eligibility to adults with Functional Impairments, in need of a protective environment or a program of therapeutic social and health activities and services as defined in this rule chapter.

The Owner or Operator will assure that the admission of each Participant shall be review within the confines of specific requirements set forth below:

1. Within forty-five days prior to admission to the center, each person applying to be a participant shall provide a statement signed by a physician, a Florida licensed health care provider under the direct supervision of 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. Any participant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious. However, participants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the center, provided that they would otherwise be eligible according to this rule.
2. 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.
3. 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

Interpretive Guideline

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.

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medications who will provide this service. 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.

(b) Provision is made for a safe physical plant equipped and staffed to maintain the center and services provided as defined in this rule chapter.

ST - D0003 - Owner/Oper/Designee on Premises

Title Owner/Oper/Designee on Premises

Statute or Rule 58A-6.006(2)

Type Rule

Regulation Definition

The governing authority shall ascertain that the owner or operator or the designated responsible person shall be on the premises during the center's hours of operation.

Interpretive Guideline

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

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ST - D0005 - Closure-Notification(s)

Title Closure-Notification(s)

Statute or Rule 429.925

Type Rule

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.

Interpretive Guideline

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

Surveyor Probes:

Review Agency and participant notifications.

ST - D0006 - Advertising

Title Advertising

Statute or Rule 429.917(2)

Type Rule

Regulation Definition

A center licensed under this part which claims that it provides special care for persons who have Alzheimer ' s disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The center must give a copy of all such advertisements or a copy of the document to each person who requests information about the center and must maintain a copy of all such advertisements and documents in its records. The agency shall examine all such advertisements and documents in the center ' s records as part of the license renewal procedure. An adult day care center may not claim to be licensed or designated to provide specialized Alzheimer ' s services unless the adult day

Interpretive Guideline

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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care center 's license has been designated as such pursuant to
s. 429.918

ST - D0007 - Definitions

Title Definitions

Statute or Rule 429.901; 429.918(2)(a & c & d) 58A-6.002

Type Memo Tag

Regulation Definition

Interpretive Guideline

429.901 Definitions.-As used in this part, the term:

- (1) " Adult day care center " or " center " means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.
- (2) " Agency " means the Agency for Health Care Administration.
- (3) " Basic services " include, but are not limited to, providing a protective setting that is as noninstitutional as possible; therapeutic programs of social and health activities and services; leisure activities; self-care training; rest; nutritional services; and respite care.
- (4) " Department " means the Department of Elderly Affairs.
- (6) " Operator " means the licensee or person having general administrative charge of an adult day care center.
- (7) " Owner " means the licensee of an adult day care center.
- (8) " Participant " means a recipient of basic services or of supportive and optional services provided by an adult day care center.
- (9) " Supportive and optional services " include, but are not limited to, speech, occupational, and physical therapy; direct transportation; legal consultation; consumer education; and referrals for followup services.

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429.918 Licensure designation as a specialized Alzheimer ' s services adult day care center.-

(2) As used in this section, the term:

(a) " ADRD participant " means a participant who has a documented diagnosis of Alzheimer ' s disease or a dementia-related disorder (ADRD) from a licensed physician, licensed physician assistant, or a licensed advanced registered nurse practitioner.

(c) " Specialized Alzheimer ' s services " means therapeutic, behavioral, health, safety, and security interventions; clinical care; support services; and educational services that are customized for the specialized needs of a participant ' s caregiver and the participant who is affected by Alzheimer ' s disease or an irreversible, degenerative condition resulting in dementia.

(d) " Therapeutic activity " means an individual or group activity that is intended to promote, maintain, or enhance the ADRD participant ' s physical, cognitive, social, spiritual, or emotional health.

58A-6.002 Definitions.

(1) The following terms are defined in Section 429.901, F.S., and are applicable to this rule chapter: adult day care center or center, agency, basic services, department, multiple or repeated violations, operator, owner, participant, and supportive and optional services.

(2) Additional definitions applicable in this rule chapter are as follows:

(a) " Activities of Daily Living " or " ADL " shall mean the functions or tasks for self-care and shall include: ambulation, bathing, dressing, eating, grooming, transferring, and toileting, self-administration of medications, and other personal hygiene activities.

(e) " Capacity " shall mean the number of participants for

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which a center has been licensed to provide care at any given time and shall be based upon required net floor space.

(g) " Daily Attendance " shall mean the number of participants who, during any one calendar business day, attend the center.

This count is not dependent upon, nor does it include, the number of types of services a participant receives, but is an actual, individual unduplicated census count.

(i) " Functional impairment " means a physical, mental, or social condition or cognitive deficit which restricts an individual ' s ability to perform the tasks and activities of daily living and which impedes the individual ' s capability for self-care and independent living without assistance or supervision from others on a recurring or continuous basis for extended periods of time.

(k) " Holding Itself Out to the Public " shall mean making any announcement, solicitation, display or advertisement to inform the general public of services provided by the center designed to attract new or additional participants to a center providing adult day care services.

(l) " Major Incident " shall mean any incident for which the Agency, center, employee or other person associated with the center may be liable, or which has resulted in serious injury, death or extensive property damage. Major incidents shall include:

1. Death of a participant from other than natural causes,
2. Threats or occurrences of riots, bombings, or other extreme violence,
3. Disappearance from the center of a participant,
4. Assaults resulting in severe injury or death, sexual assaults or rape, on or by a participant,
5. Property damage from any cause that would interrupt routine operations or disrupt service delivery,
6. Auto accidents with injuries involving participants,
7. Involuntary center closure,
8. Incidents of abuse, neglect, or fraud,

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9. Employee work conduct which results in a criminal law violation,

10. Attempted suicide by a participant while under center supervision.

(n) " Operator " shall mean an individual who has daily administrative charge of an adult day care center and who shall be designated in writing as such by the owner or governing authority.

(o) " Orientation and Training Plan " shall mean a written plan developed and reviewed at least annually and implemented throughout the year which 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, and which shall begin no later than the first day of employment.

