

# NEW HAMPSHIRE

<b>Overview</b>			
<p>The Bureau of Health Facilities Administration (BHFA) in the Department of Health and Human Services develops, establishes, and enforces basic standards for the care and treatment of persons in hospitals and other health care facilities in which medical, nursing, or other remedial care is rendered. <i>NH Revised Statutes Annotated (RSA)</i> serves as the legal authority for the Department and requires providers of adult day services to acquire a license under <i>RSA 151:2</i>. Program and licensing rules for adult day care (ADC) providers are promulgated in the <i>NH Code of Administrative Rules</i>, Chapter He-P 818.</p> <p>Adult medical day care services are provided under the Medicaid State Plan and through the Home and Community-Based Care for the Elderly and Chronically Ill (HCBC-EI) waiver program. To be reimbursed by Medicaid, providers of adult medical day care must be licensed as adult day care providers, as detailed above, and be enrolled as Medicaid providers. The chapter on Medical Assistance in the <i>NH Code of Administrative Rules</i> describes the program requirements.</p>			
<b>Licensure and Certification Requirements</b>			
<b>Licensure Only</b> <input checked="" type="checkbox"/>	<b>Certification Only</b> <input type="checkbox"/>	<b>Both Required</b> <input type="checkbox"/>	<b>Other</b> <input type="checkbox"/>
<b>Definitions</b>			
<p><b>Adult day care</b> means services that offer medical supervision, care or treatment, or provide assistance in daily living activities, to three or more individuals, whether operated for profit or not.</p> <p><b>Adult day care center</b> means a facility that provides supervision, assistance with activities of daily living (ADL), recreational, social, and nutritional services to adults who need such assistance because of infirmity or physical or mental disability.</p>			
<b>Parameters for Who Can Be Served</b>			
<p>The parameters for who can be served are stated generally in the definition of ADC as those needing medical supervision, care or treatment, or ADL assistance. Providers may discharge any participant who poses a danger to self or others.</p> <p>Medicaid provisions regarding waiver participants indicate that individuals whose needs place them at risk for immediate institutionalization can be served. They also state that providers may not serve anyone whose needs they cannot meet or whose primary or secondary diagnosis is mental illness or mental retardation and who are primarily in need of mental health services or habilitation services.</p>			
<b>Inspection and Monitoring</b>			
<b>YES</b> <input checked="" type="checkbox"/>		<b>NO</b> <input type="checkbox"/>	
<p>The Department of Health and Human Services shall make at least one annual unannounced inspection and shall monitor the utilization of adult day program services.</p>			

Required and Optional Services		
	Adult Day Care	
	Required	Optional
ADL Assistance	X	
Health Education and Counseling		
Health Monitoring/Health-Related Services	X	
Medication Administration	X	
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		
Skilled Nursing Services	X	
Social Services*		X
Transportation		
*Social services are a required service only if the ADC provider participates in the U.S. Department of Health and Human Services Title XIX certification program.		
Provisions Regarding Medications		
Providers are required to develop policies addressing medication handling, supervision, and administration.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p><b>Type of staff.</b> Staffing assignments shall include an <i>administrator</i>, who may perform direct care or programmatic functions in addition to administrative functions; a <i>program/activities coordinator</i>, who may also perform direct care, administrative, or other programmatic functions; a <i>registered nurse (RN)</i> who may serve as a consultant; and a <i>social worker</i> if social services are provided. There shall be provisions for substitute staff of adequate qualifications to maintain the ongoing program of the ADC center.</p> <p><b>Staffing ratios.</b> When fewer than three participants are in the facility, one staff member shall be present at all times; when there are 3-8 participants in attendance, at least two staff members shall be present at all times, but one of the staff persons may be a trained volunteer. When there are more than eight participants, there must be a minimum of one staff member for each additional eight participants, but volunteers may be used to meet these staff requirements.</p>		
Training Requirements		
All staff members must complete an orientation program that includes their roles and responsibilities at the ADC center as well as the center's policies and procedures. An annual in-service training program, which includes cause, effect, transmission, and prevention of infections, is required for all personnel.		
Relevant Medicaid Contracting Requirements for Adult Day Services Providers		
New Hampshire's Medical Assistance program requires that adult medical day care services be provided by agencies licensed in accordance with RSA 151:2 and in accordance with the administrative rules promulgated in Chapter He-P 818 for all adult day care providers, and in the Medicaid Chapter He-E 800 of the <i>NH Code of Administrative Rules</i> .		

