



**Presentation Notes for Docket 16-0322-1901
Senate H&W Committee – January 21, 2020**

Mr. Chair and committee members, my name is Tamara Prisock. I am the Administrator for the Division of Licensing and Certification in the Department of Health and Welfare. I am presenting Rule Docket 16-0322-1901, which represents a complete rewrite of the chapter of rules that contain the licensing requirements for Residential Assisted Living Facilities in Idaho. You will find this docket in your Pending Rules Review Book starting on page 1200.

The work we did to rewrite this rule chapter helped us accomplish several objectives; namely,

- Align the rules with legislation that was passed in the 2019 session enabling assisted living facilities to become accredited by a nationally-recognized accreditation agency in place of regular licensure surveys (Idaho Code §39-3355(7));
- Clarify requirements that the industry found unclear or confusing;
- Re-organize the chapter for clarity and ease of locating specific requirements;
- Delete obsolete and duplicative language and update references;
- Relax some licensure requirements;
- Strengthen resident safety;
- Comply with the Governor's Red Tape Reduction Act. We were able to reduce the total words in this chapter by 6,385 words, and we also eliminated 61 restrictive words.

Next, I will review substantive changes we made to licensing requirements in this docket:

- In section 130.03, we added language to allow accreditation to be accepted in lieu of regular licensure surveys.
- In section 130.09, we eliminated the requirement for facilities to submit evidence of resolution.

- In section 155.01, we changed the requirement for disaster plans to require two separate locations for evacuation.
- In section 155.03, we clarified that emergency generators, when installed, must comply with National Fire Protection Association standards.
- In section 215, we removed much of the criteria that had been in rule for administrators over multiple facilities.
- In section 215.08, we changed the rule to require reportable incidents be reported within 1 business day, rather than within 24 hours.
- In section 250.13, we modified the rule to require a secured environment only for residents at risk for elopement, not all residents with cognitive impairments.
- In section 260.07, we modified the rule to require facilities to store chemicals in locked storage area only when serving residents with cognitive impairments.
- In section 300.02, we relaxed the requirement to allow LPNs to respond to changes of ^{residents} condition instead of only RNs.
- In section 305.01, staff other than RNs can now report medication concerns to a resident's physician. The RN is still responsible to ensure those notifications occur.
- In section 330.06.b.ii, we relaxed the requirement so facilities can review behavior interventions as appropriate rather than requiring a review after 72 hours.
- In section 460.2d, we now require fluids to be offered to residents between meals and at bedtime.
- In sections 510 through 525, we require the facility's policies and procedures related to abuse, neglect, exploitation, and inadequate care to be posted in the facility, available upon request, and shared annually with residents.
- In section 920.01, we revised the rule to state that a ban on admissions will no longer be imposed for repeat non-core deficiencies.
- In section 925.01, we revised the rule to state that the Department will not impose civil monetary penalties for first time deficiencies. In practice, we do not impose civil monetary penalties for first-time deficiencies even

though the previous version of the rule allowed the Department to impose those penalties.

In developing this rule chapter, we conducted negotiated rulemaking in July 2019 and negotiated the changes with the Idaho Health Care Association. We also sent the draft rule docket to all assisted living providers and invited them to review and comment on the draft chapter rewrite.

We presented the rule docket to the Community Care Advisory Council, a council established in Idaho Code to advise the Department on issues related to assisted living facilities and certified family homes. At its October 2019 meeting, the Council voted to support the rule docket.

In addition, the Board of Health and Welfare approved the rule docket at its November 2019 meeting.

After the presentation of this rule docket to the House Committee on January 13th at which time the House committee approved the docket as final, members of the Idaho Health Care Association discovered an error in the docket. Section 16.03.22.152.03(b)xvi, found on page 1240, lists a requirement that we eliminated in our negotiations with stakeholders. Although we revised the fire safety requirements starting in section 400 to eliminate the requirement, we missed removing the reference to the requirement in section 152. We respectfully ask this committee to reject this subsection in the approval of the docket, and we plan to notify the House Committee of this error as well.

Mr. Chair, thank you for the opportunity to present this rule docket to the committee. That concludes my presentation, and I am happy to stand for questions.