(p) " Participant File " shall mean a written record, prepared and kept by the center which shall include a care plan; medical and social history or copies of an examination completed by a physician and social history completed by a case manager or social worker; diagnosis; disabilities and limitations; rehabilitation potential, short and long-term goals for rehabilitation, and recommended activities; orders for medication or modified diet; such as supervision of self-administered medication; special needs for health or safety; permitted levels of physical activity; frequency of attendance at the day care center; the frequency with which the participant shall be seen by the participant ' s physician; and notes as required in this rule chapter.

(q) " Participant Space " shall mean the required net floor space per participant. Maximum participant capacity shall refer to the licensed capacity.

(t) " Respite Care " or " Respite " in an adult day care center is defined as a service provided to relieve the caregiver.

(u) " Significant Change " shall mean a deterioration or improvement in ability to carry out activities of daily living; a

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deterioration in behavior or mood to the point where daily problems arise or relations become problematic or an improvement to the point that these problems are eliminated; or a substantial deterioration in health status or reversal of such condition. Ordinary day-to-day fluctuations in functioning and behavior and acute short-term illness such as a cold are not considered significant changes unless such fluctuations persist to the extent that a trend is established.

(v) " Staff " shall mean 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.

(z) " Transportation Services " shall mean the conveying of participants between the center and a designated location, as well as to and from services provided directly or indirectly by the facility. No participant ' s transportation to and from a designated location and the center shall exceed 1 1/2 hours if the transportation is provided or arranged by the center.

(aa) " Volunteer " shall mean an individual not on the payroll of the adult day care center, whose qualifications shall be determined by the center, for whom a written job description, plan of orientation and training shall be provided and implemented.

ST - D0100 - Fiscal Standard - Participant Funds

Title Fiscal Standard - Participant Funds

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

Type Rule

Regulation Definition

(1) The center shall establish and maintain a record of all funds held in trust, if any, and the participant funds shall be kept separate from the center funds. Such funds shall be used or expended only at the request of the participant, the participant ' s representative, designee, surrogate, guardian, or attorney-in-fact, if applicable.

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.

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(2) The center shall furnish at least annually, a complete verified statement of such funds or property to the participant or to the guardian or responsible person, detailing the amount and items received with sources and disposition. Such a report also shall be made at termination or transfer from the center.

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

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 their clients.

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

ST - D0101 - Fiscal Std- Current Signed Agreement On File

Title Fiscal Std- Current Signed Agreement On File

Statute or Rule 58A-6.011(6)

Type Rule

Regulation Definition

If the center accepts fee-for-service participants, there shall be a signed agreement documenting the amount of fee, hours and days of attendance, services to be provided, and frequency of payment. This agreement shall be signed by the center owner or operator, the participant or responsible person, recorded in the participant ' s record and current through the last payment period.

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 Std - Liability Insurance Coverage

Title Fiscal Std - Liability Insurance Coverage

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

Type Rule

Regulation Definition

429.909 Application for license.-In addition to all provisions

Interpretive Guideline

Surveyor Probes:

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of part II of chapter 408, the applicant for licensure must furnish a description of the physical and mental capabilities and needs of the participants to be served and the availability, frequency, and intensity of basic services and of supportive and optional services to be provided and proof of adequate liability insurance coverage.

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.

58A-6.003(5)(b)

(b) Documentation of adequate liability insurance coverage, as defined in Section 624.605, F.S., that remains in force at all times. Such documentation must be issued by the insurance company and must include the name and street address of the Center, a reference that the facility is an Adult Day Care Center, the Center ' s licensed capacity, and the dates of coverage.

58A-6.012(4)

Centers shall maintain liability insurance coverage in force at all times. On the renewal date of the center ' s policy or whenever a center changes policies, the center shall file documentation with the AHCA, ADC Program, 2727 Mahan Drive, Tallahassee, FL 32308. Such documentation shall be issued by the insurance company, shall include the name of the center, dates of coverage and shall meet the criteria of this chapter.

ST - D0201 - Center Record Standard

Title Center Record Standard

Statute or Rule 58A-6.011(3)

Type Rule

Regulation Definition

(3) The operator shall be responsible for the recording, reporting and availability of participant data or those records required for each center participant and program data or those

Interpretive Guideline

Surveyor Probes:

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

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records required for services made available to and provided to participants by the adult day care center which shall include: (a) Number of participants enrolled to current date; (b) Average daily attendance as defined in this rule chapter, based upon attendance through the end of the preceding month; (c) Hours of travel time current through the previous month, if the transportation, as defined in this rule chapter, is provided or arranged by the center. Hours of daily attendance shall exclude transportation time to and from the center; (d) Business hours of operation shall be posted in a conspicuous place. Business hours shall mean a time period established by the center, as defined in its policies, and shall be no less than five hours per day on week days of center operation and may include a reduced schedule of weekend hours.

Ascertain whether business hours are clearly posted.

ST - D0202 - Record of Staff Assignments

Title Record of Staff Assignments

Statute or Rule 58A-6.011(5)

Type Rule

Regulation Definition

A record shall be kept of staff assignments.

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 - Record of Major Incidents

Title Record of Major Incidents

Statute or Rule 58A-6.011(7-8)

Type Rule

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Regulation Definition

(7) A written record shall be kept of major incidents affecting participants, employees, volunteers or the program of the center.

(8) Major incidents, as defined in this rule chapter shall be reported to the AHCA immediately. Reports shall be made by the individual having first-hand knowledge of the incident and performing functions and responsibilities as an authorized agency and may include paid, emergency and temporary staff, volunteers and student interns.

Interpretive Guideline

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

Surveyor Probes:

Review major incident reports.

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

Observe residents, noting any other concerns. which may indicate a recent incident.

ST - D0204 - Comprehensive Emergency Management Plan

Title Comprehensive Emergency Management Plan

Statute or Rule 58A-6.011(10)

Type Rule

Regulation Definition

(10) Pursuant to Section 429.929(1)(g), F.S., as a part of the licensure process, 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 Management Planning Criteria for Adult Day Care Facilities, dated July 2001, incorporated by reference.

