

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 1 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0000 - INITIAL COMMENTS

Title INITIAL COMMENTS

Type Memo Tag

Regulation Definition

Interpretive Guideline

These guidelines are meant solely to provide guidance to surveyors in the survey process.

ST - D0001 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Type Rule

429.907(1-4)

Regulation Definition

Interpretive Guideline

429.907 (1) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this part and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to this part. A license issued by the agency is required in order to operate an adult day care center in this state.

(2)(a) Except as otherwise provided in this subsection, separate licenses are required for centers operated on separate premises, even though operated under the same management. Separate licenses are not required for separate buildings on the same premises.

(b) If a licensed center becomes wholly or substantially unusable due to a disaster or due to an emergency as those terms are defined in s. 252.34:

1. The licensee may continue to operate under its current

Surveyor Probes:

Examine the center license:

1. Is it current?
2. Is the license displayed in a conspicuous place?

NOTE: Shared areas between assisted living facility and ADCC are surveyed with assisted living facility.

If the center is not licensed, notify the center operator that operating without a license is a 2nd degree misdemeanor. Failure to apply for a license within 10 days notification will result in the Agency obtaining an injunction to close the center.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 2 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

license in premises separate from that authorized under the license if the licensee has:

- a. Specified the location of the premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and
- b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate premises.

2. The licensee shall operate the separate premises only while the licensed center's original location is substantially unusable and for up to 180 days. The agency may extend use of the alternate premises beyond the initial 180 days. The agency may also review the operation of the disaster premises quarterly.

(3) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part and part II of chapter 408. The amount of the fee shall be established by rule and may not exceed \$150.

(4) County-operated or municipally operated centers applying for licensure under this part are exempt from the payment of license fees.

ST - D0002 - Governing Body

Title Governing Body

Type Rule

58A-6.006(1)

Regulation Definition

(1) The Center shall have a Governing Authority which shall establish policies in compliance with this rule chapter. Governing Authority, as defined in this rule chapter, may consist of one or more people, and designation of its membership or composition shall be determined by the owner or operator. The Governing Authority shall be responsible for

Interpretive Guideline

Surveyor Probes:

Surveyor should ask to see center's written policies and procedures.

Review governing body by-laws for documentation of governing body responsibility to the center.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 3 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ensuring compliance with standards requiring that:

(a) Admission criteria shall be determined by the Owner, Operator, or Governing Authority and it may limit Participant eligibility to adults with Functional Impairments, in need of a protective environment or a program of therapeutic social and health activities and services as defined in this rule chapter.

The Owner or Operator will assure that the admission of each Participant shall be review within the confines of specific requirements set forth below:

1. Within forty-five days prior to admission to the center, each person applying to be a participant shall provide a statement signed by a physician, a Florida licensed health care provider under the direct supervision of a physician, physician or a county public health unit documenting freedom from tuberculosis in the communicable form and documenting freedom from signs and symptoms of other communicable disease. Any participant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious. However, participants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the center, provided that they would otherwise be eligible according to this rule.

2. No participant shall be admitted or retained in a center if the required services from the center are beyond those that the center is licensed to provide.

3. No participant who requires medication during the time spent at the center and who is incapable of self-administration of medications shall be admitted or retained unless there is a person licensed according to Florida law to administer medications who will provide this service. A person licensed according to Florida law includes a physician licensed under Chapters 458 and 459, F.S., an advanced registered nurse practitioner, a dentist, a registered nurse, licensed practical nurse, or a physician's assistant.

(b) Provision is made for a safe physical plant equipped and staffed to maintain the center and services provided as defined in this rule chapter.

Review governing body minutes for documentation of governing body involvement in the organization and operations of the center.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 4 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0003 - Owner/Oper/Designee on Premises

Title Owner/Oper/Designee on Premises

Type Rule

58A-6.006(2-3)

Regulation Definition

- (2) The Governing Authority shall ascertain that the Owner or Operator or the designated responsible person shall be on the premises during the Center's hours of operation.
- (3) Each Center shall be under the administrative control of the Operator or Assistant Operator. The Operator may supervise more than one Center, provided that a qualified, responsible Assistant Operator, duly appointed in writing, is in charge of each facility during the Operator's absence.

Interpretive Guideline

If the operator is away from the center, there is a designated responsible person who is on the premises and in charge of center operations.

