

NEW MEXICO

Overview			
<p>The licensing requirements summarized in this template--<i>Requirements for Adult Day Care Facilities</i>-- apply to public or private facilities that provide care, services, and supervision for three or more nonresident adults for fewer than 24 hours of any day, come within the statutory definition of "health facilities," and are required to be licensed by the licensing authority. There are three types of facilities and scope of services: adult day care center, adult day care home, and new or innovative programs for providing adult day care. The state instituted additional requirements in the <i>Medical Assistance Division Program Policy Manual</i> for the provision of two levels of adult day health care through the Disabled and Elderly (D&E) Home and Community-Based Services (HCBS) Waiver Program by eligible providers.</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 where care, services, and supervision are provided to three or more adults who, because of diminished mental or physical capacity, find it difficult to care for themselves in their own residence during the day. An adult day care center may be located in any building that meets the applicable state and local building and safety codes.</p> <p>Adult day care home means a private residence licensed pursuant to regulations where care, services, and supervision are provided to at least three adults but not more than five adults who, because of diminished mental or physical capacity, find it difficult to care for themselves in their own residence during the day.</p> <p>New or innovative programs for providing adult day care. Professional organizations that have demonstrated a need for new or innovative services for day care for three or more adults with special needs that do not fit into one of the types of facilities above may be licensed at the sole discretion of the licensing authority, if all initial licensure procedures are met.</p>			
Parameters for Who Can Be Served			
<p>Participants may have diminished mental or physical capacity that makes it difficult to care for themselves in their own residence during the day, but they must be able to ambulate on their own or use a wheelchair with minimal assistance. No provisions for discharge are specified.</p>			
Inspection and Monitoring			
Yes <input checked="" type="checkbox"/>		No <input type="checkbox"/>	
<p>An annual license is issued for a 1-year period to a facility that has met all regulatory requirements. An initial survey of the proposed facility will be scheduled by the licensing authority upon receipt of a properly completed application with all supporting documentation. A survey will be conducted at least once annually by personnel of the licensing authority. Additional surveys or visits may be made to assist the facility with technical advice, to check on progress in correction of identified violations, or to investigate complaints.</p>			

Required and Optional Services		
	Adult Day Care Facilities*	
	Required	Optional
Activities of Daily Living (ADL) Assistance		
Health Education and Counseling		
Health Monitoring/Health-Related Services		
Medication Administration		
Nursing Services (other than meal provision)		
Physical Therapy, Occupational Therapy, or Speech Therapy		
Skilled Nursing Services		
Social Services		
Transportation		X
*Required or optional services are not specified except for references to meals and optional transportation services. Requirements state that adult day care activities shall be designed to meet the specific needs and interests of the participants, as determined by individual plans of care, and shall be consistent with the program's goals.		
Provisions Regarding Medications		
Any licensed facility with staff who supervise self-administration of medication for participants or safeguard medications must have an appropriate custodial drug permit as determined by the state board of pharmacy. Only medications that can be self-administered by the participant, unless they will be administered by a licensed physician, dentist, or nurse, can be kept by a facility.		
Provisions for Groups with Special Needs		
Dementia <input type="checkbox"/>	Mental Retardation/ Developmental Disabilities <input type="checkbox"/>	Other <input checked="" type="checkbox"/> special needs not defined; can include persons with severe diagnosed mental or physical handicap
Staffing Requirements		
<p>Type of staff. The adult day care center shall have a full-time <i>program director</i> who shall have the authority and responsibility for the management of activities and direction of staff to ensure that activities and services are provided appropriately and in accordance with established policies. When <i>volunteers</i> are used in an adult day care program, the volunteer must be provided with a written description of his or her duties and responsibilities prior to placement.</p> <p>Staffing ratios for adult day care centers. One full-time equivalent staff position with responsibility for direct participant care for each five participants.</p> <p>Staffing ratios for adult day care homes. One full-time equivalent staff position with responsibility for direct care for no more than five participants.</p> <p>Staff/participant ratios must be maintained at all times. The responsibility of staff members included in the staff/participant ratio shall be direct care of the participants.</p>		
Training Requirements		
All facilities shall provide training for each staff member. Before beginning work, all facilities shall provide for each staff member an orientation that includes the following as a minimum: (1) scope of services, activities, and programs offered by the facility; (2) emergency first aid procedures, recognition		

of illness, and indicators of abuse; (3) fire prevention measures and emergency evacuation plans; (4) review of licensing regulations; (5) special problems of the elderly and disabled; (6) participant rights; and (7) sanitation procedures.