(a) The Emergency Management Plan shall include the following:

1. Provisions for both internal and external disasters and emergencies which could include hurricanes, tornadoes, fires, power outages, floods, bomb threats, acts of terrorism, bio-terrorism, hazardous materials and nuclear disasters.
2. Provisions for care and services to participants during the emergency including pre-disaster or preparation, notification of family members or responsible parties, securing the center,

Interpretive Guideline

Surveyor Probes:

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

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supplies, staffing and emergency equipment.

3. Provisions for care and services to participants who must remain in the center and who must evacuate during the emergency including emergency evacuation transportation.

4. Identification of staff position responsible for implementing each aspect of the plan.

5. Identification of and coordination with designated agencies including Red Cross and the county emergency management office.

6. Post-disaster activities including responding to family inquiries, obtaining necessary emergency medical attention or intervention for participants, transportation and re-entry to the center.

(b) The plan shall be available for immediate access by center staff.

(c) 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.

(d) The county emergency management agency has 60 days in which to review and determine if the plan satisfies the Emergency Management Planning Criteria or advise the center of necessary revisions. Any revisions must be made and resubmitted to the county emergency management agency within 30 days of receiving notification from the county agency the plan must be revised.

(e) 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

ST - D0207 - Emergency Treatment

Title Emergency Treatment

Statute or Rule 58A-6.011(9)

Type Rule

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Regulation Definition

In case of emergency, such as acute illness, if family or responsible person cannot be reached, a signed release shall be on file stating that the participant may be sent to the nearest hospital emergency room for treatment.

Interpretive Guideline

Surveyor Probes:

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

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

ST - D0209 - Central Abuse Registry Poster

Title Central Abuse Registry Poster

Statute or Rule 58A-6.006(11)

Type Rule

Regulation Definition

The governing authority shall establish policies and procedures to facilitate reporting of abuse, neglect or exploitation as defined in Section 415.102, F.S., and in accordance with Section 415.103, F.S., and shall insure that the statewide toll free telephone number of the Central Abuse Registry, 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 " is posted in a prominent place in the center and made clearly visible.

Interpretive Guideline

Surveyor Probes:

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

ST - D0300 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

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

Type Rule

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Regulation Definition

Participant care, policies, and procedures shall 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 shall include 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's registry of disabled persons 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) Are allowed 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) Are assured of remaining free from abuse, neglect, and exploitation as defined in Section 415.102, F.S., and free from chemical and physical restraints. Drugs and other medications shall not be used for punishment, for convenience of center

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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personnel, or in quantities that interfere with a participant ' s
rehabilitation or activities of daily living;

(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,
shall be 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;

(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 shall encourage and assist 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) For protection of the participants, are allowed to discharge
themselves from the center upon presentation of a request,
preferably in writing; or, if the participant is an adjudicated
mental incompetent, upon the written consent of his next of
kin, or sponsor or guardian or responsible person. However, if
assessed by social workers, center staff, responsible persons at

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the time of intake as confused, the participant shall not be allowed to discharge himself until after the center notifies the participant ' s guardian, spouse, or person having durable power of attorney;

(q) Are informed of the right to report abusive, neglectful, or exploitative practices.

ST - D0301 - Particip. Record

Title Particip. Record

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

Type Rule

Regulation Definition

(2) The Participant File shall include a Participant Data Sheet which shall be completed for each participant within forty-five days prior to or twenty-four hours after admission to the center and which shall include:

- (a) Full name, birthday, address;
- (b) Date admitted as a participant and services to be provided;
- (c) Next of kin, address and phone number;
- (d) Guardian or responsible person and address and phone number. Responsible Person shall mean any person who has assumed the responsibility to manage the affairs and protect the rights of any participant of 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 facility, its operations, or its personnel, unless so ordered by the court;
- (e) Medicaid and Medicare identification and other health insurance numbers;
- (f) Emergency contact person, home or office address and phone numbers;
- (g) Name and telephone number of attending physician to be contacted when there appears to be significant deviation from normal appearance or state of well-being of a participant; and physician ' s or hospital discharge statement no older than

Interpretive Guideline

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.

Surveyor Probes:

Review participant files for documentation of compliance and explanation for missing information.

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forty-five days indicating 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 conditions requiring care and of medications administered; diet and mobility restrictions; and a statement that the participant is free from tuberculosis in a communicable form;

(h) The Participant File shall be updated when there is a significant change in the participant, or at least quarterly;

(i) The Owner or Operator or Staff designated by the Owner or Operator shall review and approve each participant care plan.

ST - D0302 - Particip. Record - Signature

Title Particip. Record - Signature

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.

Interpretive Guideline

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

ST - D0303 - Particip. Record Std

Title Particip. Record Std

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

Type Rule

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Regulation Definition

- (i) The Participant File shall be updated when there is a significant change in the participant, or at least quarterly;
- (j) The owner or operator or staff designated by the owner or operator shall review and approve each participant care plan.

Interpretive Guideline

ST - D0304 - Policy and Procedures

Title Policy and Procedures

Statute or Rule 58A-6.007(1)

Type Rule

Regulation Definition

- (1) The center shall make a statement or summary statement of policies and procedures for participant care available to participants, to the responsible person, to the public, and to each member of the center staff. The statement or summary statement shall be displayed in a conspicuous place in the facility.

Interpretive Guideline

ST - D0305 - ADRD Participant Files

Title ADRD Participant Files

Statute or Rule 429.918(8)

Type Rule

Regulation Definition

- (8)(a) An ADRD participant ' s file must include a data sheet, which must be completed within 45 days before or within 24 hours after admission to an adult day care center having a license designated under this section. The data sheet must contain:
 - 1. Information regarding the status of the ADRD participant ' s

Surveyor Probe:

This applies to facilities with the ADRD specialization as defined in tag 306.

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enrollment in an identification or wandering-prevention program, including the name of the program; and

2. A current photograph of the ADRD participant.

(b) Dementia-specific services shall be documented in the ADRD participant ' s file.

