

SECTION 2. STATE REGULATORY PROFILES

The following profiles summarize states' approaches to regulating adult day services. While state regulations cover a multitude of areas, a primary purpose of this study is to understand the role that ADS plays in the health care and long-term care systems. Therefore, in addition to identifying each state's general approach to regulating adult day services, we focused primarily on those provisions related to the target population and services.

Consequently, our regulatory review does not include a summary of all regulatory provisions. The following are not included in the state profiles:

- Advisory board and governing body requirements.
- Enrollment procedures.
- Facility, equipment, and physical plant requirements.
- General health and safety requirements, such as infection control, fire safety, and emergency operations.
- Program activities requirements.
- Record keeping requirements.
- Participants' rights.
- Personnel policies not related to staffing and training, such as conducting criminal background checks.
- Meal and food requirements related to food handling, preparation, and storage.
- Medication storage policies.

All of these areas, while important, are not directly related to the provisions of health and long-term care services.

The regulatory profiles have several sections:

Overview. The overview contains a brief description of the state's general approach to regulating ADS providers, indicating whether the state uses licensure, certification, or some other approach. The overview also indicates whether the state's Medicaid program has additional requirements for ADS providers who serve Medicaid beneficiaries. Because the focus of this review is on services for elderly persons, the profiles do not include regulatory or Medicaid information for ADS providers who exclusively serve individuals with mental retardation or other developmental disabilities.

Licensing, Certification, or Other Requirements. This section specifies whether a state requires licensure, certification, both, or neither or uses some other regulatory approach such as contracts with public funders of adult day services.

Definitions of Adult Day Services. This section provides the regulatory definitions for each type of adult day service that the state regulates (i.e., adult day care and adult day health care).

Parameters for Who Can Be Served. This section includes provisions that specify the health and functional needs of the population that may be served. These provisions are generally not specifically stated in regulation. The information in this section was obtained from a combination of sources: discharge criteria, definitions of adult day services, lists of required services, and Medicaid eligibility criteria for ADS services.

Inspection and Monitoring. This section contains basic information about the type and frequency of oversight activities.

Required and Optional Services. This section lists required and optional services in a table format. Although states may specify a service as optional, some also specify that providers are required to cover any services specified in a participant's care plan.

Provisions Regarding Medications. This section contains information pertaining to self-administration of medications and the administration of medications to ADS participants, including what types of staff (e.g., licensed personnel) may administer medications to ADS participants.

Provisions for Groups with Special Needs. This section indicates whether a state has regulatory provisions for serving populations with special needs such as dementia. While states may not have a section of their regulations addressing the needs of groups with special needs (e.g., dementia), many have specific provisions for dementia participants in the regulatory sections dealing with staffing and training.

Staffing Requirements. This section includes information about the type of staff required in addition to required staff-to-participant ratios.

Training Requirements. This section includes information about staff training requirements, including orientation training and annual training.

Relevant Medicaid Contracting Requirements. This section includes additional contracting requirements for ADS providers serving Medicaid beneficiaries in waiver programs or under the State Plan.

Each profile ends with citations for information sources and the URL addresses for on-line information sources when available.

The profiles are intended to provide basic information for how states regulate providers of ADS for elderly persons. They do not include information about specific programs or sources of public funding other than Medicaid (e.g., Older Americans Act and Veterans Administration funding).

ALABAMA

Overview			
<p>Alabama provides adult day care (ADC) as a function of Adult Protective Services, under the Department of Human Resources, under <i>Adult Day Care Requirements</i> from the Office of Social Service Contracts.</p> <p>Alabama provides adult day health care (ADHC) as a service of the Elderly and Disabled Waiver. The State Medicaid Agency requires waiver service providers to have specific approval to offer adult day health care under the waiver, with staffing qualifications and required services outlined in the Elderly and Disabled 1915(c) Waiver document and the regularly updated Provider Manual.</p> <p>The profile contains requirements for both adult day care and adult day health care.</p> <p>Alabama also provides adult day health care as a respite service through the Department of Senior Services Caregiver Support Program, Alabama CARES (Caregiver Assistance with Resources, Education, and Support). This Older American Act-funded service is implemented by Area Agencies on Aging through contracts with waiver providers who agree to the additional Medicaid specifications noted in this profile. These services are monitored by the Alabama Department of Senior Services.</p> <p>There is no state agency that regulates facilities other than those served by these programs.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> contracting requirements for both ADC and ADHC
Definitions			
<p>Adult day care. The purpose of the adult day care program is to protect an individual, 18 years of age or older at risk of abuse, neglect, or exploitation; to provide services to such an individual at risk of institutionalization; and to provide services to such an individual who is in need of supervision or assistance with activities of daily living outside the home for a portion of a day.</p> <p>Adult day health care (two types). (1) Adult day health (ADH) is a service that provides waiver clients 18 years of age or older with a variety of health, social, recreational, and support activities in a supervised group for 4 or more hours per day on a regular basis. ADH is based on the needs of the individual client. (2) Adult day health care under the Medicaid Elderly and Disabled waiver provides social and health care for a minimum of 4 hours per day in a community facility approved to provide such care and includes health education, self-care training, therapeutic activities, and health screening. Services are provided Monday through Friday except for regularly scheduled holidays.</p>			
Parameters for Who Can Be Served			
<p>The eligibility criteria for the publicly funded programs set the parameters for who can be served.</p> <p>Adult day care. Adults who are 18 years of age or older who are certified as eligible by the appropriate County Department of Human Resources.</p> <p>Adult day health care. All individuals 18 years of age or older who needs can be met in an outpatient setting, encompassing both health and social services needed to ensure optimal functioning.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	

Adult day care. An annual monitoring is conducted to ensure that providers are in compliance.

Adult day health care. None identified.

Required and Optional Services

	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance			X	
Health Education and Counseling				
Health Monitoring/Health-Related Services	X		X	
Medication Administration			X	
Nursing Services	X		X	
Physical Therapy, Occupational Therapy, or Speech Therapy			X	
Skilled Nursing Services			X	
Social Services	X		X	
Transportation		X	X	

Provisions Regarding Medications

Adult day care. Program staff will not administer medications.

Adult day health care. Services include supervising medication and observing for possible reaction and assisting, supervising, or administering medication. Unlicensed staff may not administer medications but can only assist or supervise clients with taking their medications, including reminding a client to take medication. A registered nurse (RN) or licensed practical nurse (LPN) licensed by the Alabama Board of Nursing may administer medications from a container filled by a licensed pharmacist with a pharmacy label indicating physician instructions.

Provisions for Groups with Special Needs

Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
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Staffing Requirements

Adult Day Care

Type of staff. The *director* and at least one other staff person must be certified in cardiopulmonary resuscitation (CPR) and first aid. An LPN or RN must be available to provide clients a monthly health screening.

Staffing ratios. At a minimum the provider will maintain one staff member for 1-10 clients, two for 11-25 clients, three for 26-35 clients, four for 36-43 clients, and an additional staff member for each additional eight clients. At least two staff will be in the center when clients are present, and at least one of these must be certified in CPR and first aid. Staff whose primary responsibilities do not require direct involvement with clients will not be counted unless their job descriptions specify time periods when they have responsibility only for working with clients. Volunteers may be counted in the staff ration if they meet the same qualifications as paid staff and are scheduled for the entire period that a paid worker would have worked.

Adult Day Health Care

Type of staff. There shall be a designated person to serve as the center administrator who does not have to be full-time, and a registered or licensed practical nurse must be available 2 hours per week or 8 hours per month for consultation.

Staffing ratios. At a minimum the provider will maintain one staff member for 1-10 clients, two for 11-25 clients, three for 26-35 clients, four for 36-43 clients, and an additional staff member for each additional eight clients. At least two staff will be at the center when clients are present. At least one staff member present must be certified in CPR and trained in first aid. Waiver ADH centers must have at least two staff members with CPR and first aid certification.

Training Requirements

Adult day care. Training will assure that day care staff have sufficient knowledge of the adult process (mental, emotional, and physical) to enable them to meet individual client needs. The program shall provide staff who have no previous experience or training in adult day care an on-site orientation and a designated period of supervised training.

All staff shall regularly (at least quarterly) participate in in-service training or other available training related to adult day care. This shall include training on how to deal with clients with physical, mental, or emotional impairments.

Adult day health care.

1. The provider will assure that the staff have sufficient knowledge of the adult process (mental, emotional, and physical) to enable them to meet individual client needs. The training program must be approved by the Operating Agency and the Alabama Medicaid Agency.
2. The provider will assure that staff who have had no previous experience or training working with adults who are elderly and disabled have on-site orientation with a designated period of supervised training. The minimum training requirement must be completed prior to initiation of service with a client. The ADHC center is responsible for providing and/or conducting training.
3. The provider will assure that all ADH staff have at least 6 hours in-service training annually in the following areas: behavior intervention, acceptance, and accommodation; providing care and supervision including safety and nonmedical care; first aid; documenting client participation; fire and safety measures; confidentiality; client rights; needs of the elderly and disabled population; basic infection control/universal standards; communication skills; and other areas of training as appropriate or as mandated by Medicaid and the operating agencies. Documentation of CEU training required by the Alabama Board of Nursing may be accepted as in-service training for licensed nurses.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Alabama has one 1915(c) Medicaid waiver, the Elderly and Disabled Waiver, which provides adult day health care. Specific regulations for providers of adult day health care under the waiver are described in this profile under the *Adult Day Health Care* heading.

Location of Licensing, Certification, or Other Requirements

1. <http://www.medicaid.state.al.us/MANUALS/April%202005/provman.pdf>.
2. <http://www.medicaid.state.al.us/ABOUT/AdultDayHlthStds.pdf>.
3. <http://www.medicaid.state.al.us/ABOUT/E&DwaiverRequest.pdf>.
4. Provided by the State of Alabama Department of Human Resources; on file at RTI.

Citations

1. *Provider Manual*, Alabama Medicaid Management Information System. [April 2005]
2. *Alabama Medicaid Adult Day Health Standards Program Narrative*. [9/18/03]
3. *Section 1915(c) Waiver Format*, Application to CMS for a 1915(c) Elderly and Disabled Waiver. [October, 2002]
4. *Adult Day Care Requirement*. Office of Social Service Contracts, Department of Human Resources. [Revised 11/2001]

ALASKA

Overview			
<p>There are no licensure requirements in the State of Alaska for adult day services. There is no oversight for adult day service programs that serve only private pay clients.</p> <p>All provider agencies that provide adult day services using Division of Senior and Disabilities Services (DSDS) grant funds or under a Medicaid Waiver must be certified as a Medicaid provider and meet the minimum standards as stated in <i>Adult Day Services Standards</i>, which the Alaska Commission on Aging adopted on February 20, 2003. Provider requirements and program standards are in the <i>Home and Community-Based Waiver Services Certification Application Packet</i> and in the chapter on Medical Assistance in the <i>Alaska Administrative Code</i>.</p> <p>Adult day services are provided under a number of Medicaid Home and Community-Based Services (HCBS) Waivers, including Adults with Physical Disabilities and Older Alaskans.</p>			
Licensure and Certification Requirements			
Licensure Only	<input type="checkbox"/>	Certification Only	<input checked="" type="checkbox"/>
	<input type="checkbox"/>	Both Required	<input type="checkbox"/>
			Other <input type="checkbox"/>
Definitions			
<p>Adult day services are defined as the provision of an organized program of services during the day in a community group setting for the purpose of supporting an adult's personal independence and promoting his or her social, physical, and emotional well-being. Adult day services provide a variety of program activities designed to meet the individual needs and interests of the participants, and referral to and assistance in using appropriate community resources. Adult day services help clients remain in their communities and allows families and other caregivers to continue caring for them at home. The program must operate for a minimum of 5 hours each day.</p>			
Parameters for Who Can Be Served			
<p>Individuals may not be served whose medical conditions are beyond the professional expertise of the staff, who are bedfast or too weak to attend on a regular basis, who are actively infected with a communicable disease, who have emotional or behavioral disorders that include a pattern of disruptive behaviors that pose a danger to others, who make abusive use of alcohol and/or drugs, or who are too independent to benefit from adult day activities. Eligibility varies by funding source, and depending on the program, providers may serve individuals age 55 or older or age 60 or older, or persons of any age who have Alzheimer's disease or other dementia. Each adult day center must define the target population(s) it intends to serve.</p>			
Inspection and Monitoring			
Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
<p><i>The rules specify only internal monitoring.</i> Each adult day care program shall conduct an internal evaluation, at least annually, of its operation and services. The evaluation shall include: (1) the involvement of the governing body (if incorporated), advisory board, program director, staff, consumers, families/caregivers, and other relevant agencies, organizations, or businesses; (2) review of the extent to which the program assisted participants and their families and caregivers; (3) measurement of the achievement of goals and objectives; (4) outcome measures as designed by the agency (may include client satisfaction and/or caregiver surveys); (5) assessment of the cost-effectiveness of the program; (6) assessment of the relationship of the program to the rest of the community service network; and (7) recommendations for improvement, corrective action of problem areas, and future program directions.</p>			

Site visit inspections are required for programs receiving state grant funds (personal communication from state reviewer).

Required and Optional Services

	Adult Day Services	
	Required	Optional
Activities of Daily Living (ADL) Assistance	X	
Health Education and Counseling		
Health Monitoring/Health-Related Services		
Medication Administration	X	
Nursing Services		
Physical Therapy, Occupational Therapy, or Speech Therapy		
Skilled Nursing Services		
Social Services	X	
Transportation	X	

Provisions Regarding Medications

The program shall have a policy on medications, specifying that participants who are able to keep their medicines shall keep them safely and that the program will keep medicines of participants who are unable to be responsible for their own. Under no circumstances shall staff administer a participant's medications, unless the staff person is a licensed or certified professional whose scope of practice includes the ability to administer medications, such as an registered nurse (RN).

Participants shall bring and take their own medications. Staff may supervise participants' self-administration of medications by: (1) reminding residents to take medication, (2) opening bottle caps for participants, (3) opening prepackaged medication for participants, (4) reading the medication labels to residents, (5) observing participants while they take medication, (6) checking the self-administered dosage against the label of the container, (7) reassuring participants that they have obtained and are taking the dosage as prescribed, and (8) directing or guiding the hand of a legally competent participant who is administering his or her own medications.

Provisions for Groups with Special Needs

Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
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Staffing Requirements

Type of staff. The *program director* has full authority and responsibility to plan, staff, direct, and implement the program and manage the center's day-to-day operations. In the absence of the director, a staff member shall be designated to supervise the program.

The program shall have as a staffing goal to have a *registered nurse* or a *licensed practical nurse* on staff or as a consultant. Person(s) responsible for the client assessment, development of a care plan, client monitoring, reassessment, and discharge plan must be a nurse, social worker, mental health professional, a certified care coordinator, or someone with similar or relevant experience.

Substitute or volunteer staff may be used to provide care in the absence of regular staff. The required staff to participant ratio shall be maintained. Two staff, one of which may be a volunteer, must be present at all times during operation of the program. Cardiopulmonary resuscitation (CPR)/first aid certification shall be required of at least one staff on duty at all time.

Staffing ratios. Adult day services providers shall meet a staff-to-participant ratio of a minimum of one-to-eight. Volunteers may be used and included in the staff-to-participant ratio only when they conform to the same standards as paid staff. Programs that serve a higher percentage of participants with dementia shall have a higher ratio of staff to participants of approximately one-to-four. Only staff involved in direct service to participants can be used in determining the adequate staff-to-participant ratio.

Training Requirements

The ADS agency shall provide an orientation to employees that transmit the agency values, philosophy, and mission and shall inform staff of all laws, policies, procedures, and individual reporting responsibilities regarding client abuse, neglect, and mistreatment, prior to actual service delivery. All paid and volunteer staff shall be provided general orientation to the facility (location, staff, activities, etc.), information on fire and safety measures/codes, an overview of participants and activities, and information on other staff training opportunities. All staff and volunteers who have contact with and responsibility for special populations should receive specific training in serving that population. The agency shall periodically assess the need for specific staff training programs and shall comply with all mandatory personnel licensure and training schedules.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Adult day services means health, social, and related support services, which are provided to adults with physical disabilities and older adults in a protective setting, other than a nursing facility, during any part of a day, but less than 24 hours per day. Recipients attend services on a planned basis during specified hours.

Admission. Adults over 18 years of age with disabilities and service needs similar to older Alaskans who are at risk of institutional placement, but who do not experience a developmental disability. Such persons must have service needs that are compatible with current adult day service participants so that the provision of care is of benefit to other participants and does not diminish services to the primary groups of persons being served.

Staff. Includes an *activity coordinator*. All employees who provide direct services must maintain current CPR and first aid qualifications.

Location of Licensing, Certification, or Other Requirements

1. [http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=\[group+!277+aac+43!2E1043!27!3A\]/doc/{@1}/hits_only](http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac/query=[group+!277+aac+43!2E1043!27!3A]/doc/{@1}/hits_only).
2. <http://hss.state.ak.us/dsds/dd/pdfs/combinedcertificationpacket2-12-04.pdf>.
3. <http://www.hss.state.ak.us/dsds/hcbsforms/AdultDayStandards2003.pdf>.

Citations

1. *Adult Day Services* (Title 7 Health and Social Services--Part 3 Public Assistance and Medical Assistance, Chapter 43 Medical Assistance, Article 28 Home and Community-Based Waiver Services Program, Rule 43.1043). Alaska Administrative Code. [Effective 5/15/05]
2. *Home and Community-Based Waiver Services Certification Application Packet*, Division of Senior and Disabilities Services. [Effective 2/12/04]
3. *Adult Day Services Standards*, Division of Senior and Disabilities Services. [Effective 7/1/03]

ARIZONA

Overview			
<p>The Department of Health Services licenses adult day health care facilities. The Arizona <i>Administrative Code</i> R9-10-501 to 514 serves as the basis for the licensing requirements. Tribal providers need approval from the tribal government or the Bureau of Indian Affairs to operate an adult day care/adult day health care facility. Medicaid providers of adult day health care must also be licensed and must meet a few additional Medicaid requirements.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day health care facility means a facility providing adult day health services during a portion of a continuous 24-hour period for compensation on a regular basis for five or more adults not related to the proprietor.</p>			
Parameters for Who Can Be Served			
<p>Providers may not admit or retain participants whose behavior is dangerous to self or interferes with the physical or psychological well-being of other residents, or whose service requirements exceed those services for which the facility is licensed to provide.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>A licensee applying to renew a health care institution (an adult day care facility is defined as health care institution class or subclass) license shall submit an application packet to the Department at least 60 days but not more than 120 days before the expiration date of the current license. All initial licenses are issued for 1 year. The Department shall issue a renewal license for:</p> <ol style="list-style-type: none"> 1. 1 year, if a licensee is in substantial compliance with the applicable statutes and this Chapter, and the licensee agrees to implement a plan acceptable to the Department to eliminate any deficiencies; or 2. 2 years, if a licensee has no deficiencies at the time of the Department's licensure inspection (if a facility has been issued a 2-year license, the department will conduct a renewal survey at the end of that licensing period). 			

Required and Optional Services		
	Adult Day Health Care Facility Services	
	Required	Optional
Activities of Daily Living (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		
Social Services	X	
Transportation		
Provisions Regarding Medications		
<p>The administrator shall ensure that medications are ordered, administered, stored, and destroyed as follows:</p> <ol style="list-style-type: none"> 1. The participant's medical provider shall order, in writing, all medications and treatments. The orders shall include the name of the medication or treatment, method of administration, dosage, and frequency. 2. A licensed nurse, medical provider, or an individual as provided by law shall administer medications that cannot be self-administered. 3. A licensed nurse, family member, or an individual as provided by law may prepare patient medication organizers up to 1 month in advance for self-administration by participants. 4. Staff may remind and supervise a participant who is functionally capable in the self-administration of medication according to the order of the medical provider and instruction of the pharmacist as indicated on the label of the individual container of medication. Supervision may include: (1) opening a bottle cap for a participant, (2) reading the medication label to the participant, (3) checking the self-administration dosage against the label of the container and reassuring the participant that the dosage is correct, and (4) observing the participant while the medication is taken. 		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>

Staffing Requirements

Type of staff. An *administrator* shall have the authority and responsibility to operate the facility and manage adult day health services.

All personnel must be 18 years of age or older. An administrator must be 21 years of age.

A registered nurse shall supervise the health care needs of participants. A licensed nurse shall be on duty daily to perform the following functions: (1) administer medications and treatments, (2) monitor participant's health status, and (3) conduct initial health assessments. Each facility that is operated by a nursing care institution shall not share staff with the nursing care institution during the course of a day.

Staffing ratios. The administrator shall ensure that two staff members are on duty at all times when two or more participants are in the facility. One staff member, certified in cardiopulmonary resuscitation and trained in first aid, shall be on duty at all times.

Training Requirements

Within the first week of employment, all personnel must attend orientation that includes: (1) policies and procedures, including personnel procedures; (2) participant rights and facility rules; (3) protection of participant privacy and confidentiality; (4) basic infection control techniques, including hand washing and prevention of communicable diseases; and (5) fire, safety, and emergency procedures. All personnel must also attend 10 hours of in-service training per year, which may include time spent in orientation.

Personnel providing direct care to participants shall attend 4 or more hours of orientation, in addition to training listed above, before providing care to participants. The orientation shall include: (1) communication skills, (2) assistance with the activities of daily living, (3) personal living skills training, and (4) special needs of the elderly and functionally impaired.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The state's entire Medicaid program--Arizona Long Term Care System (ALTCS)--operates under an 1115 waiver and covers services provided by licensed adult day health care facilities. If ALTCS members who reside in an adult foster care home, assisted living home, or assisted living center are to receive adult day health care services, special justification is required by the member's case manager and approval by the Contractor or Arizona Health Care Cost Containment System (AHCCCS) Administration. Members residing in a Level II or Level III behavioral health facility are not eligible to receive adult day health care services.

Admission. Services are available for members who are elderly and/or have physical disabilities who need supervision, assistance in taking medication, recreation and socialization, or personal living skills training.

Required services. Health monitoring and/or other health-related services such as preventive, therapeutic, and restorative health care services.

Location of Licensing, Certification, or Other Requirements

1. http://www.azsos.gov/public_services/Title_09/9-10.pdf.
2. <http://www.ahcccs.state.az.us/Regulations/OSPpolicy/chap1200/Policy1240.asp>.

Citations

1. *Department of Health Services--Health Care Institutions: Licensing-General and Adult Day Health Care Facilities* (Title 9, Chapter 10, Articles 1 and 5 (R9-10-501 through 514)). Arizona Administrative Code. Article 5 adopted, effective April 4, 1994.
2. *Adult Day Health Care Services, Policy 1240--Home and Community Based Services, Chapter 1200--ALTCS Services/Settings for the Elderly and/or Disabled--AHCCCS Medical Policy Manual*. Arizona Health Care Cost Containment System.

3. *Contracting requirements for Non-Medical Home and Community-Based Care Providers--Adult Day Care/Adult Day Health Care* (Section 7.3). Aging and Adult Administration, Department of Economic Security. [Hard copy only]

ARKANSAS

Overview			
<p>The Arkansas Office of Long Term Care in the Department of Human Services licenses adult day care (ADC) and adult day health care (ADHC) under separate rules and regulations. Arkansas provides ADC and ADHC under the ElderChoices Medicaid waiver and requires providers to be licensed.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care program is a group program designed to provide care and supervision to meet the needs of four or more functionally impaired adults for periods of less than 24 hours, but more than 2 hours per day in a place other than the adult's own home.</p> <p>Adult day health care is a program that provides organized and supportive health and social services and activities to meet the needs of four or more functionally impaired adults for periods of less than 24, but more than 2 hours per day in a place other than the adult's own home.</p> <p>ADHC provides the potential nursing home client needed rehabilitative, therapeutic, and supportive health and social services as well as relief for the caregiver; it differs from social ADC or community centers by the strong emphasis on holistic health care through the utilization of an interdisciplinary team, with the core team consisting of nursing, social work, medicine, rehabilitation therapy, and activities coordination.</p> <p>Goals of the ADHC program include therapy, a safe and supportive environment, crisis intervention, respite, family assistance and training, and restoring or maintaining optimal functioning of impaired adults through a defined range of specific services provided.</p>			
Parameters for Who Can Be Served			
<p>Adult day care may serve functionally impaired adults 18 years of age or older, who by reason of mental or physical disability require care and supervision. Participants will be deemed ineligible if they are bedfast, cannot self-administer their medication, (facility staff cannot administer treatments and therapies), or have behavior problems that create a hazard to themselves or others.</p> <p>Adult day health care may serve functionally impaired older adults who need care and supervision to maintain their current level of functioning and to promote independence and self-esteem. Participants will be deemed ineligible if they are bedfast or have behavior problems that create a hazard to themselves or others. Participants may not be transferred or discharged except for medical reasons or to assure their welfare or the welfare of other participants.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Adult day care. The Office of Long Term Care shall review each application and investigate each applicant and ADC program to determine that they comply with the ADC licensure law and these regulations and to ensure that the health and safety of the participants are protected. Reviews shall be conducted as often as necessary and at least annually.</p> <p>Adult day health care. The Office of Long Term Care shall conduct routine inspections of facilities to ensure that rules and regulations are met, complaint inspections to determine the validity of complaints against an operator, and follow-up inspections of facilities that are out of compliance with rules and</p>			

regulations. Providers will afford any authorized agents of the Department of Health Services, or their designee, full access at any time during normal business hours to participants, grounds, buildings, and files.

