



MEMO

DATE: July 28, 2014

TO: Regional Managers
Section for Long-Term Care Regulation

THROUGH: Shelly Williamson, Interim Administrator
Section for Long-Term Care Regulation

FROM: Carmen Grover-Slattery, Policy Unit Manager
Section for Long-Term Care Regulation

SUBJECT: Assisted Living Facilities (ALFs)

This document is intended to provide clarification regarding ALF I's (*minimal assistance*) admitting and/or retaining individuals who have a physical, cognitive, or other impairment that prevents the individual from safely evacuating the facility with minimal assistance.

History:

In August 2006, when the Assisted Living Facility Bill (Senate Bill 616) was passed it allowed the Department to license and inspect only four (4) types of long-term care facilities, with each providing a different level of care depending on a person's needs:

- Residential Care facility (RCF);
- Assisted Living facility (ALF);
- Intermediate Care facility (ICF); and
- Skilled Nursing facility (SNF).

At that time, an operator choosing the singular ALF licensure category was given a choice to select an "option" (*i.e., option 2 or option 3*) to indicate which type of residents they would admit/retain (*i.e. minimal assistance vs. more than minimal assistance*). The operator's selection did not represent a separate ALF level of care or licensure type. The Department could only issue a single license type – Assisted Living Facility.

Aspen & Licensure ALF designation

To better assist our staff in determining which regulation set an ALF should comply with, on the ALF license it indicates the option selected by the operator: Assisted Living Facility or Assisted Living Facility**. The asterisks notes the Assisted Living Facility** as being "*licensed as an assisted living facility (ALF **) and chooses to accept or retain individuals with a physical, cognitive, or other condition that prevents them from safely evacuating the facility with minimal assistance.*"

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Additionally, in the ASPEN database, an ALF is identified either as an ALF I (i.e., minimal assistance) or an ALF II (i.e., more than minimal assistance).

Can an ALF I (*minimal assistance*) admit and/or retain individuals requiring more than minimal assistance:

Yes, an ALF I may provide services to individuals who have a physical, cognitive, or other impairment that prevents that individual from safely evacuating the facility with minimal assistance as long as the facility meets all the standards set forth in 19 CSR 30-86.045 (e.g., individual evacuation plans [I.E.P], fire safety requirements, staffing, etc.).

Because the ALF category does not have separate levels of care or licensure types SLCR cannot require an ALF I to discharge an individual or change its licensure designation if the ALF I meets all the standards set forth in 19 CSR 30-86.045.

If an inspector discovers an ALF I providing services to individuals requiring more than minimal assistance, the inspector must complete the following:

- Conduct an inspection to ensure the ALF I complies with all the requirements outlined in 19 CSR 30-86.045. The fire safety standards inspection will be conducted either by the Fire Marshal or SLCR inspectors. SLCR inspectors are responsible for conducting the fire safety portion of the inspection when the ALF is physically attached to another licensed long-term care facility that does not have a two (2) hour fire separation between the levels of care or as otherwise assigned.
- Contact the Licensure & Certification Unit and inform them that an ALF I is providing services to individuals requiring more than minimal assistance. The Licensure & Certification Unit will contact the Fire Marshal's office to conduct an inspection to ensure the ALF I is meeting the additional fire safety requirements outlined in 19 CSR 30-86.045. The Licensure and Certification Unit will contact the ALF I facility to discuss changing its license to reflect that it provides services to those requiring more than minimal assistance.

If the ALF I is not complying with all the requirements outlined in 19 CSR 30-86.045 then the inspector should issue citations accordingly. If the ALF I is meeting all the requirements for 19 CSR 30-86.045 then the ALF I would not be required to discharge the resident.

Determining Staffing Ratios for Residents Requiring *More Than Minimal Assistance*:

Facility staffing levels will depend on how the resident was evaluated for care and evacuation capabilities. The ALF regulations only address minimum staffing requirements which may not meet the needs of the resident. ALF's are required to ensure they have an adequate number and type of personnel to care for and meet resident needs 24/7.

For those residents requiring more than minimal assistance the inspector should look for what is in the residents I.E.P. Facility staff should be able to demonstrate and communicate their responsibilities during drills. Questions to ask: For example: *which residents are evacuated 1st and where; which staff is responsible to make necessary calls, close doors, activate alarm, which staff is to stay with residents once assembled, etc.*

The inspector's focus should be on the facility staff's ability to provide the care needed for the residents, not the quantity of residents requiring I.E.P.'s. For example: If a facility has fifteen (15) residents, five (5) of whom have I.E.P.'s requiring a two (2) person assist, would we require

the facility to employ ten (10) staff to meet the needs of those I.E.P. residents? No, we would not require a staff of ten (10); however, the determination of how many staff is necessary must be based on the facility staff's ability to provide the care needed for all residents.

A citation concerning staffing would show examples of care deficiencies caused by insufficient quantity and/or quality of staff.

Evacuation Time Frames:

ALF I - A resident needing *minimal assistance* is one who is able to prepare to leave and then evacuate the facility within five (5) minutes of being alerted of the need to evacuate and requires no more than one (1) physical intervention and no more than three (3) verbal interventions of staff to complete evacuation from the facility – 19 CSR 30-86.047 (4) (J) 4.

ALF II – Evacuation time for a resident requiring *more than minimal assist* is NOT specified in regulation. Because there are no time frames specified for residents requiring *more than minimal assistance* inspectors will need to look at the facility staffing ratios to determine if there is a deficiency. SLCR's expectation is the time it takes staff to evacuate the residents requiring *more than minimal assistance* should be reasonable. For example, facility staff taking twenty (20) minutes to evacuate residents to an area of refuge is excessive. SLCR does understand it may take a little more than five (5) minutes for these particular residents as they do need *more than minimal assistance*; however, it should not be an excessive amount of time during evacuations.

At least annually, an ALF is required to conduct a fire drill in which residents must be evacuated to the outside of the facility. All other required fire drills evacuations may be conducted to either an area of refuge or from one smoke section to another. In addition, all residents must participate in the drills.

The inspector may request facility staff to demonstrate its ability to evacuate residents if it questionable whether the number of staff the ALF indicated can effectively complete an evacuation.