(c) Notes regarding services provided to the ADRD participant must be entered at least monthly in the ADRD participant ' s file, and must indicate the ADRD participant ' s status or progress toward achieving identified goals. Additional notes must be entered more frequently if indicated by the ADRD participant ' s condition.

(d) An ADRD participant, or the participant ' s caregiver, shall annually provide the center with updated medical documentation required under subparagraphs (7)(a)3. and 4., and the center must place that documentation in the ADRD participant ' s file.

ST - D0306 - ADRD participant

Title ADRD participant

Statute or Rule 429.918(9)

Type Rule

Regulation Definition

(9) An adult day care center having a license designated under this section must give to each person who enrolls as an ADRD participant in the center, or the caregiver, a copy of the ADRD participant ' s plan of care, as well as information regarding resources to assist in ensuring the safety and security of the ADRD participant, which must include, but need not be limited to, information pertaining to driving for those persons affected by dementia, available technology on wandering-prevention devices and identification devices, the Silver Alert program in this state, and dementia-specific safety interventions and strategies that can be used in the home setting.

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

58A-6.006(1)(a),
Admission criteria 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 this rule chapter, and assure that the admission of each participant shall be made under the supervision of the owner or operator within the confines of specific requirements set forth below:

58A-6.006(1)(a)2

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.

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.

Surveyor Probes:

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

ST - D0401 - Admission Criteria Std

Title Admission Criteria Std

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

Type Rule

Regulation Definition

Within forty-five days prior to 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 a physician, physician or a county public health unit documenting freedom from tuberculosis in the communicable form and documenting

Interpretive Guideline

Surveyor Probes:

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

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freedom from signs and symptoms of other communicable disease. Any participant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious. However, participants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the center, provided that they would otherwise be eligible according to this rule.

ST - D0402 - Admission Criteria Std

Title Admission Criteria Std

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. 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.

Interpretive Guideline

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.

ST - D0403 - Admission Criteria Std

Title Admission Criteria Std

Statute or Rule 58A-6.007(4)

Type Rule

Regulation Definition

The center shall not be required to accept or retain any applicant or participant whose behavior and physical

Interpretive Guideline

Surveyor Probes:

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limitations are deemed hazardous to the safety of the individual or other participants. Such conditions shall constitute a basis for termination of center participation. Participation may be terminated after reasonable alternatives have failed, upon written notification of 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 governing authority of the center.

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

ST - D0404 - ADRD Participant

Title ADRD Participant

Statute or Rule 429.918(7)

Type Rule

Regulation Definition

(7)(a) An ADRD participant admitted to an adult day care center having a license designated under this section, or the caregiver when applicable, must:

1. Require ongoing supervision to maintain the highest level of medical or custodial functioning and have a demonstrated need for a responsible party to oversee his or her care.
2. Not actively demonstrate aggressive behavior that places himself, herself, or others at risk of harm.
3. Provide the following medical documentation signed by a licensed physician, licensed physician assistant, or a licensed advanced registered nurse practitioner:
 - a. Any physical, health, or emotional conditions that require medical care.
 - b. A listing of the ADRD participant ' s current prescribed and over-the-counter medications and dosages, diet restrictions, mobility restrictions, and other physical limitations.
4. Provide documentation signed by a health care provider licensed in this state which indicates that the ADRD participant is free of the communicable form of tuberculosis

Interpretive Guideline

Review records for ADRD participants

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and free of signs and symptoms of other communicable diseases.

(b) Before admitting an ADRD participant to an adult day care center that has a license designated under this section, the center shall determine whether:

1. The medical, psychological, safety, and behavioral support and intervention required by the ADRD participant can be provided by the center.
2. The resources required to assist with the ADRD participant 's acuity level of care and support needed can be provided or coordinated by the center.

ST - D0500 - STAFFING STANDARD

Title STAFFING STANDARD

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

Type Rule

Regulation Definition

(3) Each center shall comply with all standards, rules and regulations and shall be under the control of the licensed owner or operator or an agent designated in writing by the owner or operator as having full responsibility and authority for the daily operation of the facility. The owner or operator may supervise more than one center, provided that a qualified, responsible assistant operator, duly appointed in writing, is in charge of each facility.

(6) The owner or operator also shall be responsible for the administration of all components of the facility and accountable for the implementation and enforcement of all policies and procedures, standards of care, and program development in accordance with the social, physical and mental capabilities and needs of the participants served.

Interpretive Guideline

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.

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ST - D0501 - Staffing Std - Policies and Procedures

Title Staffing Std - Policies and Procedures

Statute or Rule 58A-6.007(1-2)

Type Rule

Regulation Definition

- (1) The center shall make a statement or summary statement of policies and procedures for participant care available to participants, to the responsible person, to the public, and to each member of the center staff ...
- (2), The center staff shall be trained to implement these policies and procedures, as specified in the staff orientation and training plan.

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.

Refer to policies listed in tag 0300.

ST - D0502 - Staff Ratio

Title Staff Ratio

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

Type Rule

Regulation Definition

- (a) A minimum staff ratio of one staff member who provides direct services for every 6 participants shall be present in the center at all times.
- (d) The owner or operator may serve in dual capacity as a registered nurse, occupational therapist, physical therapist, speech-language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services.
- (e) The owner or operator may be counted as one of the required staff members provided the owner or operator

Interpretive Guideline

The work schedule should reflect the staffing pattern maintained by the center for a given time period, (i.e., week, month, etc.).

Surveyor Probes:

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

Compare written work schedule to staff on duty at survey.

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provides direct services and is included in the work schedule for the center. However, the owner or operator shall not be counted more than once in the staff/participant ratio, calculated on the basis of daily census.

Review staffing patterns.

ST - D0503 - Staffing Std - First Aid/CPR

Title Staffing Std - First Aid/CPR

Statute or Rule 58A-6.006(8)(b)

Type Rule

Regulation Definition

No less than 2 staff, one of whom has a certification in an approved first aid course and CPR, shall be present in the center at all times.