Required and Optional Services				
	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling		X	X	
Health Monitoring/Health-Related Services	X		X	
Medication Administration			X	
Nursing Services			X	
Physical Therapy, Occupational Therapy, or Speech Therapy			X	
Skilled Nursing Services			X	
Social Services				X
Transportation		X		X

Provisions Regarding Medications

Adult day care. Participants must be able to self-administer their own medication. There shall be a written and approved system of handling and storing participants' medications.

Adult day health care. Participants who are able to do so may keep and administer their own medicines while attending the ADHC program. They shall be supervised as necessary in administering their medications. If it is determined that a participant is unable to be responsible for self-medication, the medicines must be kept for him/her during attendance at the facility and administered by the registered nurse (RN)/licensed practical nurse (LPN) health care coordinator at the prescribed time and dosage. The provider shall provide for injection of insulin or other intramuscular or subcutaneous injections by licensed personnel for individual participants as ordered by the participant's physician.

Provisions for Groups with Special Needs

Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
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Staffing Requirements

Adult Day Care
Type of staff. The ADC program shall have a *director*. Either the director or his/her designee shall be present and in charge during all hours that participants are on the premises.

Staffing ratios. The ADC program shall provide a sufficient number of direct care staff on duty at all times to meet the needs of each participant and assure that participants are never left unattended. At a minimum, there shall be at least two direct care staff persons when two through 16 participants are present, and one additional direct care staff person for any portion of eight additional participants present. The Office of Long Term Care may require additional staff when it determines that clients service needs are not being met.

In day care programs where the *executive director* is responsible for more than day care services, he/she may not be counted as direct staff.

Trained volunteers at least 18 years of age may be counted in the direct care staff-to-participant ratio provided a volunteer program description, including the training to be provided and the system for assuring the presence of volunteer help as scheduled, is in writing and on file in the facility.

In case of an emergency when a direct care staff must leave, one non-direct care staff (may include secretaries, cooks, accountants, and other non-direct care staff members) may count until the emergency has been resolved. Direct care staff shall not be counted simultaneously to meet the required staffing ratios for multiple facilities operating in the same location.

Adult Day Health Care

Type of staff. ADHC facilities licensed for more than ten participants must have a full-time *director*. The *program director* shall have the authority and responsibility for the management of activities and direction of staff and shall insure that activities and services are appropriate and in accordance with established policies.

An ADHC program must have a full-time *health care coordinator* to supervise the delivery of health care services. This is an RN or LPN under the supervision of an RN. *Physical therapists, occupational therapists*, or other health care professionals shall be employed on a contract basis to fulfill the needs and care plans of the participants.

Facilities licensed for ten or fewer participants may have a full-time program director who also serves as the health care coordinator, provided that this individual meets all of the qualification of both positions, and the requirements for the staffing pattern are met.

No staff member or volunteer providing direct nursing or personal care shall be permitted to combine housekeeping or kitchen duties with nursing/personal care due to the danger of cross infection to the participants.

Staffing ratios. The staffing pattern shall depend on the enrollment criteria and the particular needs of the participants who are to be served. The ADHC program shall have sufficient staff responsible for personal care to comply with these regulations and the care requirements of the participants.

The ratio of paid staff to participants shall be adequate to meet the goals and objectives of the program. The minimum ratios shall be as follows: one paid full-time equivalent staff position with responsibility for direct care for each five participants; or, when there are four or more participants with a diagnosis of Alzheimer's disease, a minimum of one paid full-time equivalent staff position with responsibility for direct care for each four participants.

Whenever paid staff are absent, substitutes must be used to maintain the staff-participant ratio and to assure proper supervision and delivery of health care services. Such substitute staff shall have the same qualifications, training, and personal credentials as the regular staff position they are substituting for, and may be trained volunteers.

Trained volunteers may also be counted in the direct care staff-to-participant ratio.

Training Requirements

Adult day care. Direct care paid staff and volunteer staff shall be trained and oriented to perform the duties required by the written job description.

All staff, including non-direct care staff and direct care volunteers, shall be given a general orientation to the program; its policies; and fire, safety and emergency procedures prior to performing job responsibilities. Orientation documentation must be available for review by the Office of Long Term Care personnel.

A minimum of 8 hours in-service training shall be provided at least quarterly to staff, as appropriate to their job function and participant care needs. Documentation shall be maintained for review by the Office of Long Term Care personnel.

Adult day health care. There shall be a program of orientation for new employees and volunteers and a program of ongoing staff development and in-service training.

In-service training sessions for direct care staff and volunteers are required at a minimum of every 6 months. In-service training sessions must total a minimum of 4 hours per training. In-service training subjects shall be appropriate to direct-care staff job functions, and shall include, but are not limited to, sessions on communication with the elderly, normal signs of aging, health problems of the elderly, procedures for emergency situations, procedures for assisting ADL/instrumental ADL, record keeping, and correct procedures for lifting.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Arkansas provides adult day care and adult day health care under the ElderChoices Medicaid waiver. Medicaid providers must be licensed and certified by the Division of Aging and Adult Services.

The Medicaid Waiver may choose to certify providers in certain cities in states bordering Arkansas, which are licensed or certified by the appropriate agency in their state.

Location of Licensing, Certification, or Other Requirements

1. <http://www.medicaid.state.ar.us/general/units/oltc/regs/adc.pdf>.
2. <http://www.medicaid.state.ar.us/general/units/oltc/regs/adhc.pdf>.
3. http://www.medicaid.state.ar.us/provider/amprcd/searcharea/manuals/elder/elder_ii.pdf.

Citations

1. *Rules and Regulations Pertaining to Long Term Adult Day Care Facilities*. Department of Human Services, Division of Medical Services, Office of Long Term Care. [1/1/87]
2. *Rules and Regulations for Adult Day Health Care Providers in Arkansas*. Arkansas Department of Human Services. [Undated]
3. *ElderChoices Provider Manual, Section II--Program Coverage*. Department of Human Services, Division of Medical Services. [10/13/03]

CALIFORNIA

Overview

In California, adult day care services are provided in two types of licensed facilities: adult day programs (ADP) and adult day health care (ADHC) centers. In addition, each local Area Agency on Aging designates at least one Alzheimer's day care resource center (ADCRC) in its planning and service area to provide specialized Alzheimer's care and community outreach and education.

Adult day program providers are licensed by the State Department of Social Services (DSS) Community Care Licensing Division as community care facilities. The term "adult day program" replaced two earlier program names in legislation (SB 1982, Statutes of 2002): adult day care facility (ADCF) and adult day support center (ADSC). These two programs were licensed by DSS under separate regulations in the *California Code of Regulations (CCR)* Title 22, based on *California Health and Safety Code*. Because the regulations have not yet been combined, whenever they differ, they are presented separately in this profile under the heading *Adult Day Program*. ADP services are not available under the Medicaid State Plan.

Adult day health care providers are licensed by the Department of Health Services (DHS) Licensing and Certification Division as health facilities. The California Department of Aging (CDA) administers the program and certifies each center for Medi-Cal (California's Medicaid State Plan) reimbursement. Licenses are not issued or renewed for an ADHC center that is not certified as a Medi-Cal provider of ADHC services. ADHC providers must meet, at a minimum, the licensing requirements specified in *Health and Safety Code*, Chapter 3.3; the certification requirements specified in *Welfare and Institutions Code*, Chapter 8.7; and additional requirements specified in the *CCR*, Title 22. If an ADHC center licensee also provides adult day care or ADSC services, the ADHC license shall be the only license required to provide these additional services.

ADP and ADHC services are also available to clients of the Multipurpose Senior Service Program (MSSP), a case management program targeted to frail elderly clients who are eligible for nursing facility placement. MSSP operates under a Home and Community-Based Services (HCBS) waiver and contracts with appropriately licensed and certified providers for services.

In August 2004, a 1-year moratorium on new ADHC centers enrolling in the Medi-Cal program was instituted and will most likely be extended until the state transitions the ADHC program from the Medicaid State Plan to an HCBS waiver program. During the time of the moratorium, ADHC applicants may be licensed to provide services to persons who pay privately or have insurance coverage for the services. ADHC centers may be certified for the Medi-Cal program only if they meet the exemptions to the moratorium as specified in SB 1103.

ADCRCs are specialized day care centers that target services to persons with Alzheimer's disease and other dementias. Until recently, the law permitted ADCRCs to function without a facility license, although the majority of ADCRCs are located in licensed ADP or ADHC centers. Legislation (AB 2127, Statutes of 2004) amended *Welfare and Institutions Code* 9542 as follows: an Alzheimer's day care resource center that was not licensed as an adult day program or adult day health care center prior to January 1, 2005, shall be required to be so licensed by January 1, 2008. A direct services program that qualifies to operate as an Alzheimer's day care resource center after January 1, 2005, shall be required to be licensed as an adult day program or adult day health care center. The ADCRC program is currently authorized by statutes, and specific requirements are specified in a program manual, not in regulation. Regulations that were being developed for the ADCRC program were suspended, effective November 1, 2003. All ADCRCs are funded by grants from CDA. Services are reimbursed by Medi-Cal for eligible participants if the program is housed in an ADHC center.

Licensure and Certification Requirements			
Licensure Only	<input checked="" type="checkbox"/> ADP	Certification Only	<input type="checkbox"/>
		Both Required	<input checked="" type="checkbox"/> ADHC
			Other <input type="checkbox"/>
Definitions			
Adult Day Program			
Adult day program means any community-based facility or program that provides care to persons 18 years of age or older in need of personal care services, supervision, or assistance essential to sustaining the activities of daily living (ADL) or for the protection of the individual on less than a 24-hour basis.			
Adult day care facility means any facility of any capacity that provides nonmedical care and supervision to adults on less than a 24-hour per day basis.			
Adult day support center means a community-based group program designed to meet the needs of functionally impaired adults through an individual plan of care in a structured comprehensive program that provides a variety of social and related support services in a protective setting on less than a 24-hour basis.			
Adult day support center services means those nonmedical services provided in an ADSC to adults with physical, emotional, or mental impairments and who require assistance and supervision.			
Adult Day Health Care			
Adult day health care means an organized day program of therapeutic, social, and health activities and services provided to elderly persons with functional impairments, either physical or mental, for the purpose of restoring or maintaining optimal capacity for self-care. Provided on a short-term basis, ADHC serves as a transition from a health facility or home health program to personal independence. Provided on a long-term basis, it serves as an alternative to institutionalization in a long-term health care facility when 24-hour skilled nursing care is not medically necessary or viewed as desirable by the recipient or their family.			
Adult day health center or adult day health care center means a licensed and certified facility that provides ADHC, or a distinct portion of a licensed health facility in which such care is provided in a specialized unit under a special permit issued by the department.			
Parameters for Who Can Be Served			
Adult Day Program			
Adult day care facility. Providers determine the parameters for who can be served insofar as they are required to determine whether they can meet prospective clients' service needs prior to admission. They may serve clients with "obvious symptoms of illness" only if these clients are "separated from other clients."			
Adult day support center. Adults with physical, emotional, or mental impairments with nonmedical needs who require assistance and supervision may be served. Such persons include, but are not limited to, the following:			
<ul style="list-style-type: none"> ▪ Persons who require assistance with ADL (e.g., bathing, dressing, grooming) and instrumental activities of daily living (IADL) (e.g., laundry, shopping, paying bills). These persons may live independently, at home with a care provider, in a community care facility, or in a health facility, but do not require a medical level of care during the day. ▪ Persons who require assistance and supervision in overcoming the isolation associated with functional limitations or disabilities. ▪ Persons who, without program intervention, are assessed to be at risk of physical deterioration or premature institutionalization due to their psychological condition. 			

Providers determine in part the parameters for who can be served insofar as they are required to determine whether they can meet prospective clients' service needs prior to admission and can discharge those whose needs they can no longer meet or who pose a danger to themselves or others. The regulations also state that participants cannot have specific restricted health conditions as specified in *CCR*, Title 22, Division 3, Subdivision 1, Chapter 5. (The list of these conditions is too extensive to include here.)

Adult Day Health Care

ADHC facilities may serve persons 55 years of age or older and other adults who are chronically ill or impaired and would benefit from ADHC. Providers may not admit individuals for whom, in their clinical judgment, they cannot appropriately care. They may serve persons with dementia and other special needs populations, such as persons with developmental disabilities or persons with mental disabilities. Providers may discharge participants if they are unable or unwilling to use the prescribed services and ADHC staff have made every effort to remove possible obstacles.

Medicaid provisions for enrollment in ADHC specify that providers may serve individuals: (1) with medical conditions that require treatment or rehabilitative services prescribed by a physician, (2) with mental or physical impairments that handicap ADL but which are not of such a serious nature as to require 24-hour institutional care, and (3) who are at risk for deterioration and probable institutionalization if ADHC services were not available.

Inspection and Monitoring

Yes

No

Adult day program. Within 90 days after the date of issuance of a license or special permit, the department shall conduct an inspection of the facility for which the license or special permit was issued. Any duly authorized officer, employee, or agent of the State Department of Social Services may enter and inspect any place providing personal care, supervision, and services at any time, with or without advance notice, to secure compliance with, or to prevent a violation of, any provision of the General Licensing Requirements, Health and Safety Code.

Every licensed community care facility shall be subject to unannounced visits by the department. The department shall visit these facilities as often as necessary to ensure the quality of care provided. The department will conduct random annual unannounced visits to no less than 10 percent of facilities. Under no circumstances shall the department visit a community care facility less often than once every 5 years.

Adult day health care. If an ADHC center or an applicant for a license has not been previously licensed, the department may only issue a provisional license to the center. A provisional license to operate an ADHC center shall expire 1 year from the date of issuance, or at an earlier time as determined by the department at the time of issuance. Within 30 days prior to the expiration of a provisional license, the department shall give the ADHC center a full and complete inspection, and, if the ADHC center meets all applicable requirements for licensure, a regular license shall be issued. Annual licenses are required; however, the director has discretion to approve applications for relicensure for a period of up to 24 months.

Required and Optional Services				
	Adult Day Program		Adult Day Health Care*	
	Required	Optional	Required	Optional
ADL Assistance	X		X	
Health Education and Counseling	ADSC only		X	
Health Monitoring/Health-Related Services	ADSC only		X	
Medication Administration	Medication assistance		X	
Nursing Services			X	
Physical Therapy, Occupational Therapy, or Speech Therapy			X	
Skilled Nursing Services			X	
Social Services	ADSC only		X	
Transportation			X	
*ADHC centers are also required to provide medical services and psychiatric or psychological services.				
Provisions Regarding Medications				
<p>Adult day program. Clients shall be assisted as needed with self-administration of prescription and nonprescription medications. In ADCFs and ADSCs, staff may be trained by the client's family or primary caregiver if the licensee obtains written documentation from the client's family or primary caregiver outlining the procedures and the names of facility staff whom they have trained in those procedures, and the licensee ensures that the client's family or primary caregiver reviews staff performance as necessary, but at least annually.</p> <p>All staff training shall be documented in the facility personnel files. Facility staff, except those authorized by law, shall not administer injections, but staff designated by the licensee shall be authorized to assist clients with self-administration of injections as needed. For every prescription and nonprescription PRN medication for which the licensee provides assistance, there shall be a signed and dated written order from a physician on a prescription blank maintained in the client's file and a label on the medication.</p> <p>Adult day health care. Each participant's health record shall include a drug history that lists all medications currently being taken by the participant and any medications to which the participant is allergic. Medications stored in the center or administered by center personnel shall be labeled in conformance with state and federal laws and regulations. Medications shall be administered only by licensed medical or licensed nursing personnel. Self-administration of medications shall be permitted only under the following conditions: (1) the center shall have approved policies permitting self-administration of medications when approved by the multidisciplinary team; (2) training in self-administration of medications shall be provided to all participants based on the recommendation of the multidisciplinary team; and (3) the health record of each participant who is capable of self-medication shall name all drugs that are to be self-administered.</p>				
Provisions for Groups with Special Needs				
Dementia	<input checked="" type="checkbox"/> ADHC	Mental Retardation/ Developmental Disabilities	<input checked="" type="checkbox"/> ADHC	Other <input checked="" type="checkbox"/> mental illness, traumatic brain injury (ADHC)

Staffing Requirements

Adult Day Program

Adult Day Care Facility

Type of staff. All ADCFs shall have an *administrator*. A licensee who is responsible for two or more ADCFs shall be permitted to serve as an administrator of one or more of the facilities. The administrator shall be on the premises the number of hours necessary to manage and administer the facility in compliance with applicable law and regulation. When the administrator is absent from the facility, there shall be coverage by a substitute designated by the licensee who shall be capable of and responsible and accountable for management and administration of the facility in compliance with applicable law and regulation.

Facility personnel shall be competent to provide the services necessary to meet individual client needs and shall at all times be employed in numbers necessary to meet such needs. The licensee shall provide for an overlap of staff at each shift change to ensure continuity of care. Care staff shall not be assigned to any of the support staff duties, such as housekeeping, cooking, or office work, unless the care and supervision needs of clients have been met.

Staffing ratios. There shall be an overall ratio of not less than one staff member providing care and supervision for each 15 clients present. Whenever a client who relies upon others to perform all ADL is present, the following minimum staffing requirements shall be met:

- For Regional Center clients, staffing shall be maintained as specified by the Regional Center.
- For all other clients, there shall be a staff-client ratio of no less than one direct care staff to four such clients.

Adult Day Support Center

Type of staff. All ADSCs shall have an *administrator*. If an administrator is responsible for two or more ADSCs, there shall be at each site an employee who is responsible for the day-to-day operation of the center and who meets the following qualifications: (1) a baccalaureate degree in psychology, social work, or a related human services field or (2) a minimum of 1 year of experience in a supervisory or management position in the human services delivery system. An administrator shall not be responsible for more than five centers. When the administrator or the employee specified above is absent from the center, there shall be coverage by a substitute designated by the licensee who is on site and who shall be capable of, and responsible and accountable for, the management and administration of the center in compliance with applicable laws and regulations.

Support staff and *direct care staff* are required. Direct care staff provide care and supervision to participants at least 70 percent of the hours of program operation per month.

There shall be at least two persons on duty, at least one of whom is a direct care staff member, at all times when there are two or more participants in the center. The licensee shall provide for an overlap of staff at each shift change to ensure continuity of care. The center shall have at least one full-time staff member who has a current certificate in first aid and cardiopulmonary resuscitation present in the facility during operating hours.

Staffing ratios. There shall be an overall ratio of not less than one direct care staff member providing care and supervision for each group of eight participants, or fraction thereof, present. For each group of 25 participants, or fraction thereof, there shall be at least one direct care staff person who has a baccalaureate degree in a health, social, or human service field, or 1 year documented full-time experience providing direct services to frail or physically, cognitively, or emotionally impaired adults. Whenever a participant who relies upon others to perform all ADL is present, the following minimum staffing requirements shall be met:

- For Regional Center participants, staffing shall be maintained as specified by the Regional Center.

- For all other participants, there shall be a staff-participant ratio of no less than one direct care staff to four such participants. Volunteers may be included in the staff-to-participant ratio if the volunteer meets the requirements for direct care staff.

Adult Day Health Care

Type of staff. Each center shall have an *administrator*. The administrator shall have the responsibility and authority to carry out the policies of the licensee. Each center shall make provision for continuity of operation and assumption of the administrator's responsibilities during the administrator's absence. The administrator shall not be responsible for more than three centers without prior written approval by the Department. In this circumstance, there shall be one or more *assistant administrators* for every three additional centers.

Each center shall have a full-time *program director*. The program director shall be on the premises and available to participants, employees, and relatives. When the program director is temporarily absent, another adult on the staff shall be designated to serve as the *acting program director*. Centers with a capacity of 50 and over shall provide both an administrator and a full-time program director.

The program director of centers whose average daily attendance is 20 or fewer may also serve as the *registered nurse, social worker, occupational therapist, physical therapist, speech therapist, or dietitian*, provided that the program director meets the professional qualifications for that position and the program director and the administrator are not the same person. *Program aides* shall be employed in a sufficient number to meet the needs of the participants and the staffing requirements of the Department.

The program director, a registered nurse with a public health background, a medical social worker, a program aide, and the *activity coordinator* shall be on duty during the hours the center offers basic services. Other staff shall be employed in sufficient numbers to provide services as prescribed in the individual plans or care in accordance with minimal requirements determined by each center's average daily attendance based on the previous quarter experience. Medical services shall be provided to each participant by a personal or a staff physician.

Occupational, physical, and speech therapy services staff shall work the hours necessary to meet the needs of each participant as specified in the individual plan of care and in accordance with the staffing requirements of the Department.

For the provision of psychiatric or psychological services, the center shall have consultant staff available a minimum of 3 hours per month and consisting of a psychiatrist, clinical psychologist, psychiatric social worker, or psychiatric nurse. Consultant staff shall spend a sufficient number of hours in the center to meet the needs of each participant and the staffing requirements of the Department.

Support employees shall include maintenance, food service, and clerical employees sufficient in number to perform the necessary duties. Volunteers may be used in centers but shall not be used to replace required employees. Each volunteer shall receive orientation, training, and supervision.

Staffing ratios. There must be one program aide for every 16 participants during the hours of operation. An additional half-time *social work assistant* and an additional half-time licensed *vocational nurse* shall be provided for each increment of ten in average daily attendance exceeding 40.

Training Requirements

Adult Day Program

Adult day care facility. All personnel shall be given on-the-job training or shall have related experience that provides knowledge of and skill in the following areas, as appropriate to the job assigned and as evidenced by safe and effective job performance: (1) principles of nutrition, food preparation and storage, and menu planning; (2) housekeeping and sanitation principles; (3) provision of client care and supervision, including communication; (4) assistance with prescribed medications that are self-administered; (5) recognition of early signs of illness and the need for professional assistance;

(6) availability of community services and resources; and (7) Universal Precautions as defined in Title 22, Section 8001(u)(1). Training in Universal Precautions may be provided in the facility, or staff may attend training provided by a local health facility, county health department, or other local training resources.

Adult day support center. The licensee shall develop, maintain, and implement a written plan for the orientation, continuing education, on-the-job training and development, supervision, and evaluation of all direct care staff. (1) The plan shall require direct care staff to receive and document a minimum of 20 hours of continuing education during the first 18 months of employment or within 18 months after the effective date of these regulations and during each 3-year period thereafter. (2) The administrator shall receive and document a minimum of 30 hours of continuing education every 24 months of employment. (3) Continuing education shall include completion of courses related to the principles and practices of care of the functionally impaired adult including, but not limited to, workshops, seminars, and academic classes. The center shall train program staff and participants in emergency procedures.

Adult Day Health Care

A planned in-service education program, including orientation, skill training, and continuing education, shall be provided for employees. All staff members shall receive in-service training in first aid and cardiopulmonary resuscitation within the first 6 months of employment. An ADHC that provides care for adults with Alzheimer's disease and other dementias must provide staff training regarding the use and operation of the egress control devices (precluding the use of exits) used by the center, the protection of participants' personal rights, wandering behavior and acceptable methods of redirection, and emergency evacuation procedures for persons with dementia.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

To obtain certification as a provider of ADHC under the state's Medicaid program (Medi-Cal), a provider must meet all the requirements of licensure as an ADHC center pursuant to Chapter 3.3 (commencing with Section 1570) of Division 2 of the *Health and Safety Code*, and Chapter 10, Division 5, Title 22 of *CCR*. Medi-Cal has additional requirements for providers of ADHC services guided by the Adult Day Health Medi-Cal Law pursuant to Chapter 8.7 of the *Welfare and Institutions Code*, and Chapter 5, Division 3, Subdivision 1, Title 22 of *CCR*. CDA may implement a 1-year moratorium on the certification and enrollment into the Medi-Cal program of new ADHC centers.

Purpose. The Medi-Cal benefit is intended to establish and continue a community-based system of quality day health services that will: (1) ensure that elderly persons not be institutionalized prematurely and inappropriately; (2) provide appropriate health and social services designed to maintain elderly persons in their own homes; (3) establish adult day health centers in locations easily accessible to the economically disadvantaged elderly person; and (4) encourage the establishment of rural alternative ADHC centers, which are designed to make ADHC accessible to impaired Californians living in rural areas.

Discharge. An adult day health center shall not terminate the provision of adult day health services to any participant unless approved by the state department.

Optional services. (1) Podiatric services, (2) optometric screening and advice for low-vision cases, (3) dental screening for the purpose of appraising the participant of the necessity of regular or emergency dental care, and (4) such other services within the concept and objectives of ADHC as may be approved by the department.

Inspection. Initial Medi-Cal certification for ADHC providers shall expire 12 months from the date of issuance. The director shall specify any date he or she determines is reasonably necessary, but not more than 24 months from the date of issuance, when renewal of the certification shall expire. The certification may be extended for periods of not more than 60 days if the Department determines it to be necessary. Every ADHC center shall be periodically inspected and evaluated for quality of care by a representative or representatives designated by the director, unless otherwise specified in the interagency agreement entered into pursuant to Section 1572 of the *Health and Safety Code*.

Inspections shall be conducted prior to the expiration of certification, but at least every 2 years, and as often as necessary to ensure the quality of care being provided. As resources permit, an inspection may be conducted prior to, as well as within, the first 90 days of operation.