Surveyor Probes:

Review governing body by-laws for documentation of designation of an operator who is responsible for the daily operation of the center.

Review organizational charts for documentation of line authority, with the operator in charge of center operation.

Review operators job description for verification that roles and responsibilities are included.

Is the owner/operator or designated responsible person at the center during the visit?

Does the owner/operator oversee more than one center? If yes, do they have a qualified person, appointed in writing?

ST - D0005 - Closure-Notification(s)

Title Closure-Notification(s)

Type Rule

429.925

Regulation Definition

When a center voluntarily discontinues operation, the Agency is notified in writing at least 60 days prior to the

Interpretive Guideline

The center should have written proof of notification to the Agency and participants.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 5 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

discontinuance of operation. The center also informs each participant, guardian or responsible person of the fact and the proposed time of such a discontinuance.

Surveyor Probes:

Review Agency and participant notifications.

ST - D0006 - Advertising

Title Advertising

Type Rule

429.917(2)

Regulation Definition

A center licensed under this part which claims that it provides special care for persons who have Alzheimer's disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The center must give a copy of all such advertisements or a copy of the document to each person who requests information about the center and must maintain a copy of all such advertisements and documents in its records. The agency shall examine all such advertisements and documents in the center's records as part of the license renewal procedure. An adult day care center may not claim to be licensed or designated to provide specialized Alzheimer's services unless the adult day care center's license has been designated as such pursuant to s. 429.918

Interpretive Guideline

Applicable advertising may include brochures, highway signs (billboards), newspaper ads, internet, and listing or ads under adult day care centers in the telephone yellow pages, radio, and television announcements.

Licensed hospitals, nursing homes or assisted living facilities that do not hold themselves out to the public as an adult day care center may provide services such as social, health, therapeutic, recreational, nutritional, or respite services during the day to non-residents.

Surveyor Probes:

Review the latest telephone directory, area newspaper, center brochures, etc. to determine compliance.

ST - D0007 - Definitions

Title Definitions

Type Memo Tag

429.901; 429.918(2)(a & c & d) 58A-6.002

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 6 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

429.901 Definitions.-As used in this part, the term:

- (1) "Adult day care center" or "center" 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.
- (2) "Agency" means the Agency for Health Care Administration.
- (3) "Basic services" include, but are not limited to, providing a protective setting that is as noninstitutional as possible; therapeutic programs of social and health activities and services; leisure activities; self-care training; rest; nutritional services; and respite care.
- (4) "Department" means the Department of Elderly Affairs.
- (6) "Operator" means the licensee or person having general administrative charge of an adult day care center.
- (7) "Owner" means the licensee of an adult day care center.
- (8) "Participant" means a recipient of basic services or of supportive and optional services provided by an adult day care center.
- (9) "Supportive and optional services" include, but are not limited to, speech, occupational, and physical therapy; direct transportation; legal consultation; consumer education; and referrals for followup services.

429.918 Licensure designation as a specialized Alzheimer's services adult day care center.-

(2) As used in this section, the term:

- (a) "ADR participant" means a participant who has a documented diagnosis of Alzheimer's disease or a dementia-related disorder (ADR) from a licensed physician, licensed physician assistant, or a licensed advanced registered nurse practitioner.

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 7 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

(c) "Specialized Alzheimer's services" means therapeutic, behavioral, health, safety, and security interventions; clinical care; support services; and educational services that are customized for the specialized needs of a participant's caregiver and the participant who is affected by Alzheimer's disease or an irreversible, degenerative condition resulting in dementia.

(d) "Therapeutic activity" means an individual or group activity that is intended to promote, maintain, or enhance the ADRD participant's physical, cognitive, social, spiritual, or emotional health.

58A-6.002 Definitions.

(1) The following terms are defined in Section 429.901, F.S., and are applicable to this rule chapter: adult day care center or center, agency, basic services, department, multiple or repeated violations, operator, owner, participant, and supportive and optional services.

(2) Additional definitions applicable in this rule chapter are as follows:

(a) "Activities of Daily Living" or "ADL" shall mean the functions or tasks for self-care and shall include: ambulation, bathing, dressing, eating, grooming, transferring, and toileting, self-administration of medications, and other personal hygiene activities.

(e) "Participant Capacity" shall mean the number of Participants for which a Center is licensed to provide care to at any given time and shall be based upon required net floor space.