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 Std - Communicable Diseases

Title Staffing Std - Communicable Diseases

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

Type Rule

Regulation Definition

A statement from a Florida licensed health care provider under the direct supervision of a physician, physician or a county public health unit that the employee is free from tuberculosis in a communicable form and apparent signs and symptoms of other communicable diseases within 45 days prior to

Interpretive Guideline

Documentation of lab reports does not meet this requirement.

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

Surveyor Probes:

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beginning work in the center. In accordance with Section 760.50, F.S., a center shall not exclude a potential employee who is infected with human immunodeficiency virus who would otherwise meet the conditions of employment.

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

ST - D0505 - Staffing Std

Title Staffing Std

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

Type Rule

Regulation Definition

58A-6.006(4),
The center shall employ qualified staff to provide the services, personal assistance and safety measures required by the participants.
58A-6.006(8)(c)
At all times staffing shall be maintained to meet the needs of the participants as required by the participant file, including centers which serve persons with Alzheimer ' s disease and related dementias, persons with physical handicaps, or other special target populations.

Interpretive Guideline

Surveyor Probes:

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

ST - D0506 - Staffing Std - Cleanliness and Hygiene

Title Staffing Std - Cleanliness and Hygiene

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

Type Rule

Regulation Definition

(7) The owner or operator shall assure that each employee shall:
(a) Maintain personal cleanliness and hygiene;

Interpretive Guideline

Surveyor Probes:

Observe staff.

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ST - D0507 - Staffing Std - Personnel File

Title Staffing Std - Personnel File

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

Type Rule

Regulation Definition

Interpretive Guideline

(5) The owner or operator shall:

Establish and maintain a personnel file for each staff to include:

1. Name, home address, phone number;
2. Name, address and phone number of physician(s) to be contacted in case of emergency;
3. Name, address and phone number of person(s) to be contacted in case of emergency;
4. Education and experience;
5. Job assignment and salary;
6. Evaluation of performance at least yearly;
7. Dates of employment and termination;
8. Character references which include former employers and supervisors;

ST - D0508 - Staffing Std - Job Descriptions

Title Staffing Std - Job Descriptions

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

Type Rule

Regulation Definition

Interpretive Guideline

(5) The owner or operator shall:

Develop a written job description for each center staff member containing a list of qualifications, duties, responsibilities and accountability required of each staff member.

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ST - D0509 - Staffing Std - Background Screening

Title Staffing Std - Background Screening

Statute or Rule 58A-6.003(5)(c)

Type Rule

Regulation Definition

Proof of compliance with background screening requirements pursuant to Sections 408.809 and 429.919, F.S.

Interpretive Guideline

Surveyor Probes:

If surveyor verifies through Background Screening unit that an employee has not completed a level II background screen, cite Z815.

This tag is cited for lack of documentation in staff records.

ST - D0510 - Staffing Std - Level 2 Background

Title Staffing Std - Level 2 Background

Statute or Rule 435.05(2)

Type Rule

Regulation Definition

Every employee 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.

Interpretive Guideline

Surveyor Probes:

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

ST - D0511 - Staffing Std - Unacceptable Conduct

Title Staffing Std - Unacceptable Conduct

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

Type Rule

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Regulation Definition

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;

Interpretive Guideline

Surveyor Probes:

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

ST - D0512 - Staffing Std

Title Staffing Std

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

Type Rule

Regulation Definition

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

(10) No administrator who has been terminated pursuant to the provisions of subsection (9) shall accept employment in an adult day care center and no owner or operator of a center shall knowingly employ any person who has been terminated pursuant to subsection (9).

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.

ST - D0513 - Staffing Std

Title Staffing Std

Statute or Rule 419.918(5); 58A-6.010(6)(c)1-4

Type Rule

Regulation Definition

429.918

(5)(a) The operator of an adult day care center having a

Interpretive Guideline

If the facility only provides basic services, this education requirement is does not apply.

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license designated under this section, and the operator ' s designee, as applicable, hired on or after July 1, 2012, shall:

1. Have at least a bachelor ' s degree in health care services, social services, or a related field, 1 year of staff supervisory experience in a social services or health care services setting, and a minimum of 1 year of experience in providing services to persons who have dementia;
2. Be a registered or practical nurse licensed in this state, have 1 year of staff supervisory experience in a social services or health care services setting, and have a minimum of 1 year of experience in providing services to persons who have dementia; or
3. Have 5 years of staff supervisory experience in a social services or health care services setting and a minimum of 3 years of experience in providing services to persons who have dementia.

(b) The owner must sign an affidavit under penalty of perjury stating that he or she has verified that the operator, and the operator ' s designee, if any, have completed the education and experience requirements of this subsection.

58A-6.010(6)(c)1-4

In addition to the minimum staffing required in Chapter 58A-6, F.A.C., provide the following staff:

1. 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 experience or have 5 years of supervisory experience in a social or health service setting.
2. A registered nurse (RN) or licensed practical nurse (LPN) shall be on site during the primary hours of program operation and on call during all hours the center is open. Arrangements shall be formalized for obtaining the services of an LPN or

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RN in anticipation of potential absences, planned and unplanned, of the regular nursing staff. All LPNs must be supervised in accordance with Chapter 464, F.S.

3. 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. Services provided by program aides in this service area must be provided under the direct supervision of a social worker or of a case manager who meets or exceeds these standards (e.g., a Master ' s degree in a related field).

4. 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 must be provided under the direct supervision of the activity director or recreation therapist. The certified recreation therapist may be retained as a consultant.

ST - D0514 - ADRD Employee Requirements

Title ADRD Employee Requirements

Statute or Rule 429.918(6)(a)2

Type Rule

Regulation Definition

Interpretive Guideline

2. Upon beginning employment with the center, each employee must receive and review basic written information about interacting with ADRD participants

ST - D0515 - Dementia-Specific Training

Title Dementia-Specific Training

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

Type Rule

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Regulation Definition

3. In addition to the information provided in subparagraph 2., every employee hired on or after July 1, 2012, who has direct contact with ADRD participants shall complete 4 hours of dementia-specific training within 3 months after employment.