Staffing. A provider shall employ appropriately licensed personnel for furnishing required services. A provider serving a substantial number of participants of a particular racial or ethnic group, or participants whose primary language is not English, shall employ staff who can meet the cultural and linguistic needs of the participant population.

Training. An in-service training plan for each center staff member shall commence within the first 6 months of employment. The training plan shall address, at a minimum, the specific medical, social, and other needs of each participant population the center proposes to serve.

Location of Licensing, Certification, or Other Requirements

1. <http://www.dss.cahwnet.gov/getinfo/pdf/adcfman.PDF>.
2. <http://www.dss.cahwnet.gov/getinfo/pdf/adscman.PDF>.
3. <http://www.dss.cahwnet.gov/getinfo/pdf/genman1.PDF>.
4. <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=hsc&codebody=&hits=20>.
5. <http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=wic&codebody=&hits=20>.
6. http://files.medi-cal.ca.gov/pubsdoco/Pubsframe.asp?hURL=/pubsdoco/io_search.asp.
7. http://ccr.oal.ca.gov/cgi-bin/om_isapi.dll?clientID=138589&infobase=ccr&softpage=Browse_Frame_Pg42.

Citations

1. *Adult Day Care Facilities--Community Care Licensing Division--Manual of Policies and Procedures* (CCR, Title 22, Division 6, Chapter 3). Department of Social Services. [Updated 9/30/02]
2. *Adult Day Support Center--Community Care Licensing Division--Manual of Policies and Procedures* (Title 22, Division 6, Chapter 3.5). Department of Social Services. [Updated 3/08/00]
3. *General Licensing Requirements*. (CCR, Title 22, Division 6, Chapter 1, Article 1) Department of Social Services. [Updated 12/17/04]
4. *California Adult Day Health Care Act--California Health and Safety Code* (Chapter 3.3, Section 1570-1596.5). [Effective 1978]
5. *Adult Day Health Care Program, California Welfare and Institutions Code* (Chapter 8.7, Section 14520-14588). [Effective 1978]
6. *Adult Day Health Care Centers*, Medi-Cal Inpatient/Outpatient Provider Manual, Department of Health Services. [Effective August 2000]
7. *Adult Day Health Care, California Medical Assistance Program, Health Care Services* (CCR, Title 22, Division 3, Subdivision 1, Chapter 5) and *Adult Day Health Centers, Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies*, (CCR, Title 22, Division 5, Chapter 10). [Effective date unknown]

Additional Information

A licensed and certified ADHC center may establish one or more satellites. A satellite may be in the county of the parent or a rural service area. The parent center's license and certification shall cover ADHC services at one or more satellites.

A rural alternative ADHC center shall operate its programs a minimum of 3 days weekly unless the program can justify, to the satisfaction of the department, fewer days of operation due to space, staff, financial, or participant reasons.

In December 2003, the Centers for Medicare & Medicaid Services (CMS) notified DHS that the ADHC program should not have been approved as an optional Medi-Cal benefit and directed the state to transition the program into an HCBS waiver. DHS and CDA are currently working on the waiver application, and the administration has introduced legislation that authorizes the state to obtain a waiver to continue ADHC services.

COLORADO

Overview			
<p>Colorado recognizes two types of centers: adult day services (ADS) centers and specialized adult day services (SADS) centers. Adult day services centers in Colorado have to conform to state-established certification standards in the <i>Medical Services Board Medical Assistance Staff Manual</i> in order to receive Medicaid reimbursement. These standards are part of state rules for the Home and Community-Based Services for the Elderly, Blind, and Disabled (HCBS-EBD) program. This profile presents the certification standards as they apply to Medicaid providers. Colorado does not require ADS centers that do not participate in Medicaid to meet certification standards; however, state informants are not aware of any such centers in operation.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input checked="" type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day services means health and social services and individual therapeutic and psychological activities furnished on a regularly scheduled basis in an ADS center, as an alternative to long-term nursing facility care.</p> <p>Basic adult day services center means a community-based entity that conforms to all state-established requirements as described by provider participation requirements and services provided by ADS centers.</p> <p>Specialized adult day services center means a community-based entity determined by the state to be providing intensive health supportive services for participants with a primary diagnosis of Alzheimer's and related disorders, multiple sclerosis, brain injury, chronic mental illness, or developmental disability, or post-stroke participants who require extensive rehabilitative therapies. To be determined <i>specialized</i>, two-thirds of an ADS center's population must be participants whose physician has verified one of the above diagnoses and recommended the appropriate specialized services.</p>			
Parameters for Who Can Be Served			
<p>Providers may serve only individuals whose needs can be met by the ADS center within its certification category.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>The Department of Health Care Policy and Financing or its designee conducts an annual on-site survey of ADS centers and SADS centers.</p>			

Required and Optional Services				
	Basic Adult Day Services		Specialized Adult Day Services	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling				
Health Monitoring/Health-Related Services	X		X	
Medication Administration	X		X	
Nursing Services	X		X	
Physical Therapy, Occupational Therapy, or Speech Therapy			X	
Skilled Nursing Services			X	
Social Services				
Transportation				
Provisions Regarding Medications				
Nurses shall supervise the administration of medications. Medication administration shall be included in an ADS center's written operation policies.				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> multiple sclerosis, brain injury, chronic mental illness, post-stroke participants who require extensive rehabilitative therapies		
Staffing Requirements				
<p>Type of staff. All ADS centers shall provide nursing services for regular monitoring of the ongoing medical needs of participants and the supervision of medications. These services must be available a minimum of 2 hours daily and must be provided by a registered nurse (RN) or licensed practical nurse (LPN). Certified nursing assistants (CNAs) may provide these services under the direction of an RN or an LPN. Supervision of CNAs must include consultation and oversight on a weekly basis or more according to the participant's needs.</p> <p>SADS centers providing a restorative model of care shall have sufficient staff to provide the following: (1) nursing services during all hours of operation provided by a licensed RN or LPN or by a CNA under the supervision of an RN or LPN, and (2) therapies to meet the restorative needs of the client participant.</p> <p>Staffing ratios. All ADS centers must maintain a staff-to-participant ratio of one-to-eight or lower to provide for the needs of the population served.</p>				
Training Requirements				
ADS centers providing medication administration as a service must have qualified persons on their staff who have been trained in accordance with state law regarding qualified medication administration staff members. All staff must be trained in the use of universal precautions (infection control). The operator and staff must have training specific to the needs of the populations served (e.g., elderly, blind, and disabled). All staff and volunteers must be trained in the handling of emergencies, including written procedures to meet medical crises.				

Relevant Medicaid Contracting Requirements for Adult Day Services Providers
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Providers participating in the HCBS-EBD program must be certified according to the standards outlined in this profile.
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Location of Licensing, Certification, or Other Requirements
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| 1. http://www.chcpf.state.co.us/HCPF/Pdf_Bin/491ads.pdf . |
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Citations

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| 1. <i>Medical Services Board Staff Manual Volume 8--Medical Assistance (State Rules)</i> . Home and Community-Based Services for the Elderly, Blind, and Disabled--Adult Day Services (Section 8.491). Department of Health Care Policy and Financing. [Adopted 12/13/96 and effective 2/01/97] |
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CONNECTICUT

Overview			
<p>The state has two models of adult day care (ADC): the social model and the medical model. The social model is designed for individuals who need supervision and activities but not extensive personal care and medical monitoring.</p> <p>There are no licensing requirements for ADC in Connecticut. However, ADC programs must be certified by the Connecticut Association of Adult Day Centers, Inc. to be reimbursed for services provided to persons eligible for the Connecticut Home Care Program for Elders (CHCPE), the Adult Services Program, or any other program funded or administered by the State Department of Social Services (DSS) or any other state agency. The Association, in collaboration with DSS, sets standards and interpretive guidelines that must be approved by DSS, which are source of the information contained in this profile.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input checked="" type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care (or adult day health services as it is called in the CHCPE) is provided through a community-based program designed to meet the needs of cognitively and physically impaired adults through a structured, comprehensive program that provides a variety of health, social, and related support services, including but not limited to socialization, supervision and monitoring, personal care, and nutrition in a protective setting during any part of a day.</p>			
Parameters for Who Can Be Served			
<p>The parameters for who can be served are stated generally in the definition of ADC as individuals with cognitive or physical impairments who need health, personal care, nutrition, and social services. Providers are required to have a written case-mix policy that specifies any limits they place on the number of persons with a specified condition they will serve at any one time. Because providers may serve Medicaid waiver participants, they can serve individuals who meet the state's nursing home level-of-care criteria.</p> <p>Individual centers may serve special needs groups through their case-mix policy.</p>			
Inspection and Monitoring			
YES <input checked="" type="checkbox"/>		NO <input type="checkbox"/>	
<p>There is an annual inspection by the Fire Marshall. ADC providers are required to have a written plan for an annual evaluation of its operation and services.</p> <p>State-contracted entities are responsible for the monitoring of clients under the CHCPE, including those in ADC.</p>			

Required and Optional Services				
	Social Model of Care		Medical Model of Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X*		X	
Health Education and Counseling		X		X
Health Monitoring/Health-Related Services	X*		X	
Medication Administration	X*		X	
Nursing Services	X*		X	
Physical Therapy, Occupational Therapy, or Speech Therapy	X*		X	
Skilled Nursing Services			X	
Social Services	X		X	
Transportation	X		X	
*These services are required only if they are specified in a participant's care plan.				
Provisions Regarding Medications				
Each physician's assessment of participants must include a record of medications and indicate those that need to be administered at the ADC. The program nurse is responsible for administering medications as needed.				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/> Mental Retardation/ Developmental Disabilities <input type="checkbox"/> Other <input type="checkbox"/>				
Staffing Requirements				
<p>Type of staff. Providers are required to have staff to meet the needs of their client base. An <i>administrator</i> shall be responsible for the daily operation of the center. In the absence of the <i>director (sic)</i>, an on-site staff member shall be designated to supervise program and staff.</p> <p>Full-time or full-time equivalent <i>direct care staff</i> shall be considered as those who spend 70 percent of their time in providing direct service to participants. Personal care services must be provided by trained staff as specified in the individual plan of care.</p> <p>The <i>activity director</i> shall develop planned individual and group activities suited to the needs and abilities of the participants as determined in the individual plans of care.</p> <p>Social services, including counseling, information, and referral, must be available to each participant on site. Providers may either employ an individual to fill the <i>social services</i> position or contract with one.</p> <p>Providers that furnish nursing services must either employ or contract with <i>registered nurses</i> or <i>licensed practical nurses</i> licensed in the State of Connecticut.</p> <p>Centers offering the medical model of care must meet the following additional staffing requirements: a <i>program nurse</i> shall be available on site for not less than 50 percent of each operating day. The program nurse is responsible for administering medications as needed and assuring that the participant's nursing services are coordinated with other services provided in the adult day health center, and other health and social services received--whether at home, by existing community health agencies, or by personal physicians.</p>				

The program nurse must be a registered nurse, except that a program nurse may be a licensed practical nurse if the program is located in a hospital or long-term care facility licensed by the Department of Public Health with ready access to a registered nurse from such hospital or long-term care facility or the program nurse is supervised by a registered nurse who can be reached by telephone at any time during the operating day and who can be called to the center if needed within one-half hour of the request.

Staffing ratios. The direct care staff-participant ratio shall be a minimum of one-to-seven. Volunteers can be included in the ratio only when they conform to the same standards and requirements as paid staff. Staffing shall meet the needs of the client base.

Training Requirements

Providers must provide orientation for new employees and volunteers within 6 weeks of employment. General orientation to the program and facility shall include, but not be limited to, the mission and goals of ADC, the center's policies and procedures, roles and responsibilities of other staff, standard precautions, fire and safety methods/codes, and participants' rights.

All staff and volunteers shall receive regular in-service training that meets their individual training needs. All staff shall participate in at least four annual training sessions, including, but not limited to, Occupational Safety & Health Administration (OSHA) regulations on standard precautions and infection control, emergency training, and fire and safety codes.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The Medicaid program has no additional contracting requirements.

Location of Licensing, Certification, or Other Requirements

1. <http://www.ctmedicalprogram.com/prmanuals/ch7chc.pdf>.

Citations

1. *Requirements for Payment of Connecticut Home Care Program for Elders* (Section 17b-342-2(b) Adult Day Health Services). Department of Social Services. [Amended 4/17/1998]
2. *Standards for Adult Day Care Centers in Connecticut*, Connecticut Association of Adult Day Centers, Inc. [Revised 4/19/05]

DELAWARE

Overview			
<p>The Department of Health and Social Services (DHSS) establishes standards for regulation in the operation of adult day care facilities and grants licenses for the operation of such facilities to persons, associations, or organizations that have been approved in accordance with the <i>State of Delaware Regulations for Adult Day Care Facilities</i> and which pay the appropriate fee. The state covers medical and social day care in its Elderly and Disabled waiver program. The waiver program requires providers to agree to all terms and conditions listed in the Delaware Medical Assistance Program (DMAP) contract and the policies and procedures listed in the <i>Elderly and Disabled Waiver Provider Specific Policy Manual</i>.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care facility refers to any program that provides health, social, and related support services for four or more functionally impaired adults who reside in the community and are in need of these services as determined by a preadmission assessment. These services are provided to adults for a period of less than 12 hours during the day and are provided in a setting other than a participant's home or the residence of the facility operator.</p>			
Parameters for Who Can Be Served			
<p>The adult day care facility shall admit only those individuals whose need can be met by the facility. No participant shall be discharged from an adult day care facility except for the following: the participant's needs can no longer be met by the program of care, medical reasons, nonparticipation in the plan of care or noncompliance with the written admission agreement, or the participant's own welfare or the welfare of the other participants.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Every adult day care facility for which a license has been issued shall be periodically inspected by a representative of DHSS. Regular inspections shall occur at least once every 3 years.</p>			

Required and Optional Services		
	Adult Day Care	
	Required	Optional
Activities of Daily Living (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		X
Skilled Nursing Services		X
Social Services	X	
Transportation		X
Provisions Regarding Medications		
<p>Medications may be self-administered or administered in accordance with all state and federal laws, including the State of Delaware Nurse Practice Act. Those participants who, upon admission, are incapable of self-administration or who become incapable of self-administration shall have their medications administered according to the Nurse Practice Act. Medication shall not be administered to a participant unless prescribed by a licensed practitioner with independent prescriptive authority as provided by Delaware Code.</p>		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> participants with severe cognitive or physical disabilities
Staffing Requirements		
<p>Type of staff. There shall be an <i>activities coordinator</i> who will plan group activities for all participants and personalized options for individuals with varying interests and needs. The <i>director/administrator</i> or designee responsible for the management of the adult day care program shall be present and in charge during all hours that participants are on the premises. There shall be at least one <i>registered nurse (RN)</i> or <i>licensed practical nurse (LPN)</i> on the premises at all times when participants are present for those facilities serving participants requiring nursing services. There shall be at least one employee on the premises at all times when participants are present who is certified in cardiovascular pulmonary resuscitation (CPR).</p> <p>Staffing ratios. There shall be at least two adult day care facility staff on duty at all times when participants are present. If separate sections are established within each facility, each separate section shall independently comply with the staffing requirements of this section. The minimum staffing requirements shall not include volunteers or employees who have not yet completed the required orientation program.</p> <p>For facilities with more than 16 participants, there shall be a minimum of one adult staff person on duty for each eight participants. Facilities may not use rounding in determining staffing requirements (i.e., for 17-24 participants at least three staff members would be required, for 25-32 participants at least four staff members, etc.). As the number or dysfunction of participants with functional and cognitive impairments increases, the staff-to-participant ratio shall be adjusted accordingly to meet the needs of the participants.</p>		

Programs serving mainly participants with severe cognitive or physical disabilities shall have a staff-to-participant ratio of at least one-to-four for all severely disabled participants.

Training Requirements

Prior to assuming job responsibilities, all personnel shall receive training in fire safety; first aid; emergency procedures; infection control; and special needs of the elderly and persons with cognitive or other disabilities, including the specific needs of the participants being served.

Aide orientation and training must include at least 40 hours of instruction and supervised practicum and address the following topics: (1) the aide's role as a member of the adult day care team; (2) personal care services; (3) principles of good nutrition; (4) the process of growth, development, and aging; (5) principles of infection control; (6) observation, reporting, and documentation of participant status; (7) maintaining a clean, safe, and healthy environment; (8) maintaining a least restrictive environment; (9) verbal/nonverbal communication skills; and (10) principles of body mechanics.

Ongoing staff development is required to maintain and improve the skills of the adult day care team and should include: (1) the needs of the elderly and persons with disabilities, (2) assisting participants to achieve maximum self-reliance through relearning and modifying activities of daily living, (3) physical restraint and the use of less restrictive alternatives, (4) maintaining an environment that encourages morale building and self-help, (5) review of participant care policies and procedures, (6) prevention and control of infection, (7) confidentiality of participant information, and (8) the rights of participants.

Personnel who are primarily responsible for the direct care of the participants shall attend at least 12 hours annually of staff development activities, which shall consist of in-service training programs, workshops, or conferences related to adult day care or specific needs of participants.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The Elderly and Disabled waiver program covers medical and social day care that are provided during the day in a day care center near to where an individual lives. The staff there provide meals and snacks, services, supervision and recreational and/or medical therapy.

The waiver program requires providers to agree to all terms and conditions listed in the DMAP contract and the policies and procedures listed in the *Elderly and Disabled Waiver Provider Specific Policy Manual*. We were not able to identify medical and social day care definitions in the manual. The manual states that DMAP will not have control or supervision of the details of the tasks to be performed, but will have authority to exercise general direction.

Location of Licensing, Certification, or Other Requirements

1. <http://www.state.de.us/dhss/dph/hsp/files/adcfacregs0702.txt>
2. <http://www.dmap.state.de.us/downloads/manuals/elderly.disabled.waiver.provider.specific.pdf>

Citations

1. *State of Delaware Regulations for Adult Day Care Facilities* (Title 16 Health and Safety Part I Chapter 1, Subchapter II, Section 122(3).s.1. (Sections 68.0 through 68.15)). Powers and Duties of the Department of Health and Social Services. [Effective July 2002]
2. *Elderly and Disabled Waiver Provider Specific Policy Manual*, Delaware Medical Assistance Program. [Revised July 2002]

DISTRICT OF COLUMBIA

Overview			
<p>The District of Columbia (DC) provides adult day care, also called geriatric day care, through District of Columbia Office on Aging grants issued under the District of Columbia State Plan on Aging to providers who are governed by geriatric day care requirements issued and administered by the Office on Aging. These requirements are cited in this profile.</p> <p>The District of Columbia also provides adult Medicaid day treatment through the District of Columbia Department of Health Medical Assistance Administration (MAA) Elderly Waiver, using Medicaid providers certified by the Office of Disability and Aging under MAA regulations Chapter 7, <i>Medicaid Day Treatment Programs</i>, of the DC Municipal Regulations for Public Welfare. Those regulations are cited in the Medicaid Contracting Requirements section of this profile.</p> <p>The District of Columbia does not license or certify social model adult day care providers.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input checked="" type="checkbox"/>	<input checked="" type="checkbox"/> Medicaid day treatment providers must be certified to provide these services	Both Required <input type="checkbox"/>
			Other <input checked="" type="checkbox"/> adult day care providers must follow Office on Aging contracting requirements
Definitions			
<p>Geriatric day care is a therapeutic service provided to functionally impaired DC residents 60 years of age and older to avoid or forestall institutionalization. Geriatric day care involves care and supervision provided during the day by professionally qualified personnel in a suitable facility. Geriatric day care is a more intense level of care than center-based social and recreation services.</p>			
Parameters for Who Can Be Served			
<p>Provisions for the receipt of geriatric day care funded by the DC Office on Aging set the parameters for who can be served: functionally impaired individuals 60 years of age or older who may be at risk for institutionalization if they do not receive geriatric day care services, are able to maintain themselves with some assistance (i.e., are usually able to attend to toilet and feeding without assistance), are not bedfast, and represent no threat to themselves or others.</p>			
Inspection and Monitoring			
Yes <input type="checkbox"/>		No <input checked="" type="checkbox"/>	
None identified.			

Required and Optional Services		
	Geriatric Day Care	
	Required*	Optional
Activities of Daily Living (ADL) Assistance	X	
Health Education and Counseling	X	
Health Monitoring/Health-Related Services		
Medication Administration	X	
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		
Skilled Nursing Services	X	
Social Services		
Transportation	X	
*As necessary or as required by the enrollee's plan of care.		
Provisions Regarding Medications		
Nursing services such as injections and drug supervision shall be provided only by a qualified and licensed professional.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
Type of staff. None identified.		
Staffing ratios. None identified.		
Training Requirements		
All staff providing service must be fully trained. The agency must maintain, follow, and continually update a training and supervision program to make sure day care staff are fully trained and familiar with agency procedures.		
Relevant Medicaid Contracting Requirements for Adult Day Services Providers		
The District of Columbia provides adult Medicaid day treatment through the DC Department of Health Medical Assistance Administration Elderly Waiver, using Medicaid providers certified by the Office of Disability and Aging under MAA regulations Chapter 7, <i>Medicaid Day Treatment Programs</i> , of the DC Municipal Regulations for Public Welfare.		
Definitions. Day treatment program--a nonresidential program operated for the purpose of providing medically supervised day treatment services for elderly persons, children from birth through age three, adults with a developmental disability, and adults with mental disorders.		
Discharge criteria. The participant shall be discharged from the day treatment program under one of the following conditions: if the participant demonstrates improvement sufficient to enable him or her to live more independently, if the participant requires institutional care due to illness, if the participant develops extreme behavior problems that require referral to a more appropriate environment for assistance before returning to the program, if the participant wishes to discontinue participation in the program, or if the participant's needs can be better met in another type of program. The provider will		

provide a discharge or referral summary with goals and recommendations for continuing care and appropriate referrals.

Inspections. None identified.

Required services. ADL assistance, health education and counseling, health monitoring, medication administration, nursing, skilled nursing, and social services.

Optional services. Physical, occupational, and speech therapy.

Services not required or optional. Transportation.

Medications. Medications shall not be administered without a written order signed by a physician. Injectable medications shall be given by a registered nurse, physician, or licensed practical nurse. The individual responsible for medicating participants who are not capable of self-medicating shall personally prepare the dosage and observe the act of swallowing oral medicines.

Groups with special needs. The program serving the population of persons with mental retardation/developmental disabilities shall also provide restorative, habilitation, or maintenance therapy services.

Staffing type. There shall be a minimum of two full-time professional staff members, one of whom shall be a *social worker*. The provider shall appoint one full-time professional staff member as the *program director*. The provider shall appoint one professional staff member as *assistant program director* to act in the absence of the program director. The provider shall appoint a *registered nurse* to be on the site daily for a minimum of 4 hours. A *physician* shall be available. The provider shall appoint an *activities coordinator* and *program aides*. If physical, occupational, or speech therapy services are offered, they shall be performed by or under the supervision of a licensed *physical, occupational, or speech therapist*. At least one staff member trained in first aid shall be on duty at all times.

Staffing ratios. There shall be a ratio of one full-time staff member involved in providing direct services to participants for each six participants. If there are 18 participants or more, the registered nurse shall be on the site daily for 8 hours. At least 25 percent of the staff of a day treatment program primarily serving mentally retarded adults shall be comprised of individuals certified as qualified mental retardation professionals.

Training. The program director shall provide for staff orientation and ongoing in-service training.

Under the Medicaid regulations, if a program is located outside the District and certified for participation in the Medicaid program of the state in which it is located, the Department may accept that state's certification as adequate for the provider's participation in the DC Medicaid Program.