(g) "Congregate Space" shall mean climatically controlled living rooms, dining rooms, specialized activity rooms, or other rooms to be commonly used by all Participants.

(h) "Daily Attendance" shall mean the number of Participants who, during any one calendar day, attend the Center. This count is not dependent upon, nor does it include, the number

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 8 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

of types of services a Participant receives, but is an actual, individual, and unduplicated census count.

(i) "Functional impairment" means a physical, mental, or social condition or cognitive deficit which restricts an individual's ability to perform the tasks and activities of daily living and which impedes the individual's capability for self-care and independent living without assistance or supervision from others on a recurring or continuous basis for extended periods of time.

(k) "Major Incident" shall mean any incident for which the Agency, Center, Staff member or other person associated with the Center may be liable, or which has resulted in serious injury, death or extensive property damage. Major Incidents include, but are not limited to, the following:

1. Death of a Participant from other than natural causes, while in the care of the Center;
2. Threats or occurrences of riots, bombings, or other extreme violence,;
3. Disappearance of a Participant, from the Center;
4. Assaults or batteries on or by a Participant, resulting in severe injury or death, including, but not limited to, sexual assaults or rape;
5. Property damage from any cause that would interrupt routine operations or disrupt service delivery,;
6. Auto accidents with injuries involving participants;
7. Involuntary Center closure;
8. Incidents of abuse, neglect, exploitation or fraud,;
9. Employee work conduct which results in a criminal law violation;
10. Attempted suicide by a participant while under Center supervision.

(m) "Operator" shall mean an individual who has daily administrative charge of an Adult Day Care Center and who shall be designated in writing as such by the owner or Governing Authority. An Operator of a Specialized

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 9 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Alzheimer's Services Adult Day Care Center must meet the educational or experiential requirements in Section 429.918(5), F.S.

(n) "Orientation and Training Plan" shall mean a written plan developed and reviewed at least annually, and implemented throughout the year, which describes a coordinated program for Staff training for each service and for orientation of each new Staff member on Center policies, procedures, assigned duties and responsibilities,. The orientation and training provided for by the Orientation and Training Plan shall begin no later than the first day of employment.

(o) "Over the Counter Products" or "OTC Products" shall mean medications and related products that can be purchased legally without a prescription, including, but not limited to, medications, vitamins, nutritional supplements and nutraceuticals.

(p) "Participant Care Plan" shall mean a written record documenting adult day health services, as required by paragraph 58A-6.010(6)(d), F.A.C.

(q) "Participant File" shall mean a record, prepared and kept by the Center which shall include: a Participant Care Plan, documenting adult day health services provided to the Participant, if any; medical and social history or copies of an examination completed by a physician; diagnosis; disabilities and limitations; rehabilitation potential; short and long-term goals; recommended activities; orders for medication or modified diet, including Supervision of Self-administered Medication; special needs for health or safety; permitted levels of physical activity; frequency of attendance at the Center; and notes as required in this rule chapter.

(s) "Respite Care" or "Respite" in an Adult Day Care Center is defined as a service provided to relieve the caregiver.

(t) "Responsible Person" shall mean any person who has assumed the responsibility to manage the affairs and protect the rights of any Participant of a Center. The Responsible

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 10 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the facility, its operations, or its personnel, unless so ordered by a court.

(u) "Significant Change" shall mean: a deterioration or improvement in ability to carry out Activities of Daily Living; a deterioration in behavior or mood to the point where daily problems arise, or an improvement to the point that these problems are eliminated; or a substantial deterioration in health status or reversal of such condition. Ordinary day-to-day fluctuations in functioning and behavior and acute short-term illness such as a cold are not considered Significant Changes unless such fluctuations persist to the extent that a trend is established.

(v) "Staff" shall mean any employee, independent contractor, or volunteer included in the minimum Staff ratio, who provides direct or indirect services to the Participants and volunteers who are included in the minimum staff ratio.

(w) "Staff Providing Direct Care for ADRD Participants" means Staff providing personal or Specialized Alzheimer's Services to ADRD Participants or Participants with dementia-related disorders, including, but not limited to, Owners, Operators, and Assistant Operators providing such services.

(x) "Staff in Direct Contact with ADRD Participants" means all Staff who are not Staff Providing Direct Care to ADRD Participants or Participants with dementia-related disorders, but whose duties may require them to interact with ADRD Participants or Participants with dementia-related disorders on a daily basis.