Interpretive Guideline

ST - D0516 - Staff Training

Title Staff Training

Statute or Rule 429.917(1)(a-c), 419.918;58A-6.015(1)(b)

Type Rule

Regulation Definition

429.917 Patients with Alzheimer ' s disease or other related disorders; staff training requirements; certain disclosures.-

(1) An adult day care center licensed under this part must provide the following staff training:

(a) Upon beginning employment with the facility, each employee must receive basic written information about interacting with participants who have Alzheimer ' s disease or dementia-related disorders.

(b) In addition to the information provided under paragraph (a), newly hired adult day care center personnel who are expected to, or whose responsibilities require them to, have direct contact with participants who have Alzheimer ' s disease or dementia-related disorders must complete initial training of at least 1 hour within the first 3 months after beginning employment. The training must include an overview of dementias and must provide instruction in basic skills for communicating with persons who have dementia .

(c) In addition to the requirements of paragraphs (a) and (b), an employee who will be providing direct care to a participant who has Alzheimer ' s disease or a dementia-related disorder must complete an additional 3 hours of training within 9

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 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

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months after beginning employment. This training must include, but is not limited to, the management of problem behaviors, information about promoting the participant's independence in activities of daily living, and instruction in skills for working with families and caregivers.

419.918(6)(a)4

4. In addition to the requirements of subparagraphs 2. and 3., each employee hired on or after July 1, 2012, who provides direct care to ADRD participants shall complete an additional 4 hours of dementia-specific training within 6 months after employment.

(b) The Department of Elderly Affairs or its designee shall approve the training required under this section. The department shall adopt rules to establish standards for employees who are subject to this training, for trainers, and for the training required in this section.

(c) Upon completing any training described in this section, the employee shall be issued a certificate that includes the name of the training provider, the topics covered, and the date and signature of the training provider. The certificate is evidence of completion of training in the identified topics, and the employee is not required to repeat training in those topics if the employee changes employment to a different adult day care center.

(d) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:

1. Procedures to locate an ADRD participant who has wandered from the center. These procedures shall be reviewed regularly with all direct care staff.
2. Information on the Silver Alert program in this state.
3. Information regarding available products or programs used to identify ADRD participants or prevent them from wandering away from the center, their home, or other

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.

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locations.

58A-6.015(1)(b)

Completion of the required three hours of training after June 30, 2004, shall satisfy the requirement referenced in subsection 429.917(1)(c), F.S. The three hours of training must address the following subject areas as they apply to Alzheimer ' s Disease and Related Disorders:

1. Behavior management;
2. Assistance with activities of daily life to promote the patient ' s independence;
3. Activities for participants;
4. Stress management for the care giver;
5. Family issues;
6. Participant environment; and
7. Ethical issues.

ST - D0601 - MEDICATION STANDARD

Title MEDICATION STANDARD

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

Type Rule

Regulation Definition

" Supervision of self-administered medication " shall mean reminding participants to take medication at the time indicated on the prescription; opening or closing medication container(s) or assisting in the opening of prepackaged medication; reading the medication label to participants; observing participants while they take medication; checking the self-administered dosage against the label of the container; reassuring participants that they have obtained and are taking the dosage as prescribed; keeping daily records of when participants received supervision pursuant to this subsection; and immediately reporting apparent adverse effects on a

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participant ' s condition to the participant ' s physician and responsible person. 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 medication.

ST - D0602 - Medication Administration

Title Medication Administration

Statute or Rule 58A-6.013(12)(b, k)

Type Rule

Regulation Definition

(b) Participants who can self-administer medications may bring and be responsible for their own medications.

(k) In no instance shall medication, be administered by a person other than one licensed, according to Florida law, to administer medication including a physician, a dentist, a nurse, or a physician ' s assistant .

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.

ST - D0603 - Medication Storage

Title Medication Storage

Statute or Rule 58A-6.013(12)(c-e)

Type Rule

Regulation Definition

(c) Medications shall be centrally stored when:

1. The preservation of medicines requires refrigeration;
2. Medication is determined, and documented by the physician, to be hazardous if kept in the personal possession of the person for whom it was prescribed;
3. Because of physical arrangements and the conditions or

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habits of other persons in the center, the medications are determined by the operator or physician to be a safety hazard to others .

(d) Centrally stored medications shall be:

1. Kept in a locked cabinet or container; and refrigerated, if required;
2. Accessible only to the authorized staff responsible for distribution of medication;
3. Located in an area free from dampness and abnormal temperatures.

(e) Each container of medication shall be labeled according to state law, and shall include the name of the person for whom it is prescribed, the name of the drug, and instructions for use.

ST - D0604 - Medication Std

Title Medication Std

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

Type Rule

Regulation Definition

No person other than the dispensing pharmacist shall:

1. Alter the prescription label;
2. Transfer medication from one storage container to another.

Interpretive Guideline

Surveyor Probes:

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

ST - D0605 - Medication Std

Title Medication Std

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

Interpretive Guideline

Surveyor Probes:

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designee in the presence of one other staff member. Both shall verify in the participant ' s record, listing the prescription number, the name of the pharmacy, the drug name, strength and quantity destroyed and the date destroyed. Such records shall be maintained by the center for at least three years.

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 Std

Title Medication Std

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.

Interpretive Guideline

ST - D0700 - Planned Activities

Title Planned Activities

Statute or Rule 58A-6.008(1)

Type Rule

Regulation Definition

Each center shall offer a planned program of varied activities and services promoting and maintaining the health of participants and encouraging leisure activities, interaction and communication among participants shall be available on a daily basis at each center in order to enhance the participant ' s well-being and to maximize individual functioning. Such activities and services shall be available during at least 60 percent of the time the center is open to participants and shall be documented in accordance with subsection (5).

Interpretive Guideline

Surveyor Probes:

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

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ST - D0701 - Activity Schedule

Title Activity Schedule

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 scheduled activities are taking place.

