

**RULES OF
DEPARTMENT OF HUMAN RESOURCES
OFFICE OF REGULATORY SERVICES**

CHAPTER 290-9-11

RULES AND REGULATIONS FOR ADULT DAY CENTERS

SYNOPSIS OF PROPOSED RULES

PURPOSE: The rules and regulations for Adult Day Centers, Chapter 290-9-11 are being developed to establish the minimum requirements for the operation of adult day centers which provide adult day care services and/or adult day health services to three or more adults who require a comprehensive plan of services. These rules are the product of the efforts of the Office of Regulatory Services and were developed with input from an informal rules advisory group of representatives from the Department of Human Resources as well as providers, consumers and advocates. The proposed rules will ensure that the citizens of this state receiving such services are afforded the maximum protection and services under state law and the rules and regulations of the Department of Human Resources. These rules are being proposed pursuant to the authority granted the Department of Human Resources in O.C.G.A. § 49-6-80 *et seq.* to create and promulgate rules and regulations which promote, safeguard and protect the well-being of adults participating in adult day care who need such services. In the formulation of the proposed rules, the Department has considered the economic costs associated with the regulations and the impact on small businesses in the state. To the extent possible, the proposed rules do not impose excessive regulatory costs on the regulated entities while keeping in mind the health and safety of the participants receiving care.

MAIN FEATURES OF THE PROPOSED RULES: The Rules and Regulations for Adult Day Centers, Chapter 290-9-11, include the following main components:

- No business or individual shall use the term(s) “adult day center,” “adult day care,” adult day “health care” or “adult day facility” to imply or indicate the provision of adult day services to participants unless the business or individual obtains a valid license issued by the Department.
- Centers may be licensed as either an adult day center, adult day health center, or mobile adult day center. The type of license is differentiated by the intensity and scope of service delivery.
- All centers shall provide core services including, but not limited to: supervision of participants, social and leisure activities and supervision of and assistance with activities of daily living.
- These rules and regulations shall not apply to the following:
 - Individuals or organizations providing adult day services without compensation as a condition of the participant’s receiving such services;
 - Individuals or organizations that provide services for compensation to only one or two participants; and
 - Programs which provide basic group social and recreational activities for mature adults where the physical or mental limitations of the mature adults do not restrict their ability to: eat and toilet themselves independently and participate meaningfully and safely in group activities without frequent redirection and/or assistance.

- All participants in adult day center programs are required to be provided services in accordance with an individual plan of care which is a written plan that documents the functional impairment and the health, social, and related support services needed by a participant.
- The rules include provisions for the collection of application fees, licensure fees and renewal fees based upon the type of services provided by the center. Fees shall be reasonable and shall be set so that the total of the fees supports the total of the direct and indirect costs to the state of the licensing program.
- Centers must develop and follow a written disaster preparedness plan to arrange emergency care for participants during an internal or external disaster.
- Centers must comply with physical plant health and safety standards to provide adequately for the health, safety, access, and well-being of participants.
- Only centers which employ the services of a licensed nurse may administer medications.
- Providers applying for a license to operate a mobile adult day center must demonstrate compliance with all rules and regulations applicable to the types of services provided.
- All off-site facilities used by a mobile adult day center provider must be in compliance with all applicable regulations for physical plant and safety standards.

SUMMARY OF THE PROPOSED RULES

290-9-11-.01 Authority. These rules are promulgated pursuant to O.C.G.A. §§ 49-6-80, 49-6-81, 49-6-82, 49-6-83, 49-6-84, 49-6-85 and 49-6-86 et seq., the “Adult Day Center for Aging Adults Licensure Act.”

290-9-11-.02 Title and Purposes. These rules shall be known as the Rules and Regulations for Adult Day Centers. The purposes of these rules are to provide for the licensing and inspection of adult day centers.

290-9-11-.03 Exemptions. These rules provide an exemption for centers which serve one or two participants, centers which do not receive compensation of any kind in consideration for providing services to participants and programs which provide basic group social and recreational activities for mature adults where the physical or mental limitations of the mature adults do not restrict their ability to: eat and toilet themselves independently and participate meaningfully and safely in group activities without frequent redirection and/or assistance.

290-9-11-.04 Definitions. Words and terms such as activities of daily living, adult day care, adult day center, adult day health services, applicant, comprehensive plan of services, director, governing body, individual plan of care, medical model, participant, social model and other relevant words and terms as they relate to the provision of services in adult day centers are defined.

