

NOTICE OF INTENT

**Department of Health
Bureau of Health Services Financing**

**Adult Residential Care Providers
Licensing Standards
(LAC 48:I. Chapter 68)**

The Department of Health, Bureau of Health Services Financing proposes to amend LAC 48:I.Chapter 68 governing the licensing standards for adult residential care providers as authorized by R.S. 36:254 and R.S. 40:2166.1-2166.8 et seq. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health and Hospitals, Bureau of Health Services Financing repealed LAC 48:I.Chapter 88 in its entirety and repromulgated all of the provisions governing the licensing standards for adult residential care providers (ARCPs) and adult residential care homes under LAC 48:I.Chapter 68 in order to incorporate those provisions under a single comprehensive Rule in the *Louisiana Administrative Code (Louisiana Register, Volume 41, Number 6)*.

The Department of Health, Bureau of Health Services Financing now proposes to amend the provisions governing the licensing standards for ARCPs in order to include specific

provisions for continuing education for ARCP administrators and to ensure consistency with other licensing standards.

Title 48

PUBLIC HEALTH GENERAL

Part I. General Administration

Subpart 3. Licensing and Certification

Chapter 68. Adult Residential Care Providers

Subchapter A. General Provisions

§6803. Definitions and Abbreviations

* * *

Direct Care Staff—~~any employee of the ARCP that provides~~ unlicensed staff who provide personal care or other services and support to ~~the residents~~ persons with disabilities, or to the elderly to enhance their well-being, and who are involved in face-to-face direct contact with the participant.

* * *

Specialized Dementia Care Program—as defined in R.S. ~~40:1300.123~~ 40:1101.2, a special program or unit ~~for that segregates~~ residents with a diagnosis of probable Alzheimer's disease or a related disorder so as to ~~address the safety needs of such residents,~~ prevent or limit access by a resident to areas outside the designated or separated area; and that advertises, markets, or otherwise promotes the ARCP as providing specialized Alzheimer's/dementia care services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254, R.S. 40:2166.1-2166.8~~7~~ and R.S. 40:1101.2.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1086 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter B. Administration and Organization

§6829. Policy and Procedures

A. - B.4. ...

5. abuse reporting procedures that require all employees to report any incidents of abuse or mistreatment whether that abuse or mistreatment is done by another staff member, a family member, a resident or any other person; ~~and~~

6. a policy to prevent discrimination~~7~~;

7. a policy that addresses the prohibitive use of social media;

8. a policy for conducting statewide criminal background history checks; and

9. a policy for checking the Direct Service Worker Registry and documentation of such checks.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1095

(June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

Subchapter F. Requirements Related to Staff, Record-Keeping and Incident Reports

§6863. General Provisions

A. - F. ...

G. Criminal history checks and offers of employment shall be completed in accordance with R.S. ~~40:1300.52~~40:1203.2.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1105 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

§6865. Staffing Requirements

A. - A.1.c.i.(c). ...

ii. For levels 3 and 4, the director shall meet one of the following criteria upon date of hire:

(a). a bachelor's degree plus two years of administrative experience in the fields of health, social services, ~~or~~ geriatrics, management or administration;

(b). in lieu of a bachelor's degree, six years of administrative experience in health, social services, ~~or~~ geriatrics, management or administration;

(c). a master's degree in geriatrics,
health care ~~administration, or in a~~ human service related field, management or administration; or

(d). be a licensed nursing facility
administrator.

A.1.c.iii. - B.3. ...

AUTHORITY NOTE: Promulgated in accordance with R.S.
36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Bureau of Health Services Financing, LR 41:1105
(June 2015), amended by the Department of Health, Bureau of
Health Services Financing, LR 43:

§6867. Staff Training

A. - A.2. ...

3. Orientation shall be completed within ~~seven~~ 14
days of hire and shall include, in addition to the topics listed
in §6867.B, the following topics:

A.3.a. - B.6. ...

C. Training for Direct Care Staff

1. In addition to the topics listed in §6867.A.3 and
§6867.B, orientation for direct care staff shall include ~~five~~
~~days of direct observation of the performance of~~ an evaluation to
ensure competence to provide ADL and IADL assistance. A new

employee shall not be assigned to carry out a resident's PCSP until competency has been demonstrated and documented.

2. - 4. ...

5. ~~Orientation and five days of supervised training~~The requirements of §6867.C.1 may qualify as the first year's annual training requirements. However, normal supervision shall not be considered to meet this requirement on an annual basis.

D. Continuing Education for Directors.~~All directors shall obtain 12 continuing education units per year. Topics shall include, but shall not be limited to:~~

1. ~~person-centered care;~~All directors shall obtain 12 continuing education units per year that have been approved by any one of the following organizations:

a. Louisiana Assisted Living Association (LALA);

b. Louisiana Board of Examiners of Nursing Facility Administrators;

c. LeadingAge Gulf States;

d. Louisiana Nursing Home Association (LNHA);
or

e. any of the national assisted living associations, including:

i. National Center for Assisted Living
(NCAL);

ii. Argentum (formerly ALFA); or

iii. LeadingAge;

2. ~~specialty training in the population
served;~~ Topics shall include, but not be limited to:

a. person-centered care;

b. specialty training in the population served;

c. supervisory/management techniques; and

d. geriatrics.

~~3. supervisory/ management techniques; and/or~~

~~4. geriatrics.~~ 3. -4. Repealed.

E. - F.10.b ...

AUTHORITY NOTE: Promulgated in accordance with R.S.
36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health
and Hospitals, Bureau of Health Services Financing, LR 41:1106
(June 2015), amended by the Department of Health, Bureau of
Health Services Financing, LR 43:

Subchapter H. Physical Environment

§6891. Resident Personal Space

A. - C.9. ...

D. Requirements for Resident Apartments in levels 3 and 4

1. - 5. ...

a. It is recognized that there may be more individuals in an ARCP due to ~~husbands~~ the resident and ~~wives~~ a spouse or partner sharing a living unit than is listed as the total licensed capacity.

6. - 10. ...

11. Kitchenettes

a. For Each apartment, the ARCP shall ~~contain~~ provide, at a minimum, a small refrigerator, a wall cabinet for food storage, a small bar-type sink, and a counter with workspace and electrical outlets, a small cooking appliance, for example, a microwave or a two-burner cook top.

11.b. - 13. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and R.S. 40:2166.1-2166.8.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing, LR 41:1115 (June 2015), amended by the Department of Health, Bureau of Health Services Financing, LR 43:

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability and autonomy as described in R.S. 49:972 by assuring

the safe operation of facilities that render adult residential care services.

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual and community asset development as described in R.S. 49:973.

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level requirements or qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and will have no impact on the provider's ability to provide the same level of service as described in HCR 170.

Interested persons may submit written comments to Cecile Castello, Health Standards Section, P.O. Box 3767, Baton Rouge, LA 70821 or by email to MedicaidPolicy@la.gov. Ms. Castello is responsible for responding to inquiries regarding this proposed Rule. A public hearing on this proposed Rule is scheduled for Thursday, August 24, 2017 at 9:30 a.m. in Room 118, Bienville Building, 628 North Fourth Street, Baton Rouge, LA. At that

time all interested persons will be afforded an opportunity to submit data, views or arguments either orally or in writing. The deadline for receipt of all written comments is 4:30 p.m. on the next business day following the public hearing.

Rebekah E. Gee MD, MPH

Secretary