Location of Licensing, Certification, or Other Requirements

1. On file at RTI, provided by the DC Office of Aging.
2. On file at RTI, provided by the DC Department of Health.

Citations

1. DC Office on Aging. *Geriatric Day Care*. [Revised 9/2002]
2. DC Department of Health. *Chapter 7. Medicaid Day Treatment Programs*. [Undated]

FLORIDA

Overview			
<p>The Agency for Health Care Administration (the Agency), Division of Health Quality Assurance (HQA) Health Facility Regulation licenses all adult day care centers (ADCCs) as defined in <i>The 2004 Florida Statutes</i>. The Department of Elderly Affairs, in conjunction with the Agency, has adopted rules as defined in the <i>Florida Administrative Code</i> to implement the statutory provisions for ADCCs. This profile contains both statutory and regulatory language. Providers of adult day health care services under a Medicaid waiver must meet general and service-specific Medicaid provider qualifications.</p> <p>Licensed assisted living facilities, licensed hospitals, and licensed nursing home facilities that provide adult day care services to adults who are not residents are exempt from licensure as an adult day care center, providing they do not hold themselves out to the public as an ADCC. However, the Agency must monitor the facility during the regular inspection and at least biennially to ensure adequate space and sufficient staff.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care is a program of therapeutic social and health activities and services provided to adults who have functional impairments, in a protective environment that provides as noninstitutional an environment as possible. Participants may utilize a variety of services offered during any part of a day, but less than a 24-hour period.</p> <p>Adult day care center or <i>center</i> 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. Any facility that comes within the definition of an adult day care center must be licensed by the agency as an ADCC.</p> <p>Adult day health care is not defined in licensing or requirements; however, required and optional services are outlined.</p>			
Parameters for Who Can Be Served			
<p>No participant shall be admitted or retained in a center if the services required are beyond those that the center is licensed to provide. Admission is limited to adults with functional impairments in need of a protective environment and a program of therapeutic social and health activities and services.</p> <p>No participant who requires medication during the time spent at the center and who is incapable of self-administration shall be admitted or retained unless there is a person licensed according to Florida law to administer medications.</p> <p>Any participant who is diagnosed a having a communicable disease shall be excluded from participation until deemed noninfectious. However, participants who have human immunodeficiency virus (HIV) infection may be admitted to the center, provided that they would otherwise be eligible according to the Rule.</p> <p>Centers are not required to accept or retain any applicant or participant whose behavior and physical limitations are deemed hazardous to the safety of the individual or other participants, and such conditions shall constitute a basis for termination of center participation.</p>			

Inspection and Monitoring				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		
<p>In addition to an initial licensure survey, a biennial license renewal survey, and a follow-up survey, the Agency shall conduct on-site surveys of ADCCs for the purpose of determining compliance with the relevant statutes and rules. The Agency may conduct an abbreviated biennial inspection of key quality-of-care standards, in lieu of a full inspection, of a center that has a record of good performance. However, the Agency must conduct a full inspection of a center that has had one or more confirmed complaints within the licensure period immediately preceding the inspection or that has a serious problem identified during the abbreviated inspection. The Agency shall develop the key quality-of-care standards, taking into consideration the comments and recommendations of the Department of Elderly Affairs and of provider groups. These standards shall be included in rules adopted by the Department of Elderly Affairs.</p>				
Required and Optional Services				
	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling	X		X	
Health Monitoring/Health-Related Services		X	X	
Medication Administration		X	X	
Nursing Services		X	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		X	X	
Skilled Nursing Services				
Social Services	X		X	
Transportation		X	X	
Provisions Regarding Medications				
<p>No participant who requires medication during the time spent at the center and who is incapable of self-administration shall be admitted or retained unless there is a person licensed according to Florida law to administer medications. A physician, advanced registered nurse (RN) practitioner, dentist, RN, licensed practical nurse (LPN), or physician's assistant can administer medications. Supervision of self-administered medication shall not be construed to mean that a center shall provide such supervision to participants who are capable of administering their own medications.</p> <p>No prescription drug shall be brought into the center unless it has been legally dispensed and labeled by a licensed pharmacist for the person for whom it is prescribed. Participants who can self-administer medications may bring and be responsible for their own medications, unless the preservation of medicines requires refrigeration; or 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; or is a safety hazard to others at the center, in which cases the medications shall be centrally stored in a locked cabinet or container.</p>				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> persons with physical disabilities		

Staffing Requirements

Type of staff. The center shall employ qualified staff to provide the services, personal assistance, and safety measures required by the participants. The owner or operator may serve in a dual capacity as an RN, occupational therapist, physical therapist, speech-language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services. The owner or operator may be counted as one of the required staff members provided the owner or operator provides direct services and is included in the work schedule for the center. The designated responsible person shall be on the premises during the center's hours of operation.

If adult day health care services for aged persons or disabled adults are provided, the following staff members are required: (1) an *RN* or *LPN* on site during the primary hours of program operation and on call during all hours the center is open; (2) a *social worker* to supervise the provision of social services, including counseling for participants' families and caregivers and compilation of a social history and psychosocial assessment of formal and informal support systems and mental and emotional status; and (3) an *activity director* or *recreation therapist*, who may be retained as a consultant.

Staffing ratios. A minimum staff ratio of one staff member who provides direct services for every six participants shall be present in the center at all times. No fewer than two staff, one of whom has a certification in an approved first aid course and cardiopulmonary resuscitation (CPR), shall be present in the center at all times. At all times staffing shall be maintained to meet the needs of the participants as required by the participant file, including centers that serve persons with Alzheimer's disease and other dementias, persons with physical handicaps, or other special target populations. The owner or operator shall not be counted more than once in the staff-to-participant ratio, calculated on the basis of daily census.

Training Requirements

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. In addition, 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.

In addition, 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 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 ADL, and instruction in skills for working with families and caregivers.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Adult day care centers that provide services under the Aged and Adult Disabled Waiver must be licensed in accordance with Chapter 400, Part V, *Florida Statutes* and must meet the general Medicaid provider qualifications contained in the *Florida Medicaid Provider General Handbook*, and the service requirements contained in the *Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook*.

Adult day health care services are provided 4 or more hours per day on a regularly scheduled basis, for 1 or more days per week, in an outpatient setting. Adult day health care services encompass both health and social services needed to ensure the optimal functioning of the recipient. The services can be authorized up to 10 hours per day. However, authorization of more than 8 hours would be unusual and requires extensive written justification.

Location of Licensing, Certification, or Other Requirements

1. http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=Ch0400/titl0400.htm
2. <http://fac.dos.state.fl.us/faconline/chapter58.pdf>
3. <http://floridamedicaid.acs-inc.com/XJContent/Aged%20and%20Disabled%20Adult%20Waiver%20Services?id=000001429515>
4. <http://floridamedicaid.acs-inc.com/XJContent/Medicaid%20Provider%20General%20Handbook?id=000000182139>

Citations

1. *The 2004 Florida Statutes* (Chapter 400, Nursing Homes and Related Health Care Facilities, Part V--Adult Day Care Centers, 400.55 through 400.564).
2. *Florida Administrative Code* (Chapter 58A-6 Adult Day Care, 58A-6.001 through 58A-6.016). Department of Elder Affairs. [Updated 3/29/98 through 1/1/04]
3. *Aged and Disabled Adult Waiver Services Coverage and Limitations Handbook*, Agency for Health Care Administration. Florida Medicaid. [Effective 03/04, updated 01/05]
4. *Florida Medicaid Provider General Handbook*, Agency for Health Care Administration. Florida Medicaid. [Updated 01/05]

GEORGIA

Overview			
<p>The state's adult day services licensing standards, developed after the legislature approved licensing authority in 2003, are currently voluntary due to lack of funding for the licensing agency to administer the licensing process. However, the Division of Aging Services has standards that must be met by providers in the statewide aging network who provide day services through contracts with the Area Agencies on Aging (AAA). The standards could become a part of, or serve as a basis for, future licensing regulations.</p> <p>These standards for adult day services recognize two types of adult day services programs--basic social and medical--and four service delivery models. This profile describes these standards. The Division of Aging Services in the Department of Human Resources will work with the new licensing agency to develop regulations for day service operations and cooperate with the agency in administering the licensing process for the provision of adult day services as part of its non-Medicaid Home and Community-Based Services program.</p> <p>Adult day health (ADH) services in Georgia are offered under the Community Care Services Waiver Program, administered by the Division of Aging Services. Providers of ADH services under the waiver are required to follow specific Medicaid-only requirements for the provision of these services. Once the licensing process is operational, Medicaid ADH services providers will be required to be both licensed and enrolled with the State Department of Community Health as Medicaid providers and subject to the regulations of that Department.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> standards for providers receiving public funds
Definitions			
<p>Adult day services provide support for elderly individuals (and their families, if present) who do not function fully independently, but who do not need 24-hour nursing care. Participants may have physical, social, and/or mental impairments; need assistance with activities of daily living (ADL) less than that requiring placement in an institution; or be recently returned home from a hospital or institutional stay. These services are comprehensive and are based on participants' individual needs; they are family-focused when families are involved. They are outcome-oriented with a goal of enhanced independence. The programs provide safe group environments with coordinated health and social services aimed at stabilizing or improving self-care. Adult day services may prevent, postpone, or reduce the need for institutional placement. Combined social and medical model programs can be combined within the same center or facility.</p> <p>Service Delivery Models for Adult Day Services</p> <p>Adult day care consists of community-based programs that provide nonmedical care--primarily social and recreational activities--to persons 60 years of age or older in need of limited personal care assistance, supervision, or assistance essential for sustaining ADL; or for the protection of an individual on a less than 24-hour basis.</p> <p>Adult day support consists of community-based programs that provide nonmedical care to meet the needs of functionally impaired elderly (age 60+) adults, according to individual plans of care in a structured, comprehensive program that will provide a variety of social, psychosocial, and related services in a protective setting on a less than 24-hour basis. Participants in this model of care will demonstrate moderate impairments in functioning and cognition.</p>			

Adult day health care consists of community-based programs that provide social, rehabilitative, and minor health services to physically and/or mentally functionally impaired elderly (age 60+) adults, for the purpose of restoring or maintaining optimal capacity for self-care. These programs provide services through individual plans of care and target elderly persons who could be at risk of institutional placement if intervention is not provided. These may be persons who are ineligible for or do not wish to participate in the waiver program, but whose need for assistance is greater than that of participants in the basic adult day care program. Participants in this model of care will have moderate to substantial degrees of impairments in functioning and cognition.

Alzheimer's day care consists of community-based programs that provide day care for persons in the various stages (mild, moderate, or severe) of Alzheimer's disease or other dementias, regardless of age. The programs also provide support and educational services for family caregivers and the community at large. These centers identify the psychosocial, emotional, functional, and cognitive needs of participants and assist them, through individual plans of care, to function at the highest degree possible.

Parameters for Who Can Be Served

The parameters for who can be served are defined generally in the definitions of the different service delivery models (above). The state also specifies that adult day services can be provided to persons 60 years of age or older (and collaterally their spouses/caregivers) who are limited in their ability to perform activities of daily living and instrumental activities of daily living due to physical and/or cognitive impairment, and who lack access to, or do not desire to receive, services offered through other funding sources or programs.

Adults of any age (and collaterally their spouses or caregivers) who are known to have or who exhibit symptoms of Alzheimer's disease or other dementias may be appropriate candidates for adult day services provided through State Funds for Alzheimer's Services. These program requirements supercede requirements for day care services provided through state Alzheimer's funding, issued by the Division in 1991.

Basic social model centers are not permitted to serve individuals who: (1) are bed bound or do not have the stamina or strength to attend the center, due to extreme frailty or fatigue; (2) have emotional or behavioral disorders that are so severe in nature as to cause them to be destructive to themselves or others, or who are disruptive in a group setting, unless the center has the capacity, through adequate and qualified staffing, to appropriately manage the behaviors; or (3) would not benefit from the activities and services offered at the center, due to significantly higher levels of physical and cognitive functioning.

Inspection and Monitoring

Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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The AAA shall monitor providers of adult day care services for compliance with the requirements and evaluate program effectiveness, including client and program outcomes, at least annually.

Required and Optional Services		
	Adult Day Services	
	Required	Optional
ADL Assistance	X	
Health Education and Counseling	X	
Health Monitoring/Health-Related Services		X
Medication Administration		X
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		X
Skilled Nursing Services	X	
Social Services		X
Transportation		X
Provisions Regarding Medications		
<p>Clients who choose not to or who cannot self-administer their medications must have their medications administered by a person who holds a current license under state law that authorizes the licensee to administer medications.</p> <p>Licensed nursing staff may provide assistance to individuals who are incapable of self-administering medications independently, including and limited to providing reminders, obtaining medications from and returning them to storage, opening and closing packaging, and pouring prescribed dosages.</p> <p>Clients who are able to administer their own medications must be assessed at least once a month by licensed nursing staff to determine their continued ability to self-administer their medications/treatments.</p> <p>The adult day care program shall have a written policy for medication management designating specific staff to be authorized and trained to assist with the administration of medications and the program's role in the supervision of self-administered medications and/or staff-administered medications.</p>		
Provisions for Groups with Special Needs		
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. Each program shall have a <i>program administrator</i>. Other required staff are the <i>activities director</i>, <i>nursing staff</i>, and <i>day care assistants</i>, as well as <i>volunteers</i>. The facility nurse must be either a registered nurse or a licensed practical nurse. The activities director may fulfill the function of program administrator if she/he meets all qualifications. The program may contract for certain staff services, including activities director, as long as all program requirements ordinarily fulfilled by employees are met.</p> <p>If the program administrator also is the <i>facility nurse</i>, and leaves the facility to perform other duties related to the provision of the day care program, another licensed nursing professional must fulfill the duties of the facility nurse during his/her absence.</p> <p>Staffing ratios. Each program shall be operated with adequate numbers of qualified staff, according to the target population(s) and models of programming provided. At least one staff member 18 years of age or older shall be on the premises at all times participants are present. In addition to administrative</p>		

staff, there shall be a minimum of one direct service staff person for each eight nonseverely impaired participants, or for each four severely impaired participants.

The characteristics of the participants will determine the number and types of staff required. If a mixed model of programming is proposed, the staffing required for the highest level of care will be ensured.

Volunteers who meet the same standards, requirements, and training as employees, and who have signed a written job description, may be counted as part of the staff-to-participant ratio.

Training Requirements

All adult day care staff who interact with participants, and volunteers who are included as part of the staff-to-participant ratio, must complete an orientation within the first 2 weeks of employment. Content shall include but not be limited to participant rights, program policies (including the client population served), medical and safety emergencies, health care delivery, universal precautions, and abuse.

Substitute consultant staff, if any, must complete 3 hours of orientation.

Within 90 days of employment, all employees who provide care to participants shall have received a minimum of 18 hours of training in the areas that are relevant to their job, including the needs and abilities of the participants, physical and psychological aspects of each participant's disabilities, personal care techniques, and interpersonal communications skills, including patient rights. Staff employed as substitutes on an infrequent

basis are not required to complete the 18 hours of initial training. Substitutes for direct service staff used on a regular basis with an on-call or other ongoing agreement must complete all training requirements.

After the first year of employment, all employees who have direct care or program activity responsibilities, including the program administrator, shall complete 3 hours of continuing education quarterly, or 12 hours in total annually, on pertinent topics.

The adult day care program shall provide orientation, training, and supervision to program volunteers.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

ADH services in Georgia are offered under the Community Care Services Program Waiver, administered by the Division of Aging Services with services reimbursed by the Department of Community Health. Services are offered to members at two levels: Level I services require minimal ADL and self-care assistance, medical monitoring, and oversight for safety; Level II services are more intensive and may include specialized nursing services. Relevant requirements outlined in provider manuals are as follows:

Definitions. ADH is a community-based medically oriented day program for individuals who are functionally impaired. The goal is to promote medical stability, maintain optimal capacity for self-care, and maximize function ability. Services assist members to recover from acute illnesses or injuries, facilitate rehabilitation, support members with a chronic illness, and increase opportunities for members to participate in cultural and social activities and engage in multifaceted activities. All services provided reflect the individual's needs as indicated in a comprehensive care plan.

Required services. Skilled physical, occupational, and speech therapy; assistance with ADL; health monitoring and health-related services; nursing services; and skilled nursing services.

Optional services. Transportation.

Medications. The registered nurse and licensed practical nurse assist members with medications when indicated.

Staffing type. Required positions are *center director, registered nurse, aide(s), activities professional, and occupational, physical, and speech therapist* (by contract). Suggested staff positions include *licensed practical nurse and driver/aide*.

Staffing ratios. A minimum ratio of staff-to-members is one-to-eight for Level I members and one-to-four for Level II members.

Training. Any staff member providing direct member care is required to have current certifications in cardiopulmonary resuscitation (CPR) and first aid. The ADH provider must develop an ongoing in-service training plan and schedule for staff, subcontracted individuals, and volunteers.

The plan must include, at a minimum, the following topics: orientation to the agency; CCSP overview including program policies and procedures; sensitivity to the needs and rights of older individuals; recertification and/or training in techniques of CPR and first aid; member rights/Elder Abuse Reporting Act/Advance Directives; infection control procedures; fire safety and accident prevention and safety; confidentiality of member information; medication management; disaster planning/emergency procedures; caring for members with Alzheimer's and related illnesses, an overview of Alzheimer's disease; understanding communication techniques; understanding common behaviors of members with Alzheimer's disease; care and management skills; activities appropriate for aging or chronically ill participants; safety and accident prevention; medications and side effects; elder abuse reporting; advance directives; and nutrition care, food safety, and safe feeding.

Location of Licensing, Certification, or Other Requirements

1. http://www.files.georgia.gov/DHR-DAS/DHR-DAS_Publications/adultdaycare.pdf
2. https://www.ghp.georgia.gov/wps/output/en_US/public/Provider/MedicaidManuals/adult_day_health.pdf
3. http://www.legis.state.ga.us/legis/2003_04/fulltext/hb318.htm
4. https://www.ghp.georgia.gov/wps/output/en_US/public/Provider/MedicaidManuals/CCSP_GenI_and_app_04_05_V5.pdf

Citations

1. *Adult Day Care/Day Health Services Requirements*. Georgia Department of Human Resources Division of Aging Services Requirements for Non-Medicaid Home and Community Based Services §302. [7/2002]
2. (Medicaid) Part II--Chapter 1100 *Policies and Procedures for Adult Day Health Services* (ADH) (Community Care Services Program) Department of Community Health--Division of Medical Assistance & Department of Human Resources--Division of Aging Services. [Revised April 2004]
3. *Adult Day Center for Aging Adults Licensure Act*. House Bill 318. Georgia General Assembly. [7/1/03]
4. *Policies and Procedures for Community Care Services General Manual*. Georgia Department of Community Health. Division of Medical Assistance. [4/1/2005]

Additional Information

The Division of Aging Services operates a Mobile Day Care program under the non-Medicaid Home and Community-Based Services Program in which staff members, traveling with materials and supplies, provide day care services in different locations around the state on a rotating basis to provide respite for caregivers. It was initially designed to assist caregivers of persons with Alzheimer's disease and is now made available to other caregivers. The state has amended the Community Care Services Program waiver to cover Mobile Day Care mobile model, and is awaiting Centers for Medicare & Medicaid Services (CMS) approval.

HAWAII

Overview			
<p>The Hawaii Department of Health licenses adult day health centers (ADHC) under the state administrative rules for freestanding adult day health centers, and also under the state administrative rules for skilled nursing/intermediate care facilities (for nursing facility-based adult day health centers).</p> <p>The Hawaii Department of Human Services licenses adult day centers (ADC) under the state administrative rules for licensing of adult day care centers (for providers serving solely Medicaid clients) and the administrative rules for adult day care services (for clients funded by state funds).</p> <p>Adult day care and adult day health care services are provided through three 1915(c) Medicaid waivers serving the elderly and disabled population under contracts with providers licensed by either the Department of Health or the Department of Human Services.</p> <p>The Hawaii Department of Health also has regulations for adult day health centers located in skilled nursing and intermediate care facilities. The relevant provider regulations are very limited, only specifying that the staff requirements shall not reduce the requirements for the overall skilled nursing or intermediate care facility, and referencing the definitions statement for skilled nursing and intermediate care facilities, which defines drug administration as giving a patient “a prescribed drug in accordance with all the existing laws and rules governing those acts.”</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care center means a licensed facility maintained and operated for the purpose of providing regular care, which includes supportive care to four or more disabled adults. The purpose of adult day care services is to provide disabled adults a sheltered setting and specified activities to support and promote the adult’s level of functioning and ability to remain or be maintained safely in the community outside institutions and other care facilities. (Hawaii Department of Human Services definition for state funding under <i>Hawaii Administrative Rules</i>, Title 17, Chapter 1424).</p> <p>Adult day care center means a licensed facility maintained and operated by an individual, organization, or agency for the purpose of providing regular supportive care to four or more disabled adult participants, with or without charging a fee. (Hawaii Department of Human Services definition for Medicaid under <i>Hawaii Administrative Rules</i>, Title 11, Chapter 96).</p> <p>Adult day health care means an organized day program of therapeutic, social, and health services provided to adults with physical impairments, mental impairments, or both, which require nursing oversight or care, for the purpose of restoring or maintaining, to the fullest extent possible, their capacity for remaining in the community.</p> <p>Adult day health center means a facility that provides adult day health care.</p>			
Parameters for Who Can Be Served			
<p>Adult day care. The definition of adult day care (above) provides general information regarding who can be served in these programs. Providers may serve individuals who need the services offered in order to maintain their current level of social, emotional, or physical functioning; have a physical or mental disability suitable to the day care program as verified by a medical or psychological report; and desire and are capable of participating in a day care program.</p>			

Providers may not serve clients whose condition deteriorates to the point that enrollment is unsuitable; if the client is unwilling or unable to make constructive use of the service and continuation of the service is contrary to the overall service plan for the client; or if services are no longer appropriate.

Adult day health care. The definition of adult day health care (above) provides general information regarding who can be served in these programs. Providers may serve individuals who need health, nursing, therapeutic, or social services in order to reach or maintain their highest degree of functional status practicable.

Inspection and Monitoring

Yes No

Adult day care. Centers are inspected to determine compliance with applicable building and fire codes, and standards set by the state Department of Health. The Department of Human Services also inspects centers as a part of the relicensing process. (Medicaid)

Adult day health care. The director of the Department of Health or his authorized representative shall inspect each licensed freestanding ADHC at least once annually. Notice of the approximate time for the annual inspection visits may be given to the center. In addition to performing annual inspection visits, the director or his authorized representative, without prior notice, may enter the center at any reasonable time for the purposes of confirming correction of deficiencies, investigation of complaints, or both.

Facilities licensed under this chapter must be inspected at least annually by appropriate fire authorities for compliance with state and county fire and life safety rules and ordinances.

Required and Optional Services

	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance		M	X	
Health Education and Counseling		M		X
Health Monitoring/Health-Related Services	M		X	
Medication Administration	S	M	X	
Nursing Services			X	
Physical Therapy, Occupational Therapy, or Speech Therapy			X	
Skilled Nursing Services			X	
Social Services	M, S		X	
Transportation		M		X

M = Medicaid, S = State funding

Provisions Regarding Medications

Adult day care. Services include a reminder to take medication. (State funding)

Medication may be administered by staff members licensed by the state as a licensed practical nurse or registered nurse, or by unlicensed assistive personnel delegated the task by a licensed registered nurse, with a signed authorization from the participant's physician. (Medicaid)

Adult day health care. Medications administered to a client shall be ordered by the attending physician in writing.

Only appropriately licensed and trained staff shall be allowed to administer drugs and shall be responsible for proper recording of the medication, including the route of administration.

Provisions for Groups with Special Needs

Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
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Staffing Requirements

Adult Day Care

Type of staff. Each center shall have a *director* responsible for the total program of the center, who shall designate a staff member to be responsible for administration whenever the director is absent. Each center shall have staff members who are capable of providing supervision to the number of participants at the center at all times.

Staffing ratios. The staff-to-participant ratio shall be one regular staff member to six participants. This ratio may include the director of the facility. At least one staff member currently certified in first aid and cardiopulmonary resuscitation (CPR) shall be present at the center while participants are present and accompany participants on field trips.

Adult Day Health Care

Type of staff. Each center shall have an *administrator*, and centers with a capacity of 50 or more clients shall also have a separate full-time *program director*. A program director of a center whose average daily attendance is 20 or less may also serve as the registered nurse, social worker, occupational therapist, physical therapist, activity coordinator, speech therapist, or dietitian provided that the program director is qualified and is not also the administrator.

Each program shall have nursing staff sufficient in qualifications to meet the needs of the clients. Nursing services shall be under the supervision of a registered nurse.

Staffing ratios. Employees shall be sufficient in number to provide the services for which the center is licensed. Each program shall have nursing staff sufficient in number to meet the needs of the clients.

Training Requirements

Adult day care. Staff are required to be certified in CPR and first aid.

Adult day health care. Each employee shall have either training or related experience in the job assigned, and a planned in-service education program, including orientation, skill training, and continuing education, shall be provided. Annual or more frequent training shall include, but not be limited to, prevention and control of infections, fire prevention and safety, accident prevention, clients' rights, and problems and needs of the aged, ill, and disabled. Provision shall be made for training appropriate personnel in CPR and appropriate first aid techniques.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Hawaii has three 1915(c) waivers serving the aged and disabled population: the Residential Alternative Community Care Program, HIV/AIDS Community Care, and Nursing Home Without Walls. Services are provided through providers licensed by either the Department of Health or the Department of Human Services. A Program for All-Inclusive Care for the Elderly (PACE) program on the island of Oahu provides adult day health services.

