

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				
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.				
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				
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.				
Provisions for Groups with Special Needs				
Dementia <input checked="" type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>		Other <input type="checkbox"/>	
Staffing Requirements				
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.				

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.

REGULATORY REVIEW OF ADULT DAY SERVICES: Final Report

PDF Files Available for This Report

Cover, Table of Contents, Acknowledgments and Introduction

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

SECTION 1. Overview of Adult Day Services Regulations

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

SECTION 2. State Regulatory Profiles

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

Each state can also be viewed separately at:

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

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