(y) "Supervision of Self-administered Medication" shall mean the performance of the following tasks: reminding Participants to take medication at the time indicated on the prescription; opening or closing medication container(s) or assisting in the opening of prepackaged medication; reading the medication label to Participants; observing Participants while they take

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 11 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

medication; checking the self-administered dosage against the label of the container; reassuring Participants that they have obtained and are taking the dosage as prescribed; keeping daily records of when Participants received supervision pursuant to this subsection; and immediately reporting apparent adverse effects on a Participant's condition to the Participant's physician and responsible person. No Center is required to provide Supervision of Self-administered Medication to Participants who are capable of administering their own medication.

(z) "Supervision of Staff" shall mean guidance by a qualified person for a Staff member's performance of job-related functions and activities, with initial direction and periodic on-site inspection of the performance. Supervision of Participants shall mean guidance and care necessary for the health, safety and well-being of Participants.

(aa) "Supportive and Optional Services" shall mean optional activities and services provided by a Center, in accordance with Rule 58A-6.010, F.A.C.

(bb) "Transportation Services" shall mean the conveyance of Participants between the Center and a designated location, as well as to and from services provided directly or indirectly by the Center. No Participant's transportation to and from a designated location and the Center shall exceed two hours if the transportation is provided or arranged by the Center.

(cc) "Volunteer" shall mean an individual not on the payroll of the Adult Day Care Center, whose qualifications shall be determined by the Center, for whom a written job description and Orientation and Training Plan shall be provided and implemented.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 12 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0100 - Fiscal Standard - Participant Funds

Title Fiscal Standard - Participant Funds

Type Rule

58A-6.012(1-3)

Regulation Definition

- (1) The center shall establish and maintain a record of all funds held in trust, if any, and the participant funds shall be kept separate from the center funds. Such funds shall be used or expended only at the request of the participant, the participant's representative, designee, surrogate, guardian, or attorney-in-fact, if applicable.
- (2) The center shall furnish at least annually, a complete verified statement of such funds or property to the participant or to the guardian or responsible person, detailing the amount and items received with sources and disposition. Such a report also shall be made at termination or transfer from the center.
- (3) Any agency, governmental or private, contributing funds or property to the account of a participant, shall, upon request, be entitled to receive such a statement annually and upon termination or transfer.

Interpretive Guideline

The word verified as it pertains to statements would mean that the center has a copy of the statement that was given/sent to the participant, guardian, or responsible person.

Any agency, governmental or private, contributing funds or property to the account of a participant, is entitled to receive the annual statement upon request.
58A-6.012(3), F.A.C.

Surveyor Probes:

Surveyors should question the center operator, staff, and participants concerning the handling of participants' funds/property, and ask to see applicable accounting records.

Contact may also be made with any guardians to see if the center handles monies for their clients.

Interview participants to determine if the facility is providing satisfactory reporting.

ST - D0101 - Fiscal Std- Current Signed Agreement On File

Title Fiscal Std- Current Signed Agreement On File

Type Rule

58A-6.011(6)

Regulation Definition

If the Center accepts fee-for-service Participants, there shall be a signed agreement documenting the amount of fee, hours

Interpretive Guideline

The fee-for-service agreement must be current through the last payment period. The agreement is signed by the owner or operator, participant, or responsible person. 58A-6.011(6), F.A.C. Make sure all agreements contain items a

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 13 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

and days of attendance, services to be provided, and frequency of payment. This agreement shall be signed by the Owner, Operator, or the Owner or Operator's designee, the Participant or Responsible Person, and recorded in the Participant's File. Financial records shall be maintained and shall be current through the last payment period.

through d.

Surveyor Probes:

Review fee-for-service participants' records for documentation that the required information is included and ask for fee-for-service fee schedule.

ST - D0102 - Fiscal Std - Liability Insurance Coverage

Title Fiscal Std - Liability Insurance Coverage

Type Rule

429.909(2)(c), 58A-6.012(4)

Regulation Definition

429.909 Application for license.-In addition to all provisions of part II of chapter 408, the applicant for licensure must furnish a description of the physical and mental capabilities and needs of the participants to be served and the availability, frequency, and intensity of basic services and of supportive and optional services to be provided and proof of adequate liability insurance coverage.