**Adult medical day care center** means a licensed facility providing adult medical day care services on an outpatient basis for the medically frail and/or elderly.

**Adult medical day care services** means those services provided at an adult day care center to eligible participants in accordance with an individual treatment plan for 4 or more hours per day on a regularly scheduled basis, for 1 or more days per week.

**Admission.** Adult day program services shall be available to anyone who: (1) is age 18 or older; (2) is eligible for Medicaid; (3) is living in his/her own home or in a relative or friend's home and is at risk for immediate institutionalization if adult medical day care services are not provided; (4) has had a physical examination and referral by his/her personal physician within the last 60 days of the request for adult medical day care services; (5) has been diagnosed as having a subacute or chronic illness, except for mental illness or mental retardation, and requires services provided by the adult medical day care center; and (6) needs to receive adult medical day care services for a minimum of 4 hours per day on a regularly occurring basis. The following shall not be eligible for adult medical day care services under Medicaid: individuals whose needs cannot be met by the adult medical day care center as determined by the relevant assessment and individuals whose primary or secondary diagnosis is mental illness or mental retardation and who are primarily in need of mental health services or habilitation services, respectively.

**Required services.** Medicaid requires providers to offer the following services:

- *maintenance level therapies*, which are defined as repetitive therapeutic services--physical, occupational, and speech therapy--required to maintain maximum functional capabilities, as assessed and established by a professional therapist and rendered by trained personnel;
- *nursing care and supervision*, which are defined as the care identified in individual care plans, which are provided to assist participants in daily living and to ensure that their medical needs are met;
- *social services*, which are defined as nonmedical services identified in the individual care plan, including but not limited to: (1) case management, except that case management shall only be covered for participants who are not already receiving case management through the HCBC-ECI waiver program; (2) liaison services between the participant and the community; (3) referrals for medical or other necessary services; (4) counseling the participant, or the participant's family or representative; and (5) scheduling appointments for medical or other necessary services;
- *specialized transportation*, which is defined as conveying participants from their residence to the adult day program or from the program back to their residence, and includes medical components identified in the individual's treatment plan, but does not include ambulance or wheelchair van transport; and
- *therapeutic services*, which is defined as services identified in the individual care plan for the participant's disease or medical disorder, including activities and recreation appropriate to the participant's intellectual, medical, and social functioning.

**Type of staff.** The facility must have on staff at least one full-time RN, a *licensed practical nurse* (LPN), or both, who shall be available at the center whenever one or more participants are present, and have an interdisciplinary team that includes, at a minimum, the following professionals: a medical director, the participant's personal physician, an RN, an LPN, an activities coordinator, a social worker, a physical therapist, an occupational therapist, and a speech therapist.

#### **Location of Licensing, Certification, or Other Requirements**

1. <http://www.gencourt.state.nh.us/rules/he-e800.html>
2. <http://www.gencourt.state.nh.us/rsa/html/indexes/151.html>

**Citations**

1. *NH Code of Administrative Rules* (Chapter He-E 800 Medical Assistance, Part He-E 801--Home and Community-Based Care for the Elderly and Chronically Ill; PART He-E 803--Adult Medical Day Care Services). Department of Health and Human Services. [Effective 5/01/03]
2. *State of New Hampshire Revised Statutes Online* (Title XI, Hospitals and Sanitaria, Chapter 151: Residential Care and Health Facility Licensing. Section 151:2-9). [Effective 1992, 1995, 2003, 2004]
3. *NH Code of Administrative Rules* (Chapter He-P 818, Rules for Adult Day Care Providers). Department of Health and Human Services. [Effective 11/25/98]

# REGULATORY REVIEW OF ADULT DAY SERVICES: Final Report

## PDF Files Available for This Report

Cover, Table of Contents, Acknowledgments and Introduction

<http://aspe.hhs.gov/daltcp/reports/adultday.pdf>

SECTION 1. Overview of Adult Day Services Regulations

<http://aspe.hhs.gov/daltcp/reports/adultday1.pdf>

SECTION 2. State Regulatory Profiles

<http://aspe.hhs.gov/daltcp/reports/adultday2.pdf>

Each state can also be viewed separately at:

Alabama <http://aspe.hhs.gov/daltcp/reports/adultdayAL.pdf>

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