Volunteers shall take part in a formal or informal orientation and training session to inform them of the program's goals, the operation and daily schedule of the program, specific needs of the adults being served, and any necessary, specialized approaches the volunteer will be expected to use.

Additional training requirements:

Adult day care centers. All staff members, including the director, shall participate in at least 40 documented hours of training during each year of employment. Twenty of the 40 hours shall be in areas covering the physical, emotional, intellectual, and social needs of adults. Other training may include, but is not limited to, nutrition, sanitation procedures, first aid, and cardiovascular resuscitation techniques.

Adult day care homes. All staff members shall participate in at least 24 documented hours of training during each year of licensure. The required training shall be in the subjects specified for adult day care centers.

Relevant Medicaid Contracting Requirements for Adult Day Services Providers

Relevant provisions for eligible providers in the D&E HCBS Waiver Program:

Adult day health providers must meet all licensing requirements and regulations set forth by the Licensing and Certification Bureau, Public Health Division, New Mexico Department of Health. Adult day health centers requesting authorization to provide new and innovative approaches to adult day health must provide the Long Term Care and Restorative Services Division (LTC and RSD) with the specified written plan for services prior to application for licensure.

- Adult day health centers must comply with the provisions of Title II and III of the Americans with Disabilities Act (ADA) of 1990, P.L. 101-336 (42 U.S.C. Section 12101).
- Adult day health centers must abide by all applicable city, county, or state regulations governing transportation services, as well as waiver-specific requirements.
- Adult day health centers must make appropriate provisions to meet the needs of adults who require special services as indicated in the plan of care.
- Adult day health providers must meet all other qualification criteria in accordance with the LTC and RSD Standards Document.

Adult day health services consist of the following two separate levels:

Level 1. Adult day health services provide structured therapeutic, social, and rehabilitative health services 2 or more hours per day on a regularly scheduled basis, 1 or more days per week, in an outpatient setting in order to assure the optimal functioning of the recipient. Meals provided as part of this service shall not constitute a "full nutritional regime" (three meals per day). Recipients of adult day health services are provided a program that activates, motivates, and rehabilitates them in all aspects of their physical and emotional makeup. Transportation to and from the adult day health center must be provided as part of the adult day health program. The cost of this transportation is included in the rate paid to the provider for Level 1 or Level 2 services.

Level 2. Adult day health services that provide the same level of therapeutic intervention as Level 1 with the addition of nursing services and skilled maintenance therapies (physical, occupational, and speech). Nursing services and skilled maintenance therapies must be provided in a private setting at the center by a licensed practical nurse, a licensed registered nurse, a licensed speech therapist, a licensed occupational therapist, or a licensed physical therapist.

The provision of nursing services and skilled maintenance therapies does not have to be directly provided by the center. If directly provided, the center must meet all program requirements for the provision of these services. Adult day health centers provide structured therapeutic, social, and rehabilitative services designed to meet the specific needs and interests of D&E Waiver participants as determined by the plan of care.

The health, safety, and welfare of the recipient must be the primary concern of all activities and services provided. These services include the following:

- transportation to and from the adult day health center;
- small and large group activities;
- individualized activities, including the provision of ancillary care;
- supervision of self-administered medication as determined by the New Mexico Nurse Practice Act;
- assisting the recipient with toileting needs;
- providing a rest or quiet area with beds or sofas;
- active and spectator participation;
- intergenerational experiences; and
- involvement in the greater community.

Adult day health services must be provided in accordance with the LTC and RSD Standards Document.

Location of Licensing, Certification, or Other Requirements

1. <http://www.nmcpr.state.nm.us/nmac/parts/title07/07.013.0002.pdf>
2. http://www.state.nm.us/hsd/mad/pdf_files/provmanl/prov733.pdf

Citations

1. *Requirements for Adult Day Care Facilities* (Title 7 Health-Chapter 13 Adult Day Care-Part 2). Licensing and Certification Bureau, Public Health Division, New Mexico Department of Health. [Effective 10/31/96; Recompiled 10/31/01]
2. *Medical Assistance Division Program Policy Manual--Disabled And Elderly Home And Community-Based Services Waiver--Qualifications of Adult Day Health Service Providers and Covered Waiver Service (Adult Day Health) (733.192 and 733.491)*. New Mexico Human Services Department. [Effective 7/01/95]

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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