Location of Licensing, Certification, or Other Requirements

1. <http://www.hawaii.gov/health/about/rules/11-96.pdf>
2. <http://www.hawaii.gov/health/about/rules/11-94.pdf>
3. <http://www.state.hi.us/dhs/17-1417.pdf>
4. <http://state.hi.us/dhs/17-1424.pdf>

Citations

1. *Freestanding Adult Day Health Centers* (Hawaii Administrative Rules, Title 11, Chapter 96). Department of Health. [5/31/91]
2. *Skilled Nursing/Intermediate Care Facilities* (Hawaii Administrative Rules, Title 11, Chapter 94). Department of Health. [4/22/85]
3. *Adult Day Care Services* (Hawaii Administrative Rules, Title 17, Chapter 1417, Subtitle 9). Community Long-Term Care Programs, Department of Human Services. [Revised 6/29/92]
4. *Licensing of Adult Day Care Centers* (Hawaii Administrative Rules, Title 17, Subtitle 9, Chapter 1424). Department of Human Services, Adult and Community Care Programs. [6/29/92]

IDAHO

Overview			
<p>Adult day care (ADC) in Idaho is regulated for persons served by the Commission on Aging Senior Services Program under the Rules Governing Senior Services Programs. The Commission on Aging rules state that adult day care programs shall operate under guidelines established by the Idaho Commission on Aging that are in accordance with the standards developed by the National Council on Aging, National Institute on Adult Day Care (now known as the standards of the Commission on Accreditation of Rehabilitation Facilities).</p> <p>Adult day care services are provided under the Medicaid Aged and Disabled Waiver, and waiver providers are governed by the Department of Health and Welfare Division of Medicaid, the Home and Community-Based Services (HCBS) Medicaid Guide, <i>Provider Handbook</i>, and additional terms for ADC to the Medicaid Provider Agreement.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> ADC providers must follow guidelines in accordance with CARF standards; Medicaid ADC providers must follow specific terms in Provider Agreement
Definitions			
<p>Adult day care is a structured day program that provides individually planned care, supervision, social interaction, and supportive services for frail older persons in a protective group setting, and provides relief and support for caregivers. It is designed to meet the needs of eligible participants whose functional or cognitive abilities have deteriorated; it is intended to provide relief for family caregivers; and it is a comprehensive program that provides a variety of social and other elective support services in a protective setting other than the participant's home during any part of a day, but for less than 14 hours per day.</p>			
Parameters for Who Can Be Served			
<p>Providers may serve individuals who have physical or cognitive disabilities affecting ADL or instrumental ADL; are capable of being transported and of benefiting from socialization, structured, and supervised group-oriented programs; and are capable of self-care with supervision or cueing.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	

Required and Optional Services		
	Adult Day Care	
	Required	Optional
ADL Assistance	X	
Health Education and Counseling		
Health Monitoring/Health-Related Services		
Medication Administration		
Nursing Services		
Physical Therapy, Occupational Therapy, or Speech Therapy		
Skilled Nursing Services		
Social Services		
Transportation		
Provisions Regarding Medications		
None identified.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. Staff shall be adequate in numbers and skill to provide essential services.</p> <p>If the <i>site administrator</i> is responsible for more than one site or has duties not directly related to ADC, a <i>program manager</i> shall be designated for each site. If the ADC occurs in other than a freestanding facility, such as in a nursing facility or assisted living facility, the rules governing that facility must also be followed. Adult day care does not, however, have a rule governing the site administrator for a stand-alone facility.</p> <p>Staffing ratios. There shall be at least two responsible persons at the center at all times when clients are in attendance. One shall be a paid staff member. Staff-to-client ratio shall be increased appropriately if the number of clients in day care increases or if the degree of severity of clients' functional or cognitive impairment increases. Staff persons counted in the staff-to-client ratio shall be those who spend the major part of their work time in direct service to clients. Volunteers may be included in the staff ratio only when they conform to the same standards and requirements as paid staff.</p>		
Training Requirements		
None identified.		
Relevant Medicaid Contracting Requirements for Adult Day Services Providers		
<p>Idaho provides ADC under the Aged and Disabled Waiver.</p> <p>Definitions Adult day care is a supervised, structured day program outside of the home of the client that may offer one or more of a variety of social, recreational, or health activities; supervision for safety; and assistance with ADL. Adult day care can be provided in a home or elsewhere in the community.</p>		

Admission criteria. Centers may accept clients who are receiving service through one of the participating HCBS waivers, and who do not have pressure ulcers or open wounds, draining wounds that cannot be contained, or who require continuous nursing assessment and intervention. Providers shall accept participants only if they are able to provide the level or type of service the participant requires, including skilled nursing and sufficient staffing, and whose needs are compatible with the physical, emotional, and social needs of the other participants at the facility and within the level of fire safety provided by the facility.

Required services. Medication administration and nursing.

Medications. Medications may be administered only by licensed nurses. Any staff member who assists with medications must be licensed to do so or must successfully complete a Board of Nursing-approved course on assistance with medication, as the delegate of a licensed nurse.

Inspections. Idaho Medicaid conducts a review every 2 years of all provider agencies. Regional Medicaid Services contacts agencies at least 30 days prior to a review.

Staffing ratios. The provider shall employ sufficient personnel to ensure the safe and proper care of the participants. The staff-to-participant ratio shall be a minimum of one staff to six participants. As the number of participants and the severity of participant functional impairments increases, the staff-to-participant ratio shall be adjusted accordingly. Programs serving a high percentage of participants who are severely impaired should have a staff-to-participant ratio of one-to-four.

Training. The provider shall ensure that the staff has sufficient training. At a minimum, providers shall have training in infection control, cardiopulmonary resuscitation (CPR), and first aid.

Location of Licensing, Certification, or Other Requirements

1. <http://www2.state.id.us/adm/adminrules/rules/idapa15/0101.pdf>
2. http://www.healthandwelfare.idaho.gov/Rainbow/Documents/medical/s3_015_aged_disabled.pdf
3. <http://www.healthandwelfare.idaho.gov/Rainbow/Documents/medical/Master%20Idaho%20HCBS%20Medicaid%20Provider%20Orientation%20Guide%20Part%20I%207-04.pdf>
4. <http://www.healthandwelfare.idaho.gov/Rainbow/Documents/medical/Master%20Idaho%20HCBS%20Medicaid%20Provider%20Orientation%20Guide%20Part%20II%207-04.pdf>
5. On file at RTI International, provided by Idaho Medicaid.

Citations

1. *Rules Governing Senior Services Program* (IDAPA 15, Title 01, Chapter 01)--Office of the Governor, Idaho Commission on Aging. [2004]
2. *Medicaid Provider Handbook, Aged and Disabled Waiver Guidelines*. Idaho Department of Health and Welfare. [6/1/04]
3. *Idaho HCBS Medicaid Guide. General Information Part I*. Idaho Department of Health and Welfare. Division of Medicaid. [July 2004]
4. *Idaho HCBS Medicaid Guide. Medicaid Programs Part II*. Idaho Department of Health and Welfare. Division of Medicaid. [July 2004]
5. *Additional Terms--Adult Day Care*. Idaho Medicaid Provider Enrollment Packet Adult Day Care Services Medicaid Provider Agreement. [5/10/04]

ILLINOIS

Overview			
<p>The State of Illinois does not require licensing or certification for adult day care providers. The Department on Aging Community Care Program (CCP) funded by state general revenue and the Medicaid Waiver provides services designed to prevent premature and unnecessary institutionalization to individuals over 60 years of age who are determined eligible to receive such services. The regulations for CCP, as stated in the <i>Administrative Code</i>, require all adult day service providers to comply with the applicable local and state building, fire, health, and safety codes and standards in addition to specific accessibility and environmental barrier codes, and food service sanitation and vehicle codes. There are no provisions for adult day care other than those stated in the <i>Administrative Code</i> for the CCP, which are detailed in this profile.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> CCP providers must follow CCP rules to offer adult day services
Definitions			
<p>Adult day service is the direct care and supervision of adults 60 years of age and over in a community-based setting for the purpose of providing personal attention and promoting social, physical, and emotional well-being in a structured setting.</p>			
Parameters for Who Can Be Served			
<p>Other than the general parameters included in the definition (above), none are specified.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>The Department shall have the authority to conduct performance reviews of a contracted provider agency at any time during the course of the provider's contract period. The Provider Performance Review consists of reviewing a sample of client and employee files to: evaluate provider compliance with administrative rules; ensure adherence to the policies and procedures established by the Department and the adult day service provider; and ensure that Request for Proposal (RFP) provider requirements are met or exceeded.</p>			

Required and Optional Services		
	Adult Day Services	
	Required	Optional
Activities of Daily Living (ADL) Assistance	X	
Health Education and Counseling	X	
Health Monitoring/Health-Related Services	X	
Medication Administration	X	
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		X
Skilled Nursing Services		X
Social Services	X	
Transportation	X	
Provisions Regarding Medications		
An adult day service provider shall have on file and utilize written procedures to manage storage and administration of medications, including ensuring that prescribed medication is administered by an appropriately licensed professional to those adult day service clients who are determined unable to self-administer medications; and that judgment of a client's inability to self-administer medications shall be documented by a physician's order or the Case Coordination Unit plan of care and/or the adult day service plan of care by the program nurse.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. A separate and identifiable staff person must be designated for sole use by the adult day service program. Each adult day service provider shall have adequate personnel in number and skill (a minimum of two staff persons) at the adult day service site to provide for program and fiscal administration; nursing and personal care services; nutritional services; planned therapeutic/recreational activities; and provision or arrangement of transportation to and from the adult day service site.</p> <p>The <i>program coordinator/director</i> may perform the responsibilities of an <i>adult day service program administrator</i>, and must be on duty full-time when clients are in attendance or have a qualified substitute.</p> <p>A <i>program nurse</i> must be on duty at least one-half of a full-time (FTE) work period when clients are in attendance, either as staff or on a contractual basis. With written Department approval, the responsibilities of a program nurse may be performed by the program coordinator/director or administrator, in which case that person must be full-time and must meet the qualifications for a program nurse and fulfill responsibilities for all assigned positions.</p> <p><i>Nutrition staff</i> shall include: (1) at least one staff person who meets the food service sanitation guidelines issued by the Department of Public Health; and (2) a nutrition consultant/dietitian, either paid or in-kind, who shall be a registered member of the American Dietetic Association with experience in an agency setting.</p>		

Drivers of adult day service vehicles that transport clients, and at least two program adult day service staff, shall be certified in cardiopulmonary resuscitation (CPR) and trained in first aid, and at least one of such trained staff shall be on-site when clients are present.

The adult day service team consisting of program coordinator/director and program nurse may include other staff at the option of the program coordinator/director.

Staffing ratios. The minimum ratio of full-time staff (qualified adult day service staff, trained volunteers or substitutes) or full-time equivalent staff present at the adult day service site to clients, when clients are in attendance, shall be: two staff for every 1-12 clients; three staff for 13-20 clients; four staff for 21-28 clients; with one additional staff person for each seven additional clients. Fifty percent or more of a staff member's time shall be spent in on-site direct service or supervision on behalf of one or more clients in order to be considered in the ratio.

Training Requirements

Each adult day service employee shall have initial training totaling a minimum of 12 hours face-to-face training within the first week of employment (exclusive of orientation). A worker may be exempted from initial training by the provider if the worker has had previous documented training equivalent to 12 hours, with another CCP contracted agency, or in a related field, within the past 2 years prior to this employment or holds a CNA, RN, LPN, BA, BS, BSW, or higher degree. A minimum of 12 hours continuing education per year shall be mandatory for all adult day service employees.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

There are no additional Medicaid requirements for adult day services providers. The CCP requires all providers to adhere to the same rules and regulations irrespective of funding sources.

Location of Licensing, Certification, or Other Requirements

1. <http://www.ilga.gov/commission/jcar/admincode/089/08900240sections.html>

Citations

1. *Administrative Code* (Title 89: Social Services, Chapter II: Illinois Department on Aging, Part 240--Community Care). Joint Committee on Administrative Rules. [Effective 5/21/04]

INDIANA

Overview			
<p>Indiana does not have licensing requirements for adult day services. There is no oversight for adult day service (ADS) programs that serve only private pay clients. The state has, under the Indiana Family and Social Services Administration (FSSA), several Medicaid Home and Community-Based Services Waivers, including the Aged and Disabled Waiver, which include ADS as a covered service. Providers of ADS must be certified as Medicaid Providers by FSSA and must comply with any ADS standards and guidelines defined by FSSA. The <i>Medicaid Waiver Standards and Guidelines</i> are the only regulations Indiana has for ADS and are the source for the information in this profile.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input checked="" type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day services means a community-based group service designed to meet the needs of adults with impairments through individual plans of care. These structured, comprehensive, nonresidential programs provide a variety of health, social, recreational, and therapeutic activities; supervision; support services; and in some cases, personal care. Meals and/or nutritious snacks are required. These services must be provided in a congregate, protective setting. By supporting families and other caregivers, adult day services enable participants to live in the community. Participants attend on a planned basis for a minimum of 3 hours to a maximum of 12 hours. There are three levels of adult day services: Basic (Level 1), Enhanced (Level 2), and Intensive (Level 3). (see <i>Additional Information</i> at end of profile for description of each level.)</p>			
Parameters for Who Can Be Served			
<p>No parameters for who can and cannot be served are specified. However, the staffing requirements specified below indicate that providers may serve individuals with a high level of functional limitations and nursing needs.</p>			
Inspection and Monitoring			
Yes <input type="checkbox"/>		No <input type="checkbox"/>	
<p>None specified.</p>			

Required and Optional Services		
	Adult Day Service	
	Required	Optional
Activities of Daily Living (ADL) Assistance	X	
Health Education and Counseling	X	
Health Monitoring/Health-Related Services	X	
Medication Administration	X	
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy	Level 3 only	
Skilled Nursing Services	Level 3 only	
Social Services	X	
Transportation		X
Provisions Regarding Medications		
The ADS program shall store all medications administered by program staff in a locked room or cabinet with appropriate temperature control.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> mild to severe cognitive impairments and high physical acuity needs
Staffing Requirements		
<p>Type of staff. The <i>administrator</i> or <i>program director</i> must appoint a staff person to supervise the program in the absence of the director. Staff shall be adequate in number and skills to provide essential services.</p> <p><u>Basic (Level 1)</u>--A <i>registered nurse (RN)</i> or <i>licensed practical nurse (LPN)</i> with RN oversight shall be available as a consultant and for health education needs, assessments, medication oversight or administration, health promotion, prevention of illness, and health screening.</p> <p><u>Enhanced (Level 2)</u>--An LPN shall be on staff full-time with monthly documented RN supervision or an RN half-time who shall provide health assessment upon admission and ongoing at least every 6 months; dispense or supervise the dispensing of medication; administer or oversee treatments; and maintain medical information for each participant. Personal care shall be provided by the nurse or <i>personal care attendants</i> who are certified ADS program assistants, certified nursing assistants, qualified medication aides, or home health aides. A degreed <i>social worker</i>, certified <i>therapist</i>, or related professional is available for monthly consultation and documentation regarding psychosocial needs of participants.</p> <p><u>Intensive (Level 3)</u>--An LPN shall be on staff full-time with monthly documented RN supervision or an RN half-time who shall be available for all hours of the program and available to fulfill all duties as noted for nurses in the Basic and Enhanced levels. Additionally, an LPN or RN will provide more intensive nursing interventions as appropriate and/or prescribed such as colostomy care, tube feeding, injections, dressing changes, catheter care, blood sugar checks, etc. There shall be full-time, qualified staff available to attend to the psychosocial needs of participants with monthly documented supervision by a licensed social worker, certified therapist, or related professional.</p>		

Staffing ratios.

Basic (Level 1)--The staff and client ratio shall be a minimum of one-to-eight.

Enhanced (Level 2)--The staff and client ratio shall be a minimum of one-to-six.

Intensive (Level 3)--The staff and client ratio shall be a minimum of one-to-four. At least two paid staff must be in the facility and available at all times when more than one participant is present. Volunteers are not included in the staff ratio unless they are professionally trained and/or certified in a health occupation and oriented and trained as staff.

Training Requirements

All staff shall receive orientation prior to providing ADS, including program policies and procedures and participants rights. If volunteers are used as staff, their orientation and training requirements must be the same as paid staff.

Basic (Level 1)--Training required of all direct care and administrative staff of ADS providing Basic care includes, but is not limited to, the following: (1) basic first aid (medical personnel such as RN or physician are excluded as this is within their scope of practice); (2) cardiopulmonary resuscitation (CPR); (3) working with aged and/or disabled clients; (4) basic information concerning medical treatments, age-related diseases, illnesses, drug interactions, medical terms, functional and behavioral issues, nutritional and end of life issues; (5) training on cognitive impairment or other special needs of population served; and (6) training in leading therapeutic group activities that meet the needs of person served and maximize their independence (for staff providing or assisting with activities).

Enhanced (Level 2)--Training requirements of ADS direct care and administrative staff (if administrative is secondary staff available at times or is included in staff/client ratio) of day centers providing Enhanced care include all of the Basic (Level 1) requirements, plus training in personal care services. Personal care assistants will maintain their continuing education requirements unique to their certification and will maintain current certificates. Those centers providing services to individuals with mild to moderate cognitive impairments must provide training to all staff involved with activities programming, and personal care staff, in dementia specific care.

Intensive (Level 3)--Training requirements of ADS direct care and administrative staff (if administrative is secondary staff available at times or is included in staff/client ratio) of day centers providing Intensive care include all of the Basic (Level 1) and Enhanced (Level 2) requirements, plus the following: (1) in-service training regarding special care needs of populations served, such as appropriate two-person assist for transfers, moderate to severe cognitive impairments that put participant at high risk of elopement, choking or outbursts, or multiple vital sign monitoring more than once a day; (2) in-service training for personal care assistants on special care needs of population served such as colostomy skin care, enema administration, and tube feeding, commensurate with level of professional training or certification of each assistant; and (3) training for activities staff in modification of therapeutic activities to meet the specialized need of moderate to severe cognitive impairments and/or higher physical acuity needs of participants.

All staff and subcontractors who will be driving when clients are transported by the ADS provider must complete a Defensive Driver Training, Trauma/First Aid Training, and Passenger Assistance Course within 3 months of being hired, with annual recertifications; and must receive at least annual training regarding the special issues related to working with health-impaired and cognitively impaired adults.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

As stated in the overview, Medicaid providers of ADS must be certified by Indiana’s Family and Social Services Administration and follow the *Medicaid Waiver Standards and Guidelines* highlighted in this profile.

Location of Licensing, Certification or Other Requirements

None available online.

Citations

1. *Medicaid Waiver Standards and Guidelines, Adult Day Services*, State of Indiana. [Final Draft, June 2001]

Additional Information

Basic adult day service (Level 1) includes:

1. Monitor and/or supervise all activities of daily living (ADLs are defined as dressing, bathing, grooming, eating, walking, and toileting) with hands-on assistance provided as needed.
2. Provide comprehensive, therapeutic activities.
3. Health assessment and intermittent monitoring of health status.
4. Monitor medication or medication administration.
5. Appropriate structure and supervision for those with mild cognitive impairment.

Enhanced adult day service (Level 2) includes Basic (Level 1) service requirements and additionally:

1. Hands-on assistance with two or more ADLs or hands-on assistance with bathing or other personal care.
2. Health assessment with regular monitoring or intervention with health status.
3. Dispensing or supervising the dispensing of medications to participants.
4. Assessment and intervention for psychosocial needs, including counseling as needed for participants and caregivers.
5. Therapeutic structure, supervision, and intervention for those with mild to moderate cognitive impairments.

Intensive adult day service (Level 3) includes Basic (Level 1) and Enhanced (Level 2) service requirements and additionally:

1. Hands-on assistance or supervision with all ADLs and personal care.
2. On or more direct health intervention(s) (required).
3. Rehabilitation and restorative services including physical therapy, speech therapy, occupational therapies (coordinated or available).
4. Therapeutic interventions to address dynamic psychosocial needs such as depression or family issues affecting care.
5. Therapeutic interventions for those with moderate to severe cognitive impairment.

In 2003, the state enacted legislation requiring the state to develop a comprehensive system of ADS. When this legislation is implemented, it is thought that the regulatory environment will change dramatically. There is more information available at <<http://www.generationsproject.org>>.

Some clients may be receiving ADS through Indiana's CHOICE program, which is a solely state-funded program for home and community services. If a provider wants to be a CHOICE provider, they must first be a waiver provider and, hence, follow the *Medicaid Waiver Standards and Guidelines* regarding provision of ADS.

The Indiana Association of Adult Day Services does not have any authority over individual centers. It is, however, the only organization able to certify staff as certified program assistants (CPA). This certification is the industry minimum qualification to provide personal care such as bathroom assist and hands-on transfers. It is similar to certification for nursing assistants. The ADS Guidelines state that staff must have appropriate training (CPA, CAN, QMA, LPN, RN) to provide personal care.

IOWA

Overview			
<p>Iowa certifies adult day services programs, which may include dementia-specific adult day services, under Section 321 Chapter 24 of the <i>Iowa Administrative Code</i>, adopted by the Department of Elder Affairs and implemented by the Department of Inspections and Appeals.</p> <p>Iowa provides adult day services under its Elderly, Mental Retardation, and Ill and Handicapped Waivers, administered by the Iowa Department of Human Services, which accepts the adult day services providers that are certified by the Department of Inspections and Appeals under Section 321 Chapter 24.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input checked="" type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day services program means an organized program providing a variety of health, social, and related support services for 16 hours or less in a 24-hour period to two or more persons with a functional impairment on a regularly scheduled, contractual basis.</p> <p>Dementia-specific adult day services program means a certified program that either serves five or more participants with dementia between stages four and seven on the Global Deterioration Scale or holds itself out as providing specialized care for persons with a cognitive disorder or dementia, such as Alzheimer's disease, in a dedicated setting.</p>			
Parameters for Who Can Be Served			
<p>Programs may not knowingly admit or retain a participant who: (1) is bedfast; (2) requires routine three-person assistance with standing, transfer, or evacuation; (3) is dangerous to self or others, including but not limited to a participant who (a) despite intervention, chronically wanders into danger, is sexually or physically aggressive or abusive, or displays unmanageable verbal abuse or aggression or (b) displays behavior that places another participant at risk; (4) is in an acute stage of alcoholism, drug addiction, or uncontrolled mental illness; (5) is under 18 years of age; (6) requires more than part-time or intermittent health-related care; or (7) on a routine basis has unmanageable incontinence.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>The Department of Inspections and Appeals shall conduct on-site monitoring within 90 calendar days following issuance of conditional certification, and between 60 and 90 days prior to expiration of a program's certification. The Department shall monitor a certified program at least once during the program's certification period.</p> <p>The Department may conduct an on-site monitoring evaluation within 90 days following a change in ownership or management corporation to ensure that the program complies with requirements.</p>			

Required and Optional Services		
	Adult Day and Dementia-Specific Adult Day Services	
	Required	Optional
Activities of Daily Living (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		
Transportation		X
Provisions Regarding Medications		
<p>Each program shall have a written medication policy that includes the following:</p> <p>Participants shall self-administer medications unless: (1) the prescription states that the participant is not to self-administer the medication; or (2) the participant or, if applicable, the legal representative, delegates administration to the program by contractual agreement or signed service plan. The program shall not prohibit a participant from self-administering medications.</p> <p>When partial or complete control of medication is delegated to the program by the participant, appropriate staff may transfer medication from the original prescription containers into medication reminder boxes or medication cups in the participant's presence. A program that administers prescription medications shall provide for a registered nurse to monitor adverse reactions.</p>		
Provisions for Groups with Special Needs		
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. A program that administers prescription medications or provides professionally directed health care or health-related care shall provide for a <i>registered nurse</i>.</p> <p>Staffing ratios. Sufficient trained staff shall be available at all times to fully meet participants' identified needs. No fewer than two staff persons who monitor participants as indicated in each participant's service plan shall be awake and on duty during all hours of operations when two or more participants are present.</p>		
Training Requirements		
<p>The owner or management corporation of the program is responsible for ensuring that all personnel employed by or contracting with the program receive training appropriate to assigned tasks and the target population.</p> <p>All personnel employed by or contracting with a dementia-specific program shall receive a minimum of 6 hours of dementia-specific education and training prior to or within 90 days of employment or the beginning date of the contract. The dementia-specific education or training shall include, at a minimum, the following: (1) an explanation of Alzheimer's disease and related disorders; (2) the program's</p>		

specialized dementia care philosophy and program; (3) skills for communicating with persons with dementia; (4) skills for communicating with family and friends of persons with dementia; (5) an explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the care-giving role, and family dynamics; (6) the importance of planned and spontaneous activities; (7) skills in providing assistance with activities of daily living; (8) the importance of the care plan and social history information; (9) skills in working with challenging participants; (10) techniques for simplifying, cueing, and redirecting; and (11) staff support and stress reduction.

All personnel employed by or contracting with a dementia-specific program shall receive a minimum of 2 hours of dementia-specific continuing education annually. Direct-contact personnel shall receive a minimum of 6 hours of dementia-specific continuing education annually.

All personnel of a program shall be able to implement the program's accident, fire safety, and emergency procedures.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Iowa provides adult day services under its Elderly, Mental Retardation, and Ill and Handicapped Waivers, administered by the Iowa Department of Human Services. Adult day care providers shall be agencies that are certified by the Department of Inspections and Appeals as being in compliance with the standards for adult day services programs adopted by the Department of Elder Affairs in Section 321, Chapter 24 of the *Iowa Administrative Code*.