ST - D0702 - Consultation and Referral Services

Title Consultation and Referral Services

Statute or Rule 58A-6.008(3)

Type Rule

Regulation Definition

The center shall provide for 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.

Interpretive Guideline

Surveyor Probes:
Interview staff for understanding of procedures for consultation and referral services.

ST - D0704 - Therapy

Title Therapy

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

Type Rule

Regulation Definition

(2) Speech therapy provided by or under the supervision of an individual licensed under Chapter 468, Part I, F.S., who has

Interpretive Guideline

Surveyor Probes:

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certification of clinical competence from American Speech and Hearing Association, and who has completed the equivalent education requirements and work experience necessary for certification, or who has completed the academic program and is acquiring supervised work experience to qualify for the certificate. Progress notes shall be maintained and must be written in the client ' s record and signed by the speech therapist as services are provided.

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

(3) Physical therapy must be provided by, or under the supervision of, an individual who is a graduate of a program of physical therapy approved by both the Council on Medical Education of the American Medical Association and the American Therapy Association, or the equivalent, and licensed by the State. Progress notes shall be maintained and must be written in the client ' s record and signed by the physical therapist as services are provided.

(4) Occupational therapy as an adjunct to treatment of persons with physical and mental limitations must be provided by, or under the supervision of, an individual who is registered by the American Occupational Therapy Association; or a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience required before registration by the American Occupational Therapy Association. Progress notes shall be written in the client ' s record and signed by the occupational therapist as services are provided.

ST - D0705 - Particip. Svcs Std

Title Particip. Svcs Std

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

Type Rule

Regulation Definition

Interpretive Guideline

(6) Adult day health care services for disabled adults or aged persons, provided the center complies with the following:

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- (a) Make services available for a minimum of 5 hours per day 5 days per week, excluding legal holidays as posted by the facility;
- (b) Provide or coordinate, in addition to the basic services specified in Rule 58A-6.009, F.A.C., and optional services pursuant to subsections (1), (2), (3), (4) and (5), 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 as determined by the nursing assessment, participant care plan, and physician ' s orders. Services shall include:
 - 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 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.

ST - D0706 - Particip. Svcs Std

Title Particip. Svcs Std

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

Type Rule

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Regulation Definition

Documentation of services provided under this section must be 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.

Interpretive Guideline

ST - D0708 - Alzheimer's Services

Title Alzheimer's Services

Statute or Rule 429.918(3)(a)

Type Rule

Regulation Definition

The adult day care center must notify the agency at least 30 days prior to initial licensure under s. 429.907 or, if already licensed, at least 6 months prior to the expiration of a license issued under s. 429.907, that the adult day care center is seeking a designation as a specialized Alzheimer's services adult day care center.

Interpretive Guideline

Observe participants for appropriateness for daycare setting.

ST - D0709 - Nursing staff Requirements

Title Nursing staff Requirements

Statute or Rule 429.918(6)(a)1

Type Rule

Regulation Definition

A registered nurse or licensed practical nurse must be on site daily for at least 75 percent of the time that the center is open

Interpretive Guideline

Surveyor Probes:
Review the nurse credentials and facility schedule.

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to ADRD participants. Each licensed practical nurse who works at the center must be supervised in accordance with chapter 464.

ST - D0801 - Food Service

Title Food Service

Statute or Rule 58A-6.009(2)(d4-f)

Type Rule

Regulation Definition

(d)(4)4. 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 shall be reviewed by a Registered or Florida Licensed Dietitian or a Dietetic Technician supervised by a Registered or Florida Licensed Dietitian to ensure that the menus are commensurate with the current Recommended Dietary Allowances established by the Food and Nutrition Board National Research Council, adjusted for age, sex and activity. Documentation of review of the menus shall be maintained in the center files and shall include the signature and registration or license number of the reviewer and date reviewed. Menus shall be kept on file for one year and shall be accessible to participants and families of participants.

(e) In centers with 17 or more participants, all matters pertaining to food service shall comply with the provisions of Chapter 64E-11, F.A.C.

(f) 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-13.007, F.A.C. Sanitary Facilities and Controls; and that the following minimum conditions shall be met:

1. The floor surfaces in kitchens, all rooms and areas in which food is stored or prepared and in which utensils are washed or

Interpretive Guideline

The most recent Food Service inspection report(s) 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:

Examine menus to determine if requirements are satisfied.

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stored shall be of smooth nonabsorbent material and constructed so it can be easily cleaned and shall be washable up to the highest level reached by splash or spray.

2. The walls and ceilings of all food preparation, utensil washing and hand washing rooms or areas shall have smooth, easily cleanable surfaces. Walls shall be washable up to the highest level reached by splash or spray.

3. Hot and cold running water under pressure shall be easily accessible to all rooms where food is prepared or utensils are washed.

4. Hand washing facilities, provided with hot and cold running water, shall be located within the food preparation area in new adult day care facilities and adult day care facilities which are extensively altered.

5. Multi-use equipment and utensils shall be constructed and repaired with materials that are non-toxic, corrosion resistant and nonabsorbent; and shall be smooth, easily cleanable and durable under conditions of normal use; and shall not impart odors, color or taste nor contribute to the contamination of food.

6. All multi-use eating and drinking utensils shall be thoroughly cleansed with hot water and an effective detergent, then shall be rinsed free of such solution, then shall be sanitized as defined in Chapter 64E-11, F.A.C.

7. A three compartment sink or a two compartment sink and a dishwasher with an effective, automatic sanitizing cycle, shall be provided. Machine sanitization may be accomplished by the use of chemical solutions, hot water or hot air. After sanitizing, utensils shall be air dried and properly stored.

8. Refrigeration units and hot food storage units used for the storage of potentially hazardous foods shall be provided with a numerically scaled indicating thermometer accurate to plus or minus 3 degrees Fahrenheit. The thermometer shall be located in the warmest or coldest part of the units and of such type and so situated that the temperature can be easily and readily

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observed.