58A-6.012(4)

Centers shall maintain liability insurance coverage in force at all times. On the renewal date of the center's policy or whenever a center changes policies, the center shall file documentation with the AHCA, ADC Program, 2727 Mahan Drive, Tallahassee, FL 32308. Such documentation shall be issued by the insurance company, shall include the name of the center, dates of coverage and shall meet the criteria of this chapter.

Interpretive Guideline

Surveyor Probes:

Review the centers liability insurance policy or certificate and verify dates of coverage to ensure the center maintains current liability insurance coverage.

Contact the insurance agent if there is a question regarding whether or not the policy is current.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 14 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0201 - Center Record Standard

Title Center Record Standard

Type Rule

58A-6.011(3)

Regulation Definition

(3) The Operator shall be responsible for the recording, reporting and availability of Participant data, including those records required for each Center Participant, and program data, including those records required for services made available to and provided to Participants by the Adult Day Care Center. Such records shall include:

- (a) Number of Participants enrolled to current date;
- (b) Average Daily Attendance as defined in this rule chapter, based upon attendance through the end of the preceding month;
- (c) Hours of travel time current through the previous month, if Transportation Services are provided or arranged by the Center.
- (d) Business hours of operation shall be posted in a conspicuous place. Business hours shall mean a time period established by the Center, as defined in its policies, and shall be no less than five hours per day on week days of Center operation and may include a reduced schedule of weekend hours.

Interpretive Guideline

Surveyor Probes:

Review centers' participant data records as identified in items a through d.

Ascertain whether business hours are clearly posted.

ST - D0202 - Record of Staff Assignments

Title Record of Staff Assignments

Type Rule

58A-6.011(5)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 15 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

A record shall be kept of staff assignments.

Interpretive Guideline

Surveyor Probes:

Review governing authority policies and procedures for documentation of staff assignments.

Review personnel records for verification of staff assignments.

ST - D0203 - Record of Major Incidents

Title Record of Major Incidents

Type Rule

58A-6.011(7-8)

Regulation Definition

(7) A written record shall be kept of Major Incidents affecting Participants, Staff, Volunteers or the program of the Center.

(8) Major Incidents, as defined in this rule chapter shall be reported immediately to the Agency's Complaint Administration Unit at the following website:
http://ahca.myflorida.com/MCHQ/Field_Ops/CAU.shtml.
Reports shall be made by the individual having first-hand knowledge of the incident and performing functions and responsibilities as an authorized agent and may include paid, emergency and temporary Staff, Volunteers and student interns.

Interpretive Guideline

Each major incident must be reported immediately to the appropriate field office.

Surveyor Probes:

Review major incident reports.

Interviews with residents and staff may provide information about recent incidents, which should then be compared against prepared reports.

Observe residents, noting any other concerns. which may indicate a recent incident.

ST - D0204 - Comprehensive Emergency Management Plan

Title Comprehensive Emergency Management Plan

Type Rule

58A-6.011(10)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 16 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

(10) Pursuant to Section 429.929(1)(g), F.S., as a part of the licensure process, each Center shall develop and follow a written Comprehensive Emergency Management Plan for emergency care during an internal or external disaster in accordance with Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001, incorporated by reference. A copy of the July 2001 Emergency Management Planning Criteria for Adult Day Care Facilities may be obtained from the Agency's Website at:

http://www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/Assisted_Living/docs/adcc/ADCC_CEMP_2008.pdf.

(a) The Comprehensive Emergency Management Plan shall include the following:

1. Provisions for both internal and external disasters and emergencies which could include hurricanes, tornadoes, fires, power outages, floods, bomb threats, acts of terrorism, bio-terrorism, hazardous materials and nuclear disasters.
2. Provisions for care and services to Participants during the emergency including: pre-disaster or preparation, notification of family members or responsible parties, securing the Center, supplies, staffing and emergency equipment.
3. Provisions for care and services, including emergency evacuation transportation, to Participants who must remain in the Center and those who must evacuate during the emergency.
4. Identification of Staff positions responsible for implementing each aspect of the Plan.
5. Identification of and coordination with designated agencies including the Red Cross and the local emergency management agency.
6. Post-disaster activities including responding to family inquiries, obtaining necessary emergency medical attention or intervention for Participants, transportation and re-entry to the Center.