Location of Licensing, Certification or Other Requirements

1. http://www.dhs.state.ia.us/policyanalysis/PolicyManualPages/Manual_Documents/Provman/ill.pdf
2. http://www.dhs.state.ia.us/policyanalysis/PolicyManualPages/Manual_Documents/Provman/eldwaiv.pdf
3. <http://www2.legis.state.ia.us/rules/current/iac/321iac/32124/32124.pdf>
4. <http://www2.legis.state.ia.us/rules/current/iac/321iac/32126/32126.pdf>

Citations

1. *Medicaid Provider Manual. HCBS Ill and Handicapped Waiver*. State of Iowa. Department of Human Services. [3/1/2003]
2. *Medicaid Provider Manual. HCBS Elderly Waiver Services*. State of Iowa. Department of Human Services. [7/1/2000]
3. *Iowa Administrative Code*, Section 321, Chapter 24. [4/14/2004]
4. *Iowa Administrative Code*, Section 321, Chapter 26. [9/29/2004]

KANSAS

Overview			
<p>The Kansas Department on Aging licenses adult day care facilities under <i>Kansas Department on Aging Regulations</i> 28-39-275 – 28-39-291. Some requirements for adult care homes (39-144, 145a, 147, and 148) apply to adult day care providers.</p> <p>The Kansas Medical Assistance Program (Medicaid) enrolls providers for adult day care authorized as part of the Frail Adult Waiver under the state licensure with a few additional requirements.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care means any adult care home facility operating less than 24 hours a day caring for individuals not related within the third degree of relationship to the operator or owner by blood or marriage and who, due to functional impairment need supervision or assistance with activities of daily living (ADL).</p>			
Parameters for Who Can Be Served			
<p>Rules governing who providers can admit and retain are the same as those for adult care homes. Providers may not serve anyone under the age of 16 and cannot serve persons in need of specialized services for mental illness unless they can provide appropriate treatment. Individuals must be admitted under the care of a physician.</p> <p>Providers may define the target population they wish to serve, but shall not admit individuals (unless their negotiated service agreement includes resources to meet their needs) who:</p> <ul style="list-style-type: none"> ▪ are incontinent and will not participate in management of their incontinence, ▪ are immobile, ▪ have any condition requiring two-person transfer, ▪ have any behavior symptom that exceeds manageability, or ▪ have a clinical condition that requires the use of physical restraints. <p>Providers may discharge individuals if necessary for the resident's welfare, if the resident's needs cannot be met in the current setting, or if the safety or health of other individuals in the setting is endangered.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Provisions regarding inspection are the same as for adult care homes. Adult day care facilities shall provide immediate access to any resident by any representative of the secretary of the Kansas Department of Health and Environment or the Kansas Department of Social and Rehabilitation Services.</p>			

Required and Optional Services		
	Adult Day Care	
	Required	Optional
ADL Assistance	X	
Health Education and Counseling		X
Health Monitoring/Health-Related Services	X	
Medication Administration	X	
Nursing Services	X	
Physical Therapy, Occupational Therapy, or Speech Therapy	X	
Skilled Nursing Services	X	
Social Services		X
Transportation		X
Provisions Regarding Medications		
<p>Self-administration of medications. Residents may manage and self-administer their own medications if an assessment by a physician or licensed nurse has determined that they can perform this function safely and accurately.</p> <p>Self-administration of medications with assistance. Residents can self-administer medications using a prefilled medication reminder box or prefilled syringe if an assessment performed by a licensed nurse has determined that they can do this safely and accurately without assistance.</p> <p>In both cases, staff may remind residents to take medication.</p> <p>Residents who self-administer with or without assistance can choose to have some of their medications managed by a licensed nurse employed by the facility, a home health agency or hospice, or by a medication aide employed by the facility if they don't think they can perform this function safely.</p>		
Provisions for Groups with Special Needs		
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. Each adult day care facility must have an <i>administrator</i> or <i>operator</i> who may supervise more than one facility if: each facility is located within a proximate geographical location; the combined resident capacity does not exceed 100 residents; and the administrator or operator assures that the lack of full-time, on-site supervision of the facility will not adversely affect the health and welfare of residents.</p> <p>Each facility shall be responsible for assuring that a <i>licensed nurse</i> is available on-site or by telephone to provide immediate direction to medication aides and <i>nurse aides</i> for residents who have unscheduled needs. The licensed nurse may be employed by the facility or by a home health agency or a hospice.</p> <p>Staffing ratios. Each adult day care facility will provide sufficient numbers of qualified personnel to ensure that residents receive the services and care specified in the negotiated service agreement.</p>		

Training Requirements

Each adult day care facility will provide orientation to new employees and regular in-service education for all employees to ensure that the services provided assist residents to attain and maintain their individuality, autonomy, dignity, independence, and ability to make choices. Subjects for in-service education shall include: principles of adult day care, fire safety, disaster procedures, accident prevention, resident rights, infection control, and prevention of abuse. Facilities admitting residents with dementia shall provide in-service education on the treatment of behavioral symptoms.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Adult day care is covered under the Frail Adult Waiver. Providers must be licensed and provide services in accordance with the following Medicaid provisions:

Definitions. Adult day care is designed to maintain optimal physical and social functioning for HCBS customers, providing a balance of social, intellectual, cultural, economic, emotional, and physical activities to meet their interrelated needs and interests.

Services. Basic nursing as identified in the service plan, and optional daily supervision/physical assistance with ADL as identified in the individual's plan of care. Physical, occupational, and speech therapies are not covered but may be covered through regular Medicaid.

Location of Licensing, Certification or Other Requirements

1. <https://www.kmap-state-ks.us/Documents/Content/Provider%20Manuals/FEAdult%20Day%20Care%2002-23.pdf>
2. http://www.agingkansas.org/kdoa/lce/regs/adultdaycare/adult_day_care.htm
3. <http://www.agingkansas.org/kdoa/lce/regs/statutes/LicensureStatutes.pdf>
4. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-144.pdf
5. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-145a.pdf
6. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-147.pdf
7. http://www.agingkansas.org/kdoa/lce/regs/ach_common/28-39-148.pdf

Citations

1. *HCBS-FE Adult Day Care Provider Manual*. Kansas Medical Assistance Program. [2/23/05]
2. *Adult Day Care Regulations*. Kansas Department on Aging, (28-39-275 – 28-39-291). [3/23/2005]
3. *Adult Care Homes Definitions 39-923*. *Kansas Statutes* Annotated Chapter 39, Article 9. [2003]
4. *Adult Care Homes Definitions 39-144*. Kansas Department on Aging. [11/2001]
5. *Adult Care Homes Licensure 39-145a*. Kansas Department on Aging. [10/1999]
6. *Adult Care Homes Resident Rights 39-147*. Kansas Department on Aging. [2/1997]
7. *Adult Care Homes Admission, Transfer, Discharge 39-148*. Kansas Department on Aging. [2/1997]

KENTUCKY

Overview			
<p>Adult day care and adult day health care (ADHC) are regulated by the state Cabinet for Health and Family Services. The Division of Aging Services certifies facilities for the Adult Day Care and Alzheimer's Respite program, which is governed under Kentucky <i>Administrative Regulations</i> 910 KAR 1:160 and 1:230.</p> <p>The Office of Inspector General licenses adult day health care providers under the Department for Medicaid Services' Home and Community-Based Waiver Program, governed under Kentucky <i>Administrative Regulations</i> 907 KAR 1:160 and 170.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input checked="" type="checkbox"/> adult day health care is licensed; adult day care is certified	Other <input type="checkbox"/>
Definitions			
<p>Adult day care means a supportive and therapeutic social program of supervision and care: (1) provided to an eligible adult during a part of the day, but for less than 24 hours and (2) for self-administration of medications, personal care services, self-care training, social activities, and recreational opportunities.</p> <p>Adult day center means a community-based facility in which adult day supervision is provided in a group setting.</p> <p>Adult day health care means a licensed program to provide continuous supervision of the participant's medical and health needs.</p> <p>An adult day health care center is licensed to provide nursing services and is certified for Medicaid participation by the department.</p> <p>Adult day health care program means a program licensed by the Cabinet for Health and Family Services, Office of Inspector General, that provides organized health care for its clients during specified daytime hours, that may include continuous supervision to assure that health care needs are being met, supervision of self-administration of medications, and provision of nursing services, personal care services, self-care training, and social and recreational activities for individuals of all ages.</p>			
Parameters for Who Can Be Served			
<p>Adult day care. Participation criteria for adult day care programs indicate the parameters for who may be served. Participants must be 60 years of age or older and be able to respond and share in program activities without health and safety problems to self or others. Providers may serve individuals who are physically disabled or frail as a result of medical condition or age; are mentally confused; need supervision to prevent injury and assure proper nutrition and medication use; who, due to emotional or social needs, may benefit from the individualized attention and social structure these services offer, which are not otherwise available; and who have a diagnosis of dementia. No discharge requirements were identified.</p> <p>Adult day health care. These programs may serve aged persons or disabled persons over the age of 21 who meet the eligibility criteria for waiver services, and who without these services, would be admitted to a nursing facility. The eligibility groups include the mandatory categorically needy and optional categorically needy. No discharge requirements were identified.</p>			

Inspection and Monitoring				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		
Compliance with the health, safety, and treatment standards established in this administrative regulation shall be documented. Documented compliance shall be confirmed by unannounced inspections by the office. Agents of the Cabinet for Health and Family Services may enter any certified adult day care center at any time for the purpose of inspection or investigation. All inspections of adult day care centers by the cabinet shall be unannounced.				
Required and Optional Services				
	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling				
Health Monitoring/Health-Related Services			X	
Medication Administration			X	
Nursing Services			X	
Physical Therapy, Occupational Therapy, or Speech Therapy			X	
Skilled Nursing Services			X	
Social Services	X			
Transportation		X		X
*ADHC transportation is required only for physician's appointments and medical emergencies. Providers of adult day care are required to assist the family in arranging transportation.				
Provisions Regarding Medications				
<p>Adult day care. A service provider may allow staff to assist participants in medication usage if those staff members have received training in medication assistance and the participants have care plans including this service. The provider will set a daily medication schedule, assure that the correct medication is given, assure that the correct method of taking the medication is followed, explain to the client the importance of taking the medication as directed, place certain medications within the client's reach so that the client can place the tablet under the tongue the moment chest pain occurs, put away sleep and pain medications after each use, review the evening medication schedule with the client if no assistance can be given at that time, and encourage the client to consult a doctor with questions.</p> <p>Adult day health care. Basic services include monitoring and supervision of self-administered medications. Drugs and treatments shall be administered by ADHC staff only as ordered by the physician. ADHC staff shall evaluate and monitor all patient medications for possible adverse reactions, significant side effects, drug allergies, and contraindicated medication.</p>				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input checked="" type="checkbox"/>		Other <input type="checkbox"/>	
Staffing Requirements				
<p>Adult Day Care Type of staff. Trained and experienced staff shall be present each day of operation.</p> <p>Staffing ratios. Staffing ratios shall be one staff for each five participants. There shall be at least two responsible persons, one of whom shall be a paid staff member, at the center at times when there is</p>				

more than one participant in attendance. At least one staff member who has completed first aid training shall be present at times that participants are in attendance. There shall be at least one staff member present who is currently certified in cardiopulmonary resuscitation (CPR) by the American Heart Association or the American Red Cross whenever clients are at the center.

Adult Day Health Care

Type of staff. An ADHC program shall have an *administrator* who shall be responsible for the operation of the facility and shall delegate such responsibility in his absence. An ADHC program shall employ or have access to a sufficient number of qualified personnel as may be required to provide the services required by this administrative regulation and indicated by the need of the program's patients. The ADHC may provide required therapy services through a contractual arrangement with a qualified *therapist*.

Staffing ratios. None identified.

Training Requirements

Adult day care. Staff training shall be provided by appropriate qualified professionals. Prior to assuming duties, paid and volunteer personnel shall receive orientation to the program and center including: (1) program objectives; (2) center policies and procedures; (3) health, sanitation, emergency and safety codes and procedures; (4) client confidentiality; and (5) personnel policies and procedures. Policies and procedures shall be explained verbally and provided in writing.

Within 1 month of employment, staff shall become certified in CPR. Within 3 months of employment, personnel shall be provided a minimum of 34 hours basic training that includes: (1) the aging process; (2) interpersonal communication; (3) personal care; (4) first aid; (5) identifying and reporting health problems; (6) stress management; (7) recognizing and reporting suspected adult abuse, neglect, or exploitation; and (8) universal blood and body fluid precautions.

A minimum of 8 hours of annual training to review and update knowledge and skills shall be provided.

In addition to basic training, Alzheimer's respite personnel shall be provided training in: (1) dementia, (2) causes and manifestations of dementia, (3) managing the participant with dementia, (4) crisis intervention with combative participants, and (5) effects of dementia on the caregiver.

Adult day health care. An ADHC program shall conduct an orientation for new employees. The administrator shall attend educational programs appropriate to the responsibilities of the position and arrange for other professional personnel to attend appropriate educational programs on supervision and subjects related to personal care, activities, nutrition, and other pertinent subjects.

ADHC providers shall ensure agency staff are trained in the prevention, identification, and reporting of abuse, neglect, and exploitation. A planned in-service training program shall be provided to employees covering policies and procedures pertinent to their roles within the program.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Kentucky provides ADHC under the Home and Community-Based Waiver. Requirements are noted under *Adult Day Health Care* above.

Location of Licensing, Certification or Other Requirements

1. <http://lrc.ky.gov/kar/910/001/230.htm>
2. <http://www.lrc.state.ky.us/kar/910/001/160.htm>
3. <http://www.lrc.state.ky.us/KRS/205-00/950.PDF>
4. <http://lrc.ky.gov/KRS/205-00/955.PDF>
5. http://www.khha.org/publicinfo/day_health_manual.pdf
6. <http://lrc.ky.gov/kar/907/001/170.htm>
7. <http://www.lrc.state.ky.us/kar/902/020/066.htm>
8. <http://www.lrc.state.ky.us/krs/205-00/635.PDF>

9. <http://www.lrc.state.ky.us/KRS/216B00/0441.PDF>
10. <http://lrc.ky.gov/kar/907/001/160.htm>
11. <http://www.lrc.state.ky.us/kar/910/001/220.htm>

Citations

1. *Adult Day Care Center Certification. Kentucky Administrative Regulations 910 KAR 1:230. [7/8/99]*
2. *Adult day and Alzheimer's respite program. Kentucky Administrative Regulations 910 KAR 1:160. [7/8/99]*
3. *Certification of Adult Day Care Centers. Kentucky Revised Statutes 205.950. [7/14/00]*
4. *Unannounced Inspection of Adult Day Care Centers. Kentucky Revised Statutes 205.955. [7/14/92]*
5. *Adult Day Health Care Services Manual. Department for Medicaid Services. Transmittal #1. [March 2003]*
6. *Technical Amendment. Reimbursement for Home And Community-Based Waiver Services. Kentucky Administrative Regulations 907 KAR 1:170. [10/28/04].*
7. *Operation and Services; Adult Day Health Care Programs. Kentucky Administrative Regulations 902 KAR 20:066. [Undated]*
8. *Skilled Nursing Services Provided to Medicaid Recipients by Adult Day Health Care Programs. Kentucky Revised Statutes 205.635. [4/9/02]*
9. *Cabinet to License and Regulate Adult Day Care Health Programs. Kentucky Revised Statutes 216B.0441. [7/14/00]*
10. *Home and Community Based Waiver Services. Kentucky Administrative Regulations 907 KAR 1:160. [7/9/2004]*
11. *General Administration, Programs for the Elderly. Kentucky Administrative Regulations 910 KAR 1:220. [7/8/99]*

LOUISIANA

Overview			
<p>Adult day health care (ADHC) in Louisiana is regulated by the Department of Health and Hospitals (DHH), Bureau of Community Supports and Services (BCSS) under Title 50 of the <i>Louisiana Administrative Code</i>. Providers are licensed to provide service to Medicaid adult day health care waiver clients, to private pay clients, and under private contracts with Health Administrations (e.g., the Veterans Administration).</p> <p>Adult day care in Louisiana is regulated by minimum licensing standards as published in Title 48 of the <i>Louisiana Administrative Code</i>, administered by the Bureau of Licensing in the Department of Social Services. The regulatory responsibility for adult day care is scheduled to be transferred to the Department of Health and Hospitals (DHH) before the end of 2005.</p> <p>Louisiana adult day care is a unique system with six distinct types of licensed services providing structured and productive settings for developmentally disabled clients at levels of independence related to their capacities. The system is funded by DHH under the New Opportunities Waiver. Because the focus of this regulatory review is on programs that serve older persons, only limited information about adult day care is included in this profile</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care is a group program for persons with developmental disabilities designed to meet the individual needs of functionally impaired adults, which is structured and comprehensive and provides a variety of health, social, vocational, or related services in a protective setting for a portion of a 24-hour day. Several types of adult day care programs are licensed: Sheltered Workshop, Enclave Module, Mobile Work Crew Module, Psychosocial Module, and the Competitive Jobs Module.</p> <p>Adult day health care programs are designed to meet the individual needs of the functionally impaired elderly and adults by providing a structured and comprehensive variety of health, social, and related support services in a protective setting for a portion of a 24-hour day. The ADHC Waiver covers a 5-hour stay.</p> <p>An adult day care center is any place that is owned or operated for profit, or not for profit, by a person, society, agency, corporation, institution, or any other group and that serves for a portion of a 24-hour day, 10 or more functionally impaired adults who are not related to the owner or operator of the facility.</p>			
Parameters for Who Can Be Served			
<p>Few provisions other than the type of services provided indicate the parameters for who may be served in ADHC programs. Services that may be provided indicate that providers may serve individual with extensive activities of daily living (ADL) and nursing needs. Providers may not admit any client whose presence would pose a documented health and safety risk to themselves or other ADHC participants.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>		
<p>The DHH/BCSS is required to conduct inspections for ADHC Licensing as required by the Department, and for ADHC Waiver continued stay by the Centers for Medicare & Medicaid Services (CMS). The Department also investigates any report of mistreatment of clients (abuse, neglect, and exploitation) and any person, agency, or organization suspected of operating an adult day care facility without a</p>			

license or provisional license or of operating in violation of the Adult Day Health Care Licensing Minimum Standards, ADHC Waiver Standards for Participation.

Required and Optional Services

	Adult Day Health Care	
	Required	Optional
ADL Assistance		X
Health Education and Counseling		X
Health Monitoring/Health-Related Services		X
Medication Administration		X
Nursing Services		X
Physical Therapy, Occupational Therapy, or Speech Therapy		X
Skilled Nursing Services		X
Social Services		X
Transportation		X

Provisions Regarding Medications

Medication administration and oversight must be provided by licensed nurses (registered nurse [RN] or licensed practical nurse [LPN]).

Provisions for Groups with Special Needs

Dementia <input checked="" type="checkbox"/> ADHC	Mental Retardation/ Developmental Disabilities <input checked="" type="checkbox"/> ADC	Other <input type="checkbox"/>
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Staffing Requirements

Type of staff. The following staff positions are required. Administration: *director/director designee*; Health Services Qualified Professionals: *RN*; Health Services Consultant or Full-time: *LPN* and *direct care staff*; Activities and Social Services: *MSW consultant and social service designee*; Nutrition: *dietician consultant and food supervisor*; and Operations: *housekeeping and transportation*.

Staffing ratios. The client to staff ratio shall be one staff per nine clients.

Training Requirements

Where certification or licensing standards exist for professional staff, these individuals shall possess current certifications/licenses and continuing education training.

ADHC providers will furnish orientation and annual training for all employees. Topics for training include but are not limited to ADHC goals, mission, organization, and structure; ADHC program and policy; instruction in the specific responsibilities of the employee's job/job description; the ADHC emergency policy, emergency disaster plan/evacuation plan, and safety procedures including medical emergencies; the detection and reporting of suspected abuse, neglect, and exploitation and the reporting of complaints and critical incidents.

All direct care employees shall have certification in adult cardiopulmonary resuscitation (CPR) and first aid upon hire, maintain documentation of certification and be recertified annually. Direct care staff shall receive additional annual training related to the care of the elderly and adults.

Professional staff will have certification of professional annual training and additional supervisory or management training as required by the ADHC provider.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

1. Adult day health services are provided under the state Medicaid 1915(c) Adult Day Health Care Waiver.
2. Adult day care services are provided under the state Medicaid 1915(c) New Opportunities Waiver.

Location of Licensing, Certification, or Other Requirements

1. <http://www.dss.state.la.us/Documents/OS/AdultDayCare.pdf>
2. On file at RTI International, provided by the Department of Health and Hospitals.

Citations

1. *Adult Day Care and Day Health Services Standards for Licensing, Louisiana Administrative Code, Title 48--Chapter 43. [1/20/98]*
2. *Adult Day Health Care. Subpart 3 of Home and Community Based Services Waivers. Louisiana Administrative Code, Title 50--Chapter 21. [9/20/2004]*

MAINE

Overview			
<p>The Division of Licensing and Certification, Department of Health and Human Services (DHHS), promulgates regulations in accordance with Title 22, Maine Revised Statutes Annotated, governing the licensing and functioning of adult day services (ADS) programs. All providers are required to be licensed by the DHHS Community Services Programs and this profile contains information from these licensing requirements.</p> <p>There are two types of ADS programs, adult day health services (ADHS) and social adult day services, which are different in scope and intensity of service delivery. There is also a night program, which provides ADS to persons with dementia between the hours of 5 PM and 7 AM. Providers may be licensed for more than one program, as long as record keeping is distinct.</p> <p>Providers of ADS programs under the Medicaid State Plan and the Home and Community Benefits for the Elderly and for Adults with Disabilities Waiver must also be licensed, and there are some additional provisions for providers of Medicaid-funded ADS beyond the licensing requirements.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day health services program means an ADS program licensed by the DHHS, Community Services Programs, Division of Licensing and Certification, which provides health monitoring and personal care services in addition to a group program of care, therapeutic activities, and supervision.</p> <p>Adult day services program is a group program designed to meet the needs of adults who, through an assessment and service plan, are determined to need therapeutic activities and services of socialization, supervision, support services, assistance with activities of daily living (ADL), and/or health monitoring. The program is maintained or carried out on a regular basis by a person or persons in a private dwelling or other facility, for consideration, for any part of a day, for at least 2 hours a day, for more than two adults 19 years of age or older who are not blood relatives and are coming to the facility for up to 7 days a week for the express purpose of participating in this program.</p> <p>Night programs are ADS programs staffed by awake staff and delivered between the hours of 5 PM and 7 AM to persons with dementia who are awake and participating in activities during some of those hours. A night program may be offered by either a social adult day services program or an adult day health services program, but it must have applied for and received a license to provide a night program. Requirements are the same as for programs offered between 7 AM and 5 PM. Programs may not provide 24-hour consecutive services to consumers.</p> <p>Social adult day services program means an ADS program designed to meet the social and supervisory needs of participating adults.</p> <p>Therapeutic activities means restorative activities designed to maintain or improve the quality of life or delay skill deterioration. Examples of therapeutic activities include gross motor activities, social activities, sensory enhancement activities, crafts, outdoor activities, spiritual activities, and ADL.</p>			

Parameters for Who Can Be Served				
<p>Adult day services and adult day health services. The definitions of ADS and ADHS above and the list of services provided under the waiver indicate the parameters for who can be served in these programs (i.e., individuals who need health monitoring, assistance with ADL, personal care services, rehabilitation, health promotion activities, and counseling). Providers may discharge participants if they endanger the safety and/or health of other consumers in the program.</p>				
Inspection and Monitoring				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		
DHHS and any duly designated representative has the right to enter the premises of any licensed program at any time, to determine compliance with regulatory requirements. DHHS may talk with consumers in private.				
Required and Optional Services				
	Adult Day Health Services		Social Adult Day Services	
	Required	Optional	Required	Optional
ADL Assistance	Extensive assistance		Limited assistance	
Health Education and Counseling				
Health Monitoring/Health-Related Services	X			
Medication Administration	X			X
Nursing Services	X			
Physical Therapy, Occupational Therapy, or Speech Therapy				
Skilled Nursing Services	X			
Social Services	X		X	
Transportation				
Provisions Regarding Medications				
<p>Providers may assist with medication if requested in writing by participants or their designated representative on a form approved by the DHHS. Unlicensed employees may administer medications only if they have completed, at a minimum, a DHHS-approved medication course within the previous 12 months or were employed in a health care setting during the previous 12 months where medication administration was part of the employee's responsibilities. Consumers may keep possession of medications for self-administration as long as it poses no danger to other consumers and the consumer is able to self-administer medications appropriately. Medications administered by staff must be stored in a locked cabinet.</p>				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>		Other <input type="checkbox"/>	
Staffing Requirements				
<p>Type of staff. The <i>program administrator</i> is responsible for the development, coordination, supervision, fiscal management, and evaluation of services provided at the ADS program. When the administrator is not on site for at least 50 percent of the hours of operation, the administrator shall appoint an individual to be responsible for site operation and management during those hours of operation. The program must employ the number of persons needed to carry out regulatory requirements with preference given to staff with a minimum of 1 year of training or experience in social or health care services.</p>				

Staffing ratios. ADS programs shall maintain a minimum staff-to-consumer ratio of one-to-six at all times when consumers are present. Programs with 3-6 consumers must maintain a second staff person to be on call and available for emergencies at all times that consumers are present. DHHS may require additional staff based on the needs of the consumers served. Volunteers may be included in the staff ratio only when they conform to the same standards and requirements as paid staff, meet the job qualification standards, and have designated responsibilities.

Training Requirements

There shall be an orientation program for all new employees and volunteers that includes a review of applicable program policies, consumer rights, emergency procedures and fire safety, job description, and related responsibilities, confidentiality, communication skills, needs of the population served, elder abuse reporting, standard precautions, and licensing regulations.

The program must provide annually at least 6 hours of education and training for part-time (<21 hours a week) staff and volunteers, and 12 hours for full-time staff and volunteers who meet the job qualification standards and have designated responsibilities. Required topics include consumer rights, emergency preparedness, body mechanics, choking prevention and intervention techniques, workplace safety, basic nutrition and food safety, first aid, and behavioral interventions and specific training for services related to consumers with cognitive impairments and those conditions which may be applicable to the consumer population served.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The Home and Community Benefits for the Elderly and for Adults with Disabilities Waiver Program defines ADHS as health and social services provided to promote the optimal functioning of the MaineCare member. Services are delivered according to an individual plan of care at an adult day health site, which has in effect a current license pursuant to DHHS "*Regulations Governing the Licensing and Functioning of Adult Day Services Programs,*" for 4 or more hours per day, on a regularly scheduled basis, up to 7 days a week.