290-9-11-.05 Application for a License. The rules outline the process for submitting an application for a license to operate an adult day center or a mobile adult day center. The payment of application, license and renewal fees to support the licensing, inspecting and monitoring of adult day centers is required, although amounts have yet to be established by the Board. The computation of fees shall include input from consumers, providers and advocates during the rulemaking process.

290-9-11-.06 License Requirements. The rules include information regarding the necessary documentation which must accompany an application for a license to operate an adult day center.

290-9-11-.07 Governing Body. The rules set forth requirements that each center shall have an established and functioning governing body that is responsible for the conduct of the center and for effective center governance, management and budget planning.

290-9-11-.08 Administration. The rules require certain written policies and procedures outlining the responsibilities of the center staff and management. These policies and procedures include measures for documenting serious or unusual incidents occurring at the center, dealing with emergency medical situations, following-up on any unexplained absences of participants, implementing standard precautions and resolving complaints made by participants and/or the participant's representative.

290-9-11-.09 Disaster Planning Requirements. A disaster preparedness plan is required that outlines plans for emergency care during an internal or external disaster which could include: fire, explosion, loss of air conditioning or heat, bomb threats, hazardous materials, damage to the physical plant resulting from severe weather, and unanticipated interruption of utilities used by the center (i.e. electricity gas, other fuel, or water).

290-9-11-.10 Physical Plant Health and Safety Standards. The rules include physical plant health and safety requirements to provide adequately for the health, safety, access and well-being of the participants. The adult day center shall be in compliance with all applicable codes, including applicable building, fire, plumbing, mechanical, electrical, gas and energy codes.

290-9-11-.11 Supplies. The rules require centers to make available certain personal hygiene and first aid supplies for use by participants while at the center.

290-9-11-.12 Services. The scope of services provided or arranged by the center shall be based on the written description of the program. Adult day centers may provide a social model adult day care program or a medical model adult day health care program of services, which are differentiated by the intensity and scope of service delivery.

290-9-11-.13 Staffing. The rules require centers to be properly staffed with as many employees necessary to safeguard the health, safety and well-being of participants. A staffing ration of 1:8 is proposed in these rules. At least one staff member with current CPR certification shall be in the center at all times.

290-9-11-.14 Personnel. The rules require that all adult day centers maintain certain written personnel policies and procedures. Prior to hiring, the center shall search the nurse aide registry to determine if a CNA is designates as having abused a resident of a facility.

290-9-11-.15 Admission. Prior to admission, the Director or his/her designee shall have at least one in-person interview with the applicant and/or his/her representative to assess the applicant's needs and suitability for the program at the center.

290-9-11-.16 Records. The center shall develop policies and procedure to maintain the confidentiality of participant's records.

290-9-11-.17 Participant Rights. The rules provide standards for those participant rights that are to be safeguarded by the center, including the right to be treated as an adult, with respect and dignity.

290-9-11-.18 Nutrition. The center shall observe nutrition requirements regarding meals and snacks which shall be planned to optimize nutrition and planned to keep sugar, salt and cholesterol intake to a minimum.

290-9-11-.19 Medications. Only centers licensed as adult day health centers may dispense medications to participants. All medications required by participants shall be self-administered by the participant unless the adult day center employs the services of a licensed nurse who may administer medications.

290-9-11-.20 Transportation. Centers may provide transportation and/or assist in arranging transportation services for participants. When transportation is provided in center operated vehicles, the operation of each vehicle shall be in conformance with all applicable state and federal regulations relative to both driver and vehicle.

290-9-11-.21 Procedures for Change in Condition. The center shall develop policies and procedures to notify emergency medical personnel and/or the participant's representative if there is a change in condition as a result of natural causes, accident or emergency involving a participant.

290-9-11-.22 Discharge. The rules require centers to develop written policies and procedures for handling the discharge of a participant.

290-9-11-.23 Reporting Requirements. Centers shall report to the Department whenever certain serious or unusual incidents involving participants and/or adult day center operations occurs.

290-9-11-.24 Quality Assurance. The rules include the requirement of an ongoing quality management program which evaluates the quality and appropriateness of participant care provided.

290-9-11-.25 Infection Control. The rules require that centers have an infection control surveillance plan that is tailored to meet the needs of the center and its' participants.

290-9-11-.26 Inspections by Department Staff. The rules authorize the Department to conduct on-site inspections of any center to verify compliance with these rules or for the purposes of complaint investigations.

290-9-11-.27 Variances and Waivers. The rules allow for waivers and variances in certain circumstances.

290-9-11-.28 Enforcement and Penalties. The rules allow for the Department to revoke a license, suspend a license or impose administrative fines.

290-9-11-.29 Severability. The rules provide for the remainder of the rules to be effective even if a portion of the rules is determined to be invalid.