9. No live animals or fowl shall be kept or allowed in the kitchen or in the dining areas where food is being served, with the exception of dogs assisting persons with disabilities, which are permitted in the dining area.

ST - D0802 - Nutrition/Diet. Std

Title Nutrition/Diet. Std

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

Type Rule

Regulation Definition

58A-6.009(1)(f)

(f) Nutritional services or food provided or prepared in a central location in a center or by formal agreement with a third party; the activities performed and the resources utilized in the planning, processing, preparing, and serving of meals or snacks; nutritional education; and nutritional counseling;

58A-6.009(2)(a)

Participants attending or in transit to the center for four or more hours daily shall be served a meal which provides at least one-third of the current Recommended Dietary Allowances (RDA), of the Food and Nutrition Board, National Academy of Sciences, National Research Council, adjusted for age, sex and activity. Modified diets, if required, shall meet these nutritional standards to the extent medically possible. 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

Interpretive Guideline

Surveyor Probes:

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

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ST - D0803 - Snack Requirement

Title Snack Requirement

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 must be provided a snack consisting of at least 2 servings from the following four food groups: milk, bread or bread alternate, meat or meat alternate, and vegetables or fruits.

Interpretive Guideline

Surveyor Probes:

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

ST - D0804 - Kitchen Assignments

Title Kitchen Assignments

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

Type Rule

Regulation Definition

(h) Duty Assignments for person responsible for food service shall be posted in the kitchen area in centers having five or more food service staff.

Interpretive Guideline

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 - Catered Food

Title Catered Food

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

Type Rule

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Regulation Definition

If food is catered from outside sources, the catered meals must be prepared in an approved food establishment. No warewashing may take place onsite. Catered food, once delivered to an adult day care facility, must be adequately protected. A copy of the formal contract between licensee and provider containing assurances that the provider will meet all food service and dietary standards should be kept on file

Interpretive Guideline

Surveyor Probes:

Is there a formal contract between the center and the food service provider?

ST - D0806 - Modified diets

Title Modified diets

Statute or Rule 58A-6.010(5)

Type Rule

Regulation Definition

Modified diets or diets based on the normal diet and designed 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 shall be on file. A menu including types and amounts of food to serve will be on file in the food service area. Diets shall be prepared and served as ordered by the physician.

Interpretive Guideline

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 - D1000 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Statute or Rule 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. The facility shall have a thermometer which accurately identifies the temperature.

Interpretive Guideline

Surveyor Probes:

Tour facility and interview participants about the comfort level. Complaints may warrant further investigation.

ST - D1001 - Net Floor Space

Title Net Floor Space

Statute or Rule 58A-6.013(2)

Type Rule

Regulation Definition

The participant capacity shall be determined by the total amount of net floor space available for all of the participants. Centers licensed prior to the effective date of this rule shall provide 30 square feet of net floor area per participant. For centers initially licensed after November 9, 1995, there shall be not less than 45 square feet of net floor area per participant. Centers shall be required to provide additional floor space for special target populations to accommodate activities required by participant care plans.

Interpretive Guideline

Surveyor Probes:

Review center floor plan with square footage measurement. If in doubt measure.
Length (Inches) x Width (inches)= total (inches) /144= total /35

$245 \times 287 = 70315 / 144 = 488 / 35 = 35$ participants

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ST - D1002 - Bathrooms

Title Bathrooms

Statute or Rule 58A-6.013(8)

Type Rule

Regulation Definition

Bathrooms shall be 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 the effective date of this rule are exempt from the requirement for hot running water only.

Interpretive Guideline

ST - D1003 - Laundry

Title Laundry

Statute or Rule 58A-6.013(13)

Type Rule

Regulation Definition

Centers that provide their own laundry services shall have a sufficient area and the appropriate equipment for the laundry to be processed by the center.

Surveyor Probes:

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

Interpretive Guideline

ST - D1004 - Resting Space

Title Resting Space

Statute or Rule 58A-6.013(7)

Type Rule

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Regulation Definition

Each participant shall be provided with adequately padded, clean, comfortable seating, with support meeting the needs of each participant. Rest areas shall be 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:

- (a) Bed and mattress, or
- (b) Recliner, or
- (c) Sofa, or
- (d) Chair with back and arm support.

Interpretive Guideline

Surveyor Probes:

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

ST - D1005 - Fire safety protection

Title Fire safety protection

Statute or Rule 58A-6.011(11)

Type Rule

Regulation Definition

Fire safety protection shall be governed by the local fire code applicable to day care centers. In areas where no local fire code applies, the standards contained in Chapter 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities, may be used to determine compliance with fire safety standards. 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 the center staff and once every three months for participants;
- (b) A written record of each fire drill, indicating the date, hour and general description of each drill, the extent of staff involvement, and the name of the person in charge shall be maintained and available for review;
- (c) Evacuation routes shall be posted conspicuously in the center.

Interpretive Guideline

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 - Center Requirements

Title Center Requirements

Statute or Rule 58A-6.013(5)

Type Rule

Regulation Definition

Interpretive Guideline

Center facilities shall consist of, but not be limited to, the following:

- (a) Bathrooms;
- (b) Dining areas;
- (c) Kitchen areas;
- (d) Rest areas;
- (e) Recreation and leisure time areas.

ST - D1007 - Private Areas

Title Private Areas

Statute or Rule 58A-6.013(6)

Type Rule

Regulation Definition

Interpretive Guideline

A private area shall be 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 shall be appropriately furnished and equipped

ST - D1008 - Storage

Title Storage

Statute or Rule 58A-6.013(12)

Type Rule

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Regulation Definition

Medicines, cleaning supplies, flammables and other potentially poisonous or dangerous supplies shall be stored out of the participant's reach, and in such manner as to ensure the safety of participants.

Interpretive Guideline

ST - D1009 - Physical Plant Maintenance

Title Physical Plant Maintenance

Statute or Rule 58A-6.013(4)

Type Rule

Regulation Definition

The center shall have available and shall make accessible to the AHCA written policies and procedures for the cleaning of the physical plant and equipment and for its maintenance.

Interpretive Guideline