Services. If a member's plan of care specifies that a particular covered personal care service is needed, such as a bath, it must be provided. Based on individual needs the ADHS may include monitoring of health care, supervision, assistance with ADL, nursing, personal care services, rehabilitation, health promotion activities, exercise groups, and counseling. There must also be a regular, ongoing schedule of group and individual activities planned with the participants and based on the assessment of an individual participant's needs and interests. Transportation services provided by individuals or private carriers (taxi) are covered only when it is documented that other personal, family, or community resources and public regional transportation agencies are unavailable and/or have been exhausted.

Staff. Services shall be provided by the following staff: registered nurse, practical nurse, master's social worker (a social worker must hold a master's degree from a school of social work accredited by the Council on Social Work Education), physical therapist, occupational therapist (registered), and speech-language pathologist. Other qualified staff members, other than professional staff detailed above, must have appropriate education, training, and experience as verified by the Health Care Coordination Agency (HCCA).

Monitoring. Providers of services must have a current provider contract in effect with the HCCA. The HCCA is responsible for verifying and maintaining documentation of all applicable licenses, certifications, or other required qualifications. In addition, the HCCA is responsible for documenting the activities it performs in order to monitor the service providers (i.e., review of provider progress notes).

ADHS provided under the Medicaid State Plan have the same or similar requirements as the waiver program.

Location of Licensing, Certification or Other Requirements

1. <ftp://ftp.maine.gov/pub/sos/cec/rcn/apa/10/144/ch101/c2s019.doc>
2. <ftp://ftp.maine.gov/pub/sos/cec/rcn/apa/10/144/ch101/c2s026.doc>
3. <ftp://ftp.maine.gov/pub/sos/cec/rcn/apa/10/144/144c117.doc>

Citations

1. *MainCare Benefits Manual* (Chapter II, Section 19, Home and Community Benefits for the Elderly and For Adults with Disabilities), Department of Health and Human Services, Bureau of Medical Services. [Effective 2/20/86]
2. *MainCare Benefits Manual* (Chapter II, Section 26, Day Health Services), Department of Health and Human Services, Bureau of Medical Services. [Effective 6/15/90]
3. *Regulations Governing the Licensing and Functioning of Adult Day Services Programs* (10-144, Chapter 117), Department of Health and Human Services, Bureau of Medical Services, Division of Licensing and Certification. [Effective 2/1/98]

Additional Information

Participants in a day time program and/or a night program are limited to seven dates of participation in a 7-day period. At no time should an adult day services program provide 24-consecutive-hour services to a consumer.

Providers previously licensed to provide Certified Adult Day Care Programs shall automatically be converted to the ADHS Program. Providers previously licensed to offer Small Group Adult Day Care and Social Adult Day Care shall automatically be converted to the Social Adult Day Services Program unless an application for an ADHS Program is submitted to DHHS.

MARYLAND

Overview			
<p>Maryland licenses two types of adult day services--day care and medical day care--through the Office of Health Care Quality (OHCQ) in the Department of Health and Mental Hygiene. Day care services are offered and managed by the Department's Office of Health Services (OHS) through state-funded contracts, and are subject to the state's licensing requirements. Medical day care services are offered and managed by OHS under the Medicaid state plan. Licensed providers may also serve private pay participants.</p> <p>In addition to meeting the same licensing requirements as day care service providers, medical day care providers must meet the general requirements for participation in the Medicaid program and the specific requirements for Medicaid's medical day care program. This profile describes both day care and medical day care licensing requirements.</p> <p>The Maryland Department of Aging (MDoA) also offers a small social adult day care program called Senior Center Plus. Senior Center Plus providers do not have to be licensed but must meet MDoA certification requirements; to be reimbursed by Medicaid, they must also meet waiver standards. Providers already licensed for medical day care may also provide Senior Center Plus services. Certification requirements are found under Additional Information at the end of this profile.</p>			
Licensure and Certification Requirements			
Licensure Only	<input checked="" type="checkbox"/> day care and medical day care	Certification Only	<input checked="" type="checkbox"/> Senior Center Plus
		Both Required	<input type="checkbox"/>
			Other <input type="checkbox"/>
Definitions			
<p>Day Care</p> <p>Day care center for adults means a place that is operated to provide, with or without charge, care for medically handicapped adults. Centers are designated as group day care for four or more medically handicapped adults or as a family home that provides day care for two or three medically handicapped adults.</p> <p>Day care center for the elderly means a place that is operated to provide, with or without charge, care for elderly individuals. Centers are designated as group day care for at least four elderly individuals or as a family home that provides day care for two or three elderly individuals.</p> <p>Elderly individual means an individual who is 55 years old or older; lives alone or with a spouse, family relative, or friend; needs temporary care and supervision during part of a day in a protective group setting; and has a disability that prevents gainful employment or the accomplishment of a routine of normal daily activities without assistance, or a permanent and recurrent mental impairment.</p> <p>Medically handicapped adult means an individual who is 16 years of age or older; lives alone or with a spouse, relative, or friend; and has a disability that is a reasonably static physical impairment that prevents gainful employment or the accomplishment of a routine of normal daily activities outside of an institutional or sheltered environment or a permanent and recurrent mental impairment that requires domiciliary or institutional care in a sheltered environment.</p> <p>Medical Day Care</p> <p>Medical day care means a program of medically supervised, health-related services provided in an ambulatory setting to medically handicapped adults who, due to their degree of impairment, need health maintenance and restorative services supportive to their community living.</p>			

Medical day care center means a facility operated for the purpose of providing medical day care services in an ambulatory care setting to medically handicapped adults who do not require 24-hour inpatient care, but, due to their degree of impairment, are not capable of full-time independent living.

Participant means a health-impaired adult who is certified by the Department as requiring nursing facility services, but whose illness or disability does not require 24-hour inpatient care, unless medical day care services are not available; and whose disabilities and needs cannot be satisfactorily and totally met in an episodic ambulatory care setting, but require participation at least 1 day a week in a day-long rehabilitative or maintenance ambulatory care program that provides a mix of medical and social services.

Parameters for Who Can Be Served

The target populations are elderly and medically handicapped adults. Parameters for individuals who can be served are specified generally in the definitions of day care and medical day care (above). Providers may not serve individuals whose needs they cannot realistically meet.

Providers may not deny admission to or involuntarily discharge individuals solely because they have a communicable disease. However, providers that intend to serve such individuals shall notify the licensing authority before admission; the authority may prohibit the admission if it is determined that doing so could pose a risk to the health, safety, or welfare of any other individuals associated with the center.

Inspection and Monitoring

Yes No

Upon application for a license, the Department's authorized representative shall inspect the proposed facility. A reinspection of the center shall be made for renewal of a license and periodic reinspection of a center may be conducted by the Department at any time.

Required and Optional Services

	Day Care		Medical Day Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling		X	X	
Health Monitoring/Health-Related Services	X		X	
Medication Administration	X		X	
Nursing Services	X		X	
Physical Therapy, Occupational Therapy, or Speech Therapy		X	X*	
Skilled Nursing Services			X	
Social Services		X	X	
Transportation	X		X	

*Required if in the care plan.

Provisions Regarding Medications

Providers must have written policies specifying the individual authorized to procure, receive, control, and manage the drug program. Participants who are independently responsible for taking their own medication at home shall be permitted, if authorized by the participant's physician, to continue to be responsible for taking their own medications during the hours spent in the center. If any participant

requires supervision of medication, all federal, state and local laws, ordinances, standards, and codes shall be followed.

Medication may not be administered without a written order signed by the attending physician. Only licensed nurses may give injectable medications. For participants not capable of self-medicating, the individual assigned the responsibility of administering medications shall prepare the dosage, observe the participant swallowing the oral medication, and document that the participant has taken the medication. If a reaction to medications is observed, the participant's physician or the physician on call shall be called immediately.

Provisions for Groups with Special Needs

Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input checked="" type="checkbox"/>	Other <input checked="" type="checkbox"/> psychiatrically impaired
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Staffing Requirements

Day Care

Type of staff. Required staff include a full-time *director*, who may work half time in each of two facilities if the employing organization operates more than one center; a half-time *registered nurse*; a full or half-time *activities coordinator*; and *program assistants* as needed to meet program goals and the staff to participant ratio. A full-time center director who is a registered nurse may also serve as the registered nurse. If a center is part of another facility, the center shall have its own full-time director and program staff.

At least one staff member who is trained in first aid and cardiopulmonary resuscitation (CPR) shall be present at all times at the center, during outings, or during transportation of participants.

Staffing ratio. The staff ratio shall be one staff to six participants exclusive of the director, volunteers, and consultants, and any staff member who does not provide direct care to participants may not be included in computing the staff ratio.

Medical Day Care

Type of staff. The medical day care center shall have adequate staff capability to monitor and appropriately serve the participants at all times. Medical services must be supervised by a staff physician. The composition of the staff depends in part on the needs of the participants and on the number of participants the program serves. When regular employment, full-time or part-time, is not justified by the needs of the participants, contractual employees may be used to meet the service and training needs of the center. As a minimum, the medical day care center shall have a full-time *registered nurse* (additional nursing services may be required due to the number or level of impairment of the participants), an *activities coordinator* (full-time or part-time), a *medical social worker* (full-time or part-time), and a *staff physician* (full-time, part-time, or contractual).

The provider shall designate a *program director* and a *health director*. The program director shall be full-time and have either a bachelor's degree or be a registered nurse. The health director shall be the registered nurse or the staff physician if the staff physician is required to be present at least half of the hours the medical day care center is open. For mandatory services that required staff cannot perform, such as physical therapy, occupational therapy, and nutrition, the medical day care center has the option of adding staff or establishing written agreements with licensed specialists.

At least one staff member trained in first aid and certified in CPR shall be on the premises at all times that participants are in attendance.

Staffing ratios. The medical day care center shall have adequate staff capability to monitor and appropriately serve the participants at all times with the same minimal staffing ratio as for day care programs.

Training Requirements

The program director shall ensure that staff and volunteers receive orientation and training and that an ongoing educational program is planned and conducted for the development and improvement of all personnel's skills, including training related to problems and needs of the elderly, health-impaired, and disabled.

The center shall provide a minimum of eight in-service training sessions annually, which shall include at least prevention and control of infections, fire prevention and emergency safety procedures, accident prevention, care of persons with Alzheimer's disease or other dementias, and recognition and reporting of abuse.

First aid training shall be taken from the American Red Cross or another source approved as comparable to the Red Cross. At a minimum, training shall be taken every 3 years. Recertification in CPR shall be obtained annually.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Maryland provides medical day care under the Medicaid state plan. In addition to state licensing requirements, Medicaid providers must also meet the general requirements for participation in the Medicaid program and the specific requirements for the Medicaid medical day care program.

Provider means a licensed medical day care facility furnishing services through an appropriate agreement with the Department and identified as a program provider by the issuance of an individual account number.

Provider agreement means a contract between the Department of Health and Mental Hygiene and the provider of medical day care, specifying the services to be performed, the methods of operation, and financial and legal requirements that must be in force before program participation in medical day care.

Providers who are certified by the DMOA for the Senior Center Plus program may serve waiver clients, but do not need to be licensed as with day care and medical day care. Licensed medical day care providers may also provide Senior Center Plus services.

Location of Licensing, Certification, or Other Requirements

1. http://www.dsd.state.md.us/comar/subtitle_chapters/10_chapters.htm#subtitle12
2. http://www.dsd.state.md.us/comar/subtitle_chapters/10_chapters.htm#subtitle09
3. <http://www.dsd.state.md.us/comar/10/10.09.54.00.htm>
4. http://mlis.state.md.us/cgi-win/web_statutes.exe?ghg&14-201 and http://mlis.state.md.us/cgi-win/web_statutes.exe?ghg&14-301

Citations

1. *Day Care for the Elderly and Medically Handicapped Adults*. (Title 10 Department of Health and Mental Hygiene Regulations, Subtitle 12 Adult Health, Chapter 04). COMAR. [11/10/2004]
2. *Medical Day Care Services*. (Title 10 Department of Health and Mental Hygiene Regulations, Subtitle 09 Medical Care Programs, Chapter 07. [Most recent revision 11/24/2003]
3. *Senior Center Plus*. (Title 10 Department of Health and Mental Hygiene Regulations, Subtitle 09 Medical Care Programs, Chapter 54). [Most recent revision 06/21/2004]
4. *Health-General Article*, Title 14, Subtitles 2 and 3, *Annotated Code of Maryland*. [Effective date 1982]

Additional Information

Day Care

The state drafted revised regulations for Day Care for the Elderly and Medically Handicapped Adults in November 2004, but they are not yet scheduled for adoption. The purpose of the revision is to: (1) update licensure requirements to achieve quality of care and safe outcomes for adult day care services participants, (2) establish a license fee, and (3) reorganize the regulations for ease of reading and interpretation.

Senior Center Plus

Senior Center Plus services designed for elderly disabled individuals include a program of structured group recreational activities, supervised care, assistance with ADL and instrumental ADL, and enhanced socialization, provided for at least 4 hours a day, 1 or more days a week on a regularly scheduled basis in an out-of-home, outpatient setting. The program is designed to promote participants' optimal functioning and have a positive impact on their cognition. The center shall provide social and recreational activities and one nutritious meal, but not direct health care or transportation.

To participate in the program a provider must: (1) be approved and monitored by the Maryland Department of Aging as a nutrition service provider, (2) be issued a provider number by the program to be used only for billing Senior Center Plus services for participants, and (3) meet all local and state requirements to operate as a nutrition site.

There must be at least one staff person per eight clients, with additional staffing if required by the Maryland Department of Aging, depending on participants' functional levels. The provider must employ as the center's manager or in another staff position an individual who: (a) is a licensed health professional or licensed social worker; (b) has at least 3 years' experience in direct patient care at an adult day care center, nursing facility, or health-related facility; (c) is literate and able to communicate in English; and (d) participates in training specified and approved by the Maryland Department of Aging.

MASSACHUSETTS

Overview			
<p>Massachusetts provides adult day health services through its Medicaid state plan program, MassHealth. Provider services are governed by regulations published in the Adult Day Health Provider Manual under a contract between MassHealth and the provider.</p> <p>Massachusetts also offers and regulates a Supportive Day Program through the Executive Office of Elder Affairs Program for Councils on Aging and Senior Centers. Providers must agree to the Supportive Day Program requirements as an attachment to their provider agreement to provide services under state funding.</p> <p>The only requirements for adult day health services are those contained in the Adult Day Health Care Provider Manual for the MassHealth Program. These requirements are described in this profile.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> provider contract
Definitions			
<p>Adult day health care. <i>Adult day health services</i> are all services provided at a MassHealth-approved adult day health program that meets the conditions of the <i>Adult Day Health Provider Manual</i>. The general goal of these services is to provide an organized program of services including nursing and supervision, therapy, nutrition, counseling, activities, case management. An adult day health program must operate at least Monday through Friday for 8 hours a day. There are two levels of care: adult day health basic and adult day health complex. Level of care is based on the member's care needs.</p> <p>Supportive day programs (SDP) provide support services in a group setting to help participants recover and rehabilitate from an acute illness or injury or manage a chronic illness.</p>			
Parameters for Who Can Be Served			
<p>Adult day health care. The definition of adult day health care above indicates the parameters for who can be served in these programs. Providers may serve anyone aged 18 or older.</p> <p>Providers may discharge an individual who develops behavioral problems that may endanger or seriously disrupt other members or staff, or requires increased services that the program is unable to provide, in which case the program must arrange for discharge to a more appropriate setting and may not discharge the member until appropriate services are available.</p> <p>Supportive day programs. Providers may serve individuals who are in need of supervision, supportive services, socialization, and minimal assistance with activities of daily living (ADL). Participants may have multiple physical problems, but must be stable and not need nursing observation or intervention. Participants may have some cognitive impairment but behavior problems must be able to be handled with redirection and reassurance. Participants must be able to communicate personal needs.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Adult day health care. A provider must agree to periodic inspections that assess the quality of member care and ensure compliance with the regulations.</p> <p>Supportive day program. The Office of Elder Affairs Program for Councils on Aging and Senior Centers may inspect providers but has no regular schedule or requirement to do so.</p>			

Required and Optional Services				
	Adult Day Health Care		Supportive Day Program	
	Required	Optional	Required	Optional
ADL Assistance	X		X*	
Health Education and Counseling	X			
Health Monitoring/Health-Related Services	X		X	
Medication Administration	X			
Nursing Services	X			
Physical Therapy, Occupational Therapy, or Speech Therapy	X			
Skilled Nursing Services	X			
Social Services	X		X	
Transportation	X		X	
*ADL assistance is limited to verbal or visual prompts.				
Provisions Regarding Medications				
Adult day health care. Nursing services for all levels of care provided in adult day health care must include nursing services which administer medications and treatments prescribed by the member's physician during the time the member is at the program.				
Supportive day program. Participants are responsible for administering their own medications.				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> medically complex members can continue to be served in ADH		
Staffing Requirements				
Adult Day Health Care				
Type of staff. The provider must employ a full-time <i>program director</i> . One professional staff person must be designated as an <i>assistant program director</i> and assume the responsibilities of program director as needed.				
There must be a <i>registered nurse</i> on site each program day that members are on site, for a minimum of 4 hours. The center must provide nursing coverage on site for a minimum of 8 hours total, four of which may be provided by a licensed practical nurse. When the average daily census reaches 35 or more, the center must provide nursing coverage on site for a minimum of 12 hours, of which 4 must be provided by a registered nurse. When the average daily census reaches 50, the center must provide nursing service for 16 hours a day, 8 of which must be provided by a registered nurse.				
The program must employ an <i>activity director</i> for a minimum of 4 scheduled hours each day.				
If the program's average daily census is 24 or more members, the program must employ a social worker on site for a minimum of 20 scheduled hours each week. Licensed staff may perform the social service requirements when the program's average daily census is 23 or fewer members.				
<i>Licensed practical nurses, aides, and consulting therapists</i> are to be hired as needed.				

Staffing ratios. Programs must have available sufficient direct-care staff to meet the needs of their members: for basic level of care services, a minimum-staffing ratio of one direct care staff person to six members and for complex level of care services, one staff person to four members. Programs offering both levels of care must maintain proportionate direct-care staff ratios to meet the needs of members based on the ratio of members requiring each level of care.

For the programs specializing in serving members with dementia, the program must maintain a staff-to-member ratio of at least one-to-four on site.

Supportive Day Program

Type of staff. The organization shall provide an adequate number of staff whose qualifications are commensurate with defined job responsibilities to provide essential program functions.

The defined positions are *administrator, program director, and activities coordinator*. The program director may also be the administrator.

Staffing ratios. There shall be at least two responsible persons, one a paid staff member at the center at all times when there are two or more participants present. The staff-participant ratio must be at least one-to-eight.

Training Requirements

Adult day health care. Programs must provide staff training appropriate to the mix of services provided. Programs must provide a minimum of 8 hours of in-service training sessions per year.

For programs specializing in serving members with dementia, staff training must include dealing with dementia, verbal and nonverbal communication skills, behavior management skills, group process skills, family functioning, dealing with difficulty in group participation, dealing with high anxiety, dealing with aggressive behavior, and dealing with wandering.

Supportive day program. Staff will be trained in signs and indicators of potential abuse. Orientation, in-service training, and evaluations shall be provided to all employees and volunteers, including the use of standard protocols for communicable diseases and infection control.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The only requirements for adult day health services are those contained in the *Adult Day Health Care Provider Manual* for the MassHealth Program. These requirements are described in this profile.

Location of Licensing, Certification, or Other Requirements

1. http://www.mass.gov/Eeohhs2/docs/masshealth/transletters_2002/adh-15.pdf
2. http://www.mass.gov/Eeohhs2/docs/masshealth/transletters_2002/adh-16.pdf
3. http://www.mass.gov/Eeohhs2/docs/masshealth/transletters_2003/adh-17.pdf
4. http://www.mass.gov/Eeohhs2/docs/masshealth/transletters_2003/adh-18.pdf
5. http://www.mass.gov/Eeohhs2/docs/masshealth/transletters_2004/adh-19.pdf
6. Provided by the Executive Office of Elder Affairs. On file at RTI.

Citations

1. *MassHealth Transmittal Letter ADH 15. Adult Day Health Manual, Revised.* Commonwealth of Massachusetts, Executive Office of Health and Human Services, Office of Medicaid. [October 2002]
2. *MassHealth Transmittal Letter ADH 16. Adult Day Health Manual Revisions.* Commonwealth of Massachusetts, Executive Office of Health and Human Services, Office of Medicaid. [December 2002]
3. *MassHealth Transmittal Letter ADH 17. Adult Day Health Manual Revisions.* Commonwealth of Massachusetts, Executive Office of Health and Human Services, Office of Medicaid. [April 2003]
4. *MassHealth Transmittal Letter ADH 18. Adult Day Health Manual Revisions.* Commonwealth of Massachusetts, Executive Office of Health and Human Services, Office of Medicaid. [11/01/03]

5. *MassHealth Transmittal Letter ADH 19. Adult Day Health Manual Revisions.* Commonwealth of Massachusetts, Executive Office of Health and Human Services, Office of Medicaid. [September 2004]
6. *Supportive Day Program.* Attachment A to provider agreement. Executive Office of Elder Affairs. [FY 2003]

MICHIGAN

Overview			
<p>Adult day care centers that are funded by the Office of Services to the Aging (OSA) are not licensed. The OSA provides Operating Standards for Service Programs to be followed by providers of services to older persons in Michigan. Services may be provided only under an approved area plan through a formal contractual agreement between the area agency on aging and service provider agency.</p> <p>The state identifies two types of adult day community services: adult day care and dementia adult day care. There are additional standards for dementia adult day care. Adult day health services are a Medicaid-funded service through the Program of All Inclusive Care for the Elderly (PACE) and the MI-Choice Home and Community-Based Waiver program. Medicaid providers under these two programs are required to follow the OSA standards included in their contracting requirements in addition to federal and state waiver program requirements.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> operating standards for service programs
Definitions			
<p>Adult day care is daytime care for any part of a day but less than 24 hours, for functionally impaired elderly persons and is provided through a structured program of social and rehabilitative and/or maintenance services in a supportive group setting other than the client's home.</p> <p>Dementia adult day care is daytime care for any part of the day but less than 24 hours, for older persons with dementia, and is provided through a structured program of social and rehabilitative and/or maintenance services in a supportive or group setting other than the client's home.</p>			
Parameters for Who Can Be Served			
<p>The programs that fund adult day care services have eligibility criteria for these programs that indicate the parameters for who can be served. Participants must be 60 years of age and older unless otherwise allowed under eligibility criteria for a specific program.</p> <p>Adult day care. Providers may serve participants who:</p> <ul style="list-style-type: none"> ▪ Require regular supervision in order to live in their own homes or the home of a relative. ▪ Require assistance with activities of daily living (ADL). ▪ Are capable of leaving their residence, with assistance, to receive service. ▪ Need intervention in the form of enrichment and opportunities for social activities in order to prevent and/or postpone deterioration that would likely lead to institutionalization. <p>Dementia adult day care. Providers may serve individuals who:</p> <ul style="list-style-type: none"> ▪ Have a diagnosis of Alzheimer's disease or other type of dementia. ▪ Have significant impairments in cognition, communication, and personal care ADL. ▪ Are responsive to redirection and other supportive verbal interventions when angry, anxious, lost, or upset. <p>Providers may not serve individuals who have an acute medical illness, a communicable respiratory disease, or hepatitis.</p>			

Inspection and Monitoring				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		
Programs that receive federal and state funding through OSA are monitored at least one time per year by the area agencies on aging to assure compliance with OSA's minimum operating standards. PACE and MI-Choice Home and Community-Based Waiver programs are monitored per federal and state requirements.				
Required and Optional Services				
	Adult Day Care		Dementia Adult Day Care	
	Required	Optional	Required	Optional
ADL Assistance	X		X	
Health Education and Counseling		X		X
Health Monitoring/Health-Related Services		X		X
Medication Administration		X		X
Nursing Services		X		X
Physical Therapy, Occupational Therapy, or Speech Therapy		X		X
Skilled Nursing Services		X		X
Social Services				
Transportation	X		X	
Case coordination and recreation are also required services. Dental, medical support (e.g., x-rays and laboratory services), podiatric, and ophthalmological services are additional optional services.				
Provisions Regarding Medications				
Pharmaceutical services may be provided under order from a physician by licensed professionals. Participants can be assisted in taking either prescriptions or nonprescription medications.				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>		Other <input type="checkbox"/>	
Staffing Requirements				
<p>Adult Day Care Type of staff. Each adult day care program shall employ a full-time <i>program director</i> with a minimum of a bachelor's degree in a health or human services field or be a qualified health professional. Health support services may be provided only under the supervision of a <i>registered nurse</i>.</p> <p>Staffing ratios. The program shall continually provide support staff at a ratio of no less than one staff person for each ten participants.</p> <p>Dementia Adult Day Care Type of staff. Each dementia respite program shall have a coordinator who possesses both formal education and prior work experience commensurate with the responsibilities of program development and operation; supervision and training of staff; interagency relations; and coordination and maintenance of all appropriate administrative, program and client records. All program personnel shall be knowledgeable about Alzheimer's disease and other dementias and demonstrate the ability to communicate effectively with people who have dementia. The program shall arrange to use <i>program consultants</i> such as medical and mental health professionals, environmental specialists, and other therapists as necessary.</p>				

Staffing ratios. Dementia adult day care programs shall have a minimum staff/volunteer/student-to-participant ratio of one-to-three. At least one staff shall be on site at all times when participants are in attendance.

Training Requirements

General. Service program staff are to participate in relevant OSA or area agency-sponsored or -approved in-service training workshops, as appropriate and feasible. New program staff must receive an orientation training which includes, at a minimum, introduction to the program, the aging network maintenance of records and files (as appropriate), the aging process, ethics, and emergency procedures.

Adult day care. Program staff shall be provided with an orientation training that includes at a minimum introduction to the program, assessment/observation skills, maintaining records and files, basic first-aid, aging process, and emergency procedures. At least twice each year program staff shall be provided in-service training specifically designed to increase their knowledge and understanding of the program and clients and to improve their skills at tasks performed in the provision of service.

Dementia adult day care. All programs shall have a formal staff development program. Dementia adult day care program staff shall be trained in crisis procedures. Inexperienced personnel shall complete dementia care training prior to being scheduled to work with clients. All staff shall complete an initial training program that includes content in areas including normal aging vs. Alzheimer's disease and related conditions, impact of Alzheimer's disease and other dementias on the person with dementia and family caregivers, and communication enhancement techniques. All personnel shall attend, at a minimum, two in-service training programs per year after completing the initial training program above. All programs shall have specific training for volunteers and students in the areas including communication enhancement techniques, assessment, and management of difficult behaviors, and physical care techniques related to ADL.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

As stated in the overview, adult day and dementia adult day services (called "adult day health services" in Medicaid contracting language) are Medicaid-funded services through PACE and the MI-Choice Home and Community Based Waiver program. Medicaid providers under these two programs are required to follow the OSA standards included in the contracting requirements in addition to federal and state waiver program requirements. PACE contracting requirements addressing staffing ratios and emergency situations are taken from OSA standards.

The MI-Choice waiver contractual requirements for adult day health services adopt many elements from the OSA standards (e.g., admission criteria). Under the waiver, adult day health services are furnished 4 or more hours per day on a regularly scheduled basis, for 1 or more days per week, in an outpatient setting, encompassing both health and social services needed to ensure the optimal functioning of the individual.

Location of Licensing, Certification or Other Requirements

1. <http://www.miseniors.net/NR/rdonlyres/1B67EFED-7DC7-4EFE-99AE-E7E43B8618D2/214/standards2004.pdf>

Citations

1. *Operating Standards for Service Programs* (General Requirements for all Service Programs (II-K), Community Services-Adult Day Care (III-C C-1), and Community Services-Dementia Adult Day Care (III-C C-2). Michigan Office of Services to the Aging. April 1999.
2. *Operating Standards for the MI Choice Waiver Program* (Section III). Michigan Department of Community Health. Last Revised 08/25/2004. [Hard copy only]
3. *Operating Standards for PACE Program* (Section D.1.). Michigan Department of Community Health. [Hard copy only]

Additional Information

Specific program requirements for dementia adult day care. The program shall demonstrate evidence of:

1. outreach services to nonenrolled families through home visits, follow-up phone calls, and dissemination of printed materials that clearly describe services provided by the program;
2. provision of opportunities for caregivers to discuss concerns, feelings, physical care and stress management techniques via case consultation, care conferences, or supportive counseling; and
3. provision of caregiver information and education about dementia or assistance for caregivers in obtaining it through referral to local self-help organizations or dementia resource libraries.

The program shall also have clear provisions for ensuring the availability of crisis response services for persons with dementia and their families.

MINNESOTA

Overview			
<p><i>Minnesota Rules, Rule 223 and Minnesota Statutes, Chapter 245A</i> establish procedures and standards for the licensure of adult day care centers or adult day services centers and family adult day services providers that regularly provide care for functionally impaired adults.</p>			
Licensure and Certification Requirements			
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>
Definitions			
<p>Adult day care, adult day services, and family adult day services mean a program operating less than 24 hours per day that provides functionally impaired adults with an individualized and coordinated set of services—including health services, social services, and nutritional services—that are directed at maintaining or improving the participants’ capabilities for self-care.</p> <p>Adult day care center, adult day services center, or center means a facility that provides adult day care or adult day services on a regular basis for periods of less than 24 hours a day in a setting other than a participant’s home or the residence of the facility operator. An identifiable unit in a nursing home, hospital, or boarding care home licensed by the commissioner of health that regularly provides day care for six or more functionally impaired adults at any given time who are not residents or patients of the nursing home, hospital, or boarding care home must be licensed as an adult day care center or adult day services center.</p> <p>Family adult day services are provided in the license holder’s primary residence, and the license holder is the primary provider of care. A licensed adult foster care provider may be licensed to provide family adult day services in addition to providing adult foster care.</p>			
Parameters for Who Can Be Served			
<p>Adult day care/services. Adult day services are provided to functionally impaired adults. A center shall have available for review, and shall distribute to participants and their caregivers upon admission, a description of individual conditions that the center is not prepared to accept (e.g., communicable disease requiring isolation, a history of violence to self or others, unmanageable incontinence, or uncontrollable wandering).</p> <p>Family adult day services. Family adult day services are provided to functionally impaired adults over the age of 55, none of whom may have serious or persistent mental illness, or have mental retardation or a related condition. Before admitting an individual into any adult day services program, the license holder shall screen the individual to determine how or whether the license holder can serve the individual, based on the license holder’s policies, services, expertise, and the individual’s needs and condition.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>Unless otherwise specified in statute, the commissioner may conduct routine inspections biennially. Where appropriate and feasible the commissioner shall identify and implement alternative methods of regulation and enforcement, including the use of an abbreviated inspection that employs key standards that have been shown to predict full compliance with the rules. Where administratively feasible and appropriate, the commissioner shall work with the commissioners of health, public safety, administration, and education in conducting joint agency inspections of programs.</p>			

Required and Optional Services				
	Adult Day Care/Services		Family Adult Day Services	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling	X		X	
Health Monitoring/Health-Related Services	X		X	
Medication Administration		X	X	
Nursing Services				
Physical Therapy, Occupational Therapy, or Speech Therapy				
Skilled Nursing Services				
Social Services	X		X	
Transportation		X		X
Provisions Regarding Medications				
<p>Medication assistance means assisting participants to take medication and monitoring the effects of medication but does not include administering injections.</p> <p>For adult day care or adult day services centers, the relevant rule states that “An employee, other than a physician, registered pharmacist, registered nurse, or licensed practical nurse, who is responsible for medication assistance shall provide a certificate verifying successful completion of a trained medication aid program for unlicensed personnel approved by the Minnesota Department of Health or shall be trained by a registered nurse to provide medication assistance in accordance with Part 9555.9710, Subpart 3.”</p> <p>For family adult day services, the relevant statute states that “Unless the person is a licensed health care practitioner qualified to administer medications, the person responsible for medication administration or assistance shall provide a certificate verifying successful completion of a trained medication aid program for unlicensed personnel approved by the Department of Health or comparable program, or biennially provide evidence of competency as demonstrated to a registered nurse or physician.”</p>				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>		Other <input type="checkbox"/>	
Staffing Requirements				
<p>Adult Day Care/Services</p> <p>Type of staff. In the temporary absence of the <i>center director</i>, a staff member shall be designated to supervise the center. A person trained in basic first aid and certified in cardiopulmonary resuscitation and the treatment of obstructed airways must be present at all times.</p> <p>Adult day care/services centers shall offer health services developed in consultation with a <i>registered nurse</i>, who shall review the health services at least monthly. Health services must include developing policies and monitoring procedures for participant self-administration of medications, for training unlicensed personnel who provide medication assistance, and for supervising staff distribution of medication and assistance with participant self-administration of medication.</p>				

Staffing ratios. When an adult day care/services center serves both participants who are capable of taking appropriate action for self-preservation under emergency conditions and participants who are not, the center shall maintain a staff to participant ratio of one staff member present for every five participants present who are not capable of self-preservation and one staff member present for every eight participants present who are capable of self-preservation.

Only those employees whose primary center duties, as defined in their job descriptions, are to work directly with participants by providing care, supervision, and assistance in achieving plan of care objectives shall be counted as staff members in calculating the staff to participant ratio. A volunteer may be counted as a staff member in calculating the staff to participant ratio if the volunteer meets the same standards and requirements as paid staff. When only one staff member is needed to meet the staff ratio requirement a volunteer or other adult who is not a participant shall be present when six or more participants are in attendance.

Family Adult Day Services

Type of staff. Family adult day services providers shall provide health services as specified in the service plan under the direction of the designated caregiver or county or private case manager. Whenever participants are in the home, there must be present at least one individual who is trained in basic first aid and certified in cardiopulmonary resuscitation and the treatment of obstructed airways.

Staffing ratios. In family adult day services homes, whenever there are 6-8 participants present there must be a second staff person present.

Training Requirements

Adult day care/services. Adult day care/services centers shall provide all center employees with 20 hours of orientation to the center within the employee's first 40 hours of employment at the center. At least 4 hours of supervised orientation must be provided before employees work directly with center participants. The orientation must include training related to the kinds of functional impairments of current center participants and safety requirements and procedures. A center shall provide a minimum of 8 hours of in-service training annually in areas related to the care of center participants, including provision of medication assistance.

Adult day care facilities that serve persons with Alzheimer's disease or related disorders shall ensure that the facility's direct care staff and their supervisors are trained in dementia care. Areas of required training include: (1) an explanation of Alzheimer's disease and other dementias, (2) assistance with ADL, (3) problem solving with challenging behaviors, and (4) communication skills. The facility shall provide to consumers in written or electronic form a description of the training program, the categories of employees trained, the frequency of training, and the basic topics covered.

Family adult day services. License holders and staff providing family day care services must annually complete 12 hours of training related to the health, nutritional, and social needs of the license holder's target population. License holders with 6 or more years of licensure under this section or as an adult foster care provider must annually complete 6 hours of training. The annual training must include training on the reporting of maltreatment of vulnerable adults, license holder requirements governing maltreatment of vulnerable adults, and, when a license holder serves participants who rely on medical monitoring equipment to sustain life or monitor a medical condition, training on medical equipment as required under *Minnesota Statutes Section 245A.155* for foster care providers.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

The Elderly Waiver program defines adult day care as a service available to persons who are 18 years of age or older that encompasses both health and social services needed to ensure optimal functioning. Services may be furnished 2 or more hours per day, 1 or more days per week, on a regularly scheduled basis. If necessary, an adult day care provider may provide a bath for clients.

Providers of adult day care center services must meet the licensure requirements of *Minnesota Rules, Parts 9555.9600 to 9555.9730*. Family adult day services providers must meet the licensure requirements of *Minnesota Statutes, Section 245A.143*.

Location of Licensing, Certification or Other Requirements

1. <http://www.revisor.leg.state.mn.us/stats/245A>
2. <http://www.revisor.leg.state.mn.us/arule/9555/>
3. http://www.dhs.state.mn.us/main/groups/business_partners/documents/pub/dhs_id_008995.hcsp

Citations

1. *Minnesota Statutes, 2004*, (Chapter 245A.01 to .17). Human Services Licensing Act. [Effective 2004]
2. *Minnesota Rules, Rule 223*, (Chapter 9555--Parts 9555.9600 to 9555.9730). Department Of Human Services, Social Services For Adults. [Current as of 01/20/05]
3. *Minnesota Health Care Programs (MHCP) Provider Manual* (Chapter 26: Home and Community-Based Services (HCBS) Waivers and the Alternative Care (AC) Program). [Updated 03/04/05]

MISSISSIPPI

Overview			
<p>The Mississippi Department of Human Services, Division of Aging and Adult Services, administers and monitors adult day care centers that wish to enter into an agreement to provide services through the Area Agencies on Aging under Older Americans Act funding under a set of Quality Assurance Standards described in this profile.</p> <p>The Division of Medicaid provides adult day center services under the Elderly and Disabled Waiver through providers who comply with Division of Medicaid regulations published in the Home and Community-Based Services Manual and the Quality Assurance Standards for the waiver.</p> <p>As of June 2005, the Mississippi legislature is considering certification or licensure requirements.</p>			
Licensure and Certification Requirements			
Licensure Only <input type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input checked="" type="checkbox"/> provider agreement with the Division of Medicaid
Definitions			
<p>Adult day care is a place for aged and disabled individuals with serious health problems or impairments to go during the day for recreational activities, personal care supervision, nutrition, limited health care, and the opportunity to interact socially with other people in group or individual activities. Its purpose is to: (1) provide care, supervision, and services to individuals who are capable of only limited self-care; (2) meet health maintenance, prevention/intervention, and rehabilitation needs; and (3) promote a maximum level of independent functioning.</p>			
Parameters for Who Can Be Served			
The definition of adult day care (above) indicates the parameters for who can be served.			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
Adult day care center providers are monitored on site quarterly by Area Agencies on Aging. The Bureau of Audit and Evaluation, Department of Human Services, monitors the providers annually and usually does not visit the site, although the agency may conduct an on-site evaluation.			

Required and Optional Services		
	Adult Day Care	
	Required	Optional
Activities of Daily Living (ADL) Assistance	X	
Health Education and Counseling	X	
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	X	
Provisions Regarding Medications		
Registered nurse services for preparing and administering medications shall be provided if needed by the participants.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
Staffing Requirements		
<p>Type of staff. There must be a person designated to be responsible for the day-to-day operation of the center. Qualifications are established for the <i>program director, social worker, nurse, activities coordinator, program assistant/aide, secretary/bookkeeper, driver, and custodian</i>. Volunteers are permitted to supplement staff in established activities or provide additional services for which the volunteer is qualified.</p> <p>Staffing ratios. There must be an adequate number of staff to accomplish the purpose of the program.</p>		
Training Requirements		
<p>All staff must complete first aid, cardiopulmonary resuscitation (CPR), and Heimlich Technique training. A minimum of 8 hours per year in-service training shall be provided, preferably quarterly, appropriate to job function and participant care needs.</p> <p>All center staff providing direct care and participating in the day-to-day operation of the center must complete the Division's Adult Day Care Certification training within 12 months of hire date.</p>		
Relevant Medicaid Contracting Requirements for Adult Day Services Providers		
<p>Mississippi provides adult day center services under the Elderly and Disabled Waiver administered by the Division of Medicaid.</p> <p>Definitions. Adult day care services are defined as services for an aged and disabled individual, and consist of the provision of services for part of a day at a day care program site. Adult day care is the arrangement of a structured, comprehensive program that provides a variety of health, social, and related supportive services in a protected setting during daytime and early evening hours.</p> <p>Admission criteria. Each adult day center shall define the target population it intends to serve and shall serve only participants whose needs while at the center do not exceed the center's resources or</p>		

who would be served more appropriately in a different setting. The target population includes one or more of the following groups: adults with physical, psychosocial, or mental impairments who require assistance and supervision, adults who need functional maintenance therapy in order to restore or maintain an optimum level of functioning, and adults who require services by or under the supervision of an appropriately licensed nurse or other health care professional. Participants who are inappropriate for all adult day service programs include adults who are bedfast or do not have the strength or stamina to attend adult day services for the minimum hours defined in state licensing requirements; adults in an infectious stage of a communicable disease, unless a physician states there is no significant hazard; adults with emotional or behavioral disorders destructive to self or others or disruptive in a group setting, unless the center has the capacity to manage these problems; and adults who are too independent to benefit from the program.

Inspections. Commission on Accreditation of Rehabilitation Facilities accreditation is accepted in lieu of inspection.

Required services. ADL assistance, health monitoring/health related services, medication management, social services, transportation, health education, professional therapy services.

Optional services. Nursing and skilled nursing services.

Medications. Adult day services without full-time registered nurse (RN) services will maintain medication information and provide reminders or prompt the participant to initiate and follow through with self administration of medications brought by the client. If a client is unable to self medicate, an RN will be available to assist as indicated.

Staffing type. A sufficient number of staff with the skills needed to provide essential administrative and service functions is required. The center will have an *administrator*, and if the administrator is responsible for more than one site or has duties not related to the day services program, a *program director* should be designated to be on site. There shall be a *social service staff person*, *activities coordinator*, *food service coordinator*, *driver*, and *program assistants*. For programs offering nursing services, the *nurse* shall be an RN.

Staffing ratios. There shall be at least two responsible persons, one a paid staff member, at the center at all times when there are two or more participants in attendance. The staff-to-participant ratio shall be between one-to-six and one-to-ten, except in programs serving a high percentage of severely impaired participants in which case the ratio should be one-to-four, or, in programs serving more than 20 participants, one-to-five. Volunteers can be included in this ratio only if they conform to the same standards as paid staff.

Training. All staff and volunteers who have contact with and responsibility for special populations should receive specific training in serving that population.

All paid and volunteer staff should receive general orientation including but not limited to the purpose and goals of adult day services, roles and responsibilities of other staff members, needs of the target population, depression, medication management, the center's policies and regulations, communication skills, basic terminology, advance directive policies, elder abuse reporting, safely and appropriately assisting participants with ADLs, and risk management.

Ongoing training includes at least four in-service training sessions per year. At the time of employment and annually each employee must receive training in the needs of the participants in the center target population; infection control; the fire, safety, and disaster plan; choking prevention and intervention techniques; body mechanics, transfer techniques, and ADL assistance; mandatory reporting laws for abuse/neglect; basics of nutritional care, food safety, and safe feeding techniques; CPR and first aid; behavioral intervention/acceptance/accommodation; and additional topics as available.

Location of Licensing, Certification or Other Requirements
1. http://www.dom.state.ms.us/Provider/Provider_Manuals/hcbs.pdf
2. On file at RTI, provided via fax by the Division of Aging and Adult Services.
3. On file at RTI, provides by the Division of Medicaid.
Citations
1. <i>Mississippi Home and Community Based Services Manual</i> . Office of the Governor, Division of Medicaid. [1996]
2. <i>Quality Assurance Standards. Adult Day Care</i> . Mississippi Department of Human Services, Division of Aging and Adult Services. [Revised 8/99]
3. <i>Adult Day Care Quality Assurance Standards</i> . Home and Community-Based Services Elderly and Disabled Waiver. [7/1/2002]

MISSOURI

Overview				
Missouri regulates adult day care by licensure through the Department of Health and Senior Services. Adult day health care is provided through the Medicaid Aged and Disabled Waiver with additional provider requirements.				
Licensure and Certification Requirements				
Licensure Only <input checked="" type="checkbox"/>	Certification Only <input type="checkbox"/>	Both Required <input type="checkbox"/>	Other <input type="checkbox"/>	
Definitions				
An adult day care program is a group program designed to provide care and supervision to meet the needs of five or more functionally impaired adults for periods of less than 24 hours but more than 2 hours per day in a place other than the adult's own home.				
Parameters for Who Can Be Served				
Providers may serve functionally impaired adult age 18 or older who, by reason of age or infirmity, require care and supervision. No provider shall knowingly admit participants whose needs cannot be met by the program. No parameters for retaining or discharging participants were identified.				
Inspection and Monitoring				
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>		
The Director of the Department of Social Services or his authorized representative shall have the right to enter the premises of an applicant for or holder of a license at any time during the hours of operation of a center to determine compliance with the provisions of the license. Entry shall also be granted for investigative purposes involving complaints regarding the operations of a program. The division of aging shall make at least two inspections per year, at least one of which shall be unannounced to the operator or provider. The division may make other inspections, announced or unannounced, as it deems necessary.				
Required and Optional Services				
	Adult Day Care		Adult Day Health Care	
	Required	Optional	Required	Optional
Activities of Daily Living (ADL) Assistance	X		X	
Health Education and Counseling		X	X	
Health Monitoring/Health-Related Services	X		X	
Medication Administration		X	X	
Nursing Services		X	X	
Physical Therapy, Occupational Therapy, or Speech Therapy		X	X	
Skilled Nursing Services		X	X	
Social Services			X	
Transportation		X	X	

Provisions Regarding Medications

Participants who are responsible for taking their own medication at home shall be permitted and encouraged to continue to be responsible for taking their own medication during the hours spent in the center. If a participant is unable to self-administer medication, then the adult day care provider may assume responsibility. The licensed nurse shall be the only individual authorized to receive, control, and manage the medication and drug program. The licensed nurse shall be responsible for the administration of medications and treatments.

Provisions for Groups with Special Needs

Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input type="checkbox"/>
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Staffing Requirements

Type of staff. The adult day care program shall have a *director*. Direct care paid staff shall be at least 18 years old and they and any volunteer staff shall be qualified by education and experience to perform the duties in the written job description.

Staffing ratios. The adult day care provider shall provide a sufficient number of direct care staff on duty at all times to meet the needs of each participant and assure that participants are never left unattended. At a minimum, there shall be at least two direct care staff persons when 2-16 participants are present and one additional direct care staff person for any portion of eight additional participants present.

The director shall not be counted to meet the required staff ratio if there are nine or more participants present unless he or she is providing direct care to participants. Trained volunteers at least 18 years of age may be counted in the direct care staff-to-participant ratio provided a volunteer program description, including the volunteer training to be provided and the system for assuring the presence of volunteer help as scheduled, has been submitted to and approved by the Division of Aging. Secretaries, cooks, accountants and other non-direct care staff members shall not be considered in calculating the staffing ratio. Direct care staff shall not be counted simultaneously to meet the required staffing ratios for both the long-term care or medical care facility and the associated adult day care program.

Training Requirements

All staff, including non-direct care, direct care, and volunteers, shall be given a general orientation to the program, its policies, and its fire, safety, and emergency procedures prior to performing job responsibilities.

In-service training shall be provided at least quarterly to staff, as appropriate to their job function and participant care needs. At a minimum, in-service training shall address participant care needs, both general and individualized; participants' rights; program policies; and specialized care needs, such as Alzheimer's disease or related dementias, appropriate to the needs of participants. For employees providing care to persons with Alzheimer's disease or related dementia, the training shall include the following: an overview of Alzheimer's disease or related dementia, communicating with persons with dementia, behavior management, promoting independence in ADL, and understanding and dealing with family issues.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Missouri provides adult day health care through its Aged and Disabled Waiver.

Adult day health care is a program of organized therapeutic, rehabilitative, and social activities provided outside the home for periods of time under 24 hours per date of service. The adult day care program is designed to provide care for part of the day to persons who are physically, mentally, socially, or emotionally impaired and who need daytime supervision and services to maintain or improve their level of functioning. It is a program of organized therapeutic, rehabilitative, and social activities provided outside the home for a period of less than 24 hours to persons with functional impairments requiring at least an ICF level of care.

Admission criteria. The recipient must be assessed to have certain impairments and unmet needs which would require admission to a hospital or a long-term care facility if adult day care services were not provided. The program shall develop its own written admission criteria specific enough that the program does not accept persons whose needs it cannot reasonably expect to meet.

Persons who reside in a long-term residential or intermediate care facility licensed by the Division of Senior Services and Regulation or any group home or residential type facility licensed by the Department of Mental health are not eligible for the Medicaid adult day health care program.

Staffing requirements. At least one staff member trained in first aid and cardiopulmonary resuscitation (CPR) shall be on the premises at all times.

A registered nurse (RN) or licensed practical nurse (LPN) must be available at all times during the program's daily operating hours. The RN or LPN must be available by being a staff member of the adult day health care program or located in the same building provided that a formalized agreement is executed that outlines the responsibilities of the RN or LPN to the adult day health care program. Part of each day must be committed by the RN or LPN to the adult day health care program.

There shall be one full-time person in charge of the adult day health care program who is responsible for day-to-day operations, either a *director* or the director's designee. If an adult day health care program is associated with another facility, it shall have its own full-time director and designated full and/or part-time direct care staff. If a facility has an associated adult day health care program with a daily participant census under five, the adult day health care director may also be responsible for other sections of the facility.

Staffing ratios. Direct care staff-to-recipient ratio shall be no less than one-to-eight. Direct care staff shall be sufficiently qualified and in sufficient number to meet the needs of the adult day health care program recipients. Trained volunteers may be counted in the staff ratio provided a volunteer program description is submitted and approved by the department specifying the formal training and regular work scheduling of such volunteers. Secretaries, cooks, accountants, and other non-direct care staff members must not be considered in calculating this one-to-eight ratio. It is required that in any case there should always be at least one person besides the director or the director's designee on the premises so that recipients are never left unattended. A long-term care facility is not to use the adult day health care direct care staff to meet the required staff ratio for the licensing of its long-term care facility and vice versa.

Training. All personnel, paid and volunteer, shall be given a general orientation to the facility, its normal routine, fire and safety measures, and policies and regulations.

Location of Licensing, Certification or Other Requirements

1. <http://www.sos.mo.gov/adrules/csr/current/19csr/19c30-90.pdf>
2. <http://www.medicaid.state.mo.us/lpBin22/lpext.dll?f=templates&fn=main-j.htm&2.0>
3. <http://www.moga.mo.gov/STATUTES/C660.HTM>

Citations

1. *Adult Day Care Program Licensure*, Missouri Code of State Regulations. Rules of Department of Health and Senior Services, Division 30, Division of Health Standards and Licensure Chapter 90. [11/30/01]
2. *Missouri Medicaid Adult Day Health Care Provider Manual*. Missouri Department of Social Services. [Undated]
3. *Missouri Revised Statutes*, Chapter 660, Sections 400-420, Department of Social Services. [August 28, 2004]

**REGULATORY REVIEW OF ADULT DAY SERVICES:
Final Report**

**The remainder of Section 2 (State Regulatory Profiles)
-- states Montana through Wyoming--
is available at:**

<http://aspe.hhs.gov/daltcp/reports/adultday2b.pdf>