(b) The Plan shall be available for immediate access by Center

Interpretive Guideline

Surveyor Probes:

The surveyor should ensure that the center has a Comprehensive Emergency Management Plan reviewed by the local emergency management office.

Where is the Plan located?

The Plan shall be available for immediate access by center staff. Ask employees if they know where the Plan is located and how to implement the Plan.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 17 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Staff.

(c) The initial Plan shall be reviewed by the local Emergency Management Agency to ensure compliance with the Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001.

(d) The local emergency management agency has 60 days in which to review and determine if the Plan satisfies the Emergency Management Planning Criteria or advise the Center of necessary revisions. Any revisions must be made and resubmitted to the local emergency management agency within 30 days of receiving notification from the local emergency management agency that the Plan must be revised.

(e) The Center shall review and update its Plan on an annual basis. The Plan shall be submitted annually, or more often if needed, to the local emergency management agency

ST - D0207 - Emergency Treatment

Title Emergency Treatment

Type Rule

58A-6.011(9)

Regulation Definition

In case of emergency, such as acute illness, if family or responsible person cannot be reached, a signed release shall be on file stating that the participant may be sent to the nearest hospital emergency room for treatment.

Interpretive Guideline

Surveyor Probes:

Review adult day care center procedure. Is the owner or operator aware of the requirement for obtaining the signed release?

Review participant records for documentation that the signed release is on file for each participant.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 18 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0209 - Central Abuse Registry Poster

Title Central Abuse Registry Poster

Type Rule

58A-6.006(11)

Regulation Definition

The Governing Authority shall establish policies and procedures to facilitate reporting of abuse, neglect or exploitation as defined in Section 415.102, F.S. and in accordance with Section 415.103, F.S., and shall ensure that the statewide toll free telephone number of the Department of Children and Families central abuse hotline, accompanied by the words "To Report the Abuse, Neglect, or Exploitation of an Elderly or Disabled Person, Please Call the Toll Free Number 1(800)96-ABUSE" is posted in a prominent place in the Center and made clearly visible.

Interpretive Guideline

Surveyor Probes:

Verify copy of central Abuse Registry poster is in full view and is freely accessible to all participants.

ST - D0300 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

Type Rule

58A-6.007(3)(a-q)

Regulation Definition

(3) Participant care, policies, and procedures shall ensure that, as a minimum, all Participants admitted to the Center:

(a) Are informed of provisions for service as evidenced by written acknowledgment from the Participant or responsible party prior to or at the time of admission, given a statement or summary statement of the Center's policies and procedures, given an explanation of the Participant's responsibility to

Interpretive Guideline

The document is explained to the participant as appropriate. If the participant does not read or understand English, the information should be explained in a language understood by the individual.

Surveyor Probes:

Review participant records for documentation of written acknowledgment from the participant or responsible party that the statement was provided.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 19 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

comply with these policies and procedures and to respect the personal rights and private property of other Participants;

(b) Are informed, and are given a written statement prior to or at the time of admission and during stay, of services available at the Center, and any related charges, including charges for services that are not provided free, not covered by third party payments, or not covered by the facility's basic per diem rate. This statement shall include the payment, fee, deposit, and refund policy of the Center;

(c) Are promptly informed of substantive changes in policies, procedures, services, and rates;

(d) Are informed during the admission process, in writing, of the Center's Comprehensive Emergency Management Plan;

(e) Are informed during the admission process of the local emergency management agency's registry of disabled persons who need assistance during evacuations or when in shelters because of physical or mental handicaps and the assistance provided by Center staff to register such persons with the local emergency management agency;

(f) Are allowed to retain the services of their personal physician at their own expense or under a health care plan; are informed of the services provided by the Center, and are offered the opportunity to participate in the planning of their care;

(g) Are free from abuse, neglect, and exploitation as defined in Section 415.102, F.S., and free from chemical and physical restraints. Drugs and other medications shall not be used for punishment, convenience of Staff, or in quantities that interfere with a Participant's rehabilitation or Activities of Daily Living;

(h) Are given privacy in the treatment of their personal and medical records;

(i) Are treated with consideration, respect, and full recognition of their dignity, individuality, and right to privacy;

(j) Are not required to perform services for the Center;

Review the center's policies and procedures to verify each point is covered.

Interview participants to determine their awareness of specific policies and procedures.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 20 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

- (k) Are permitted to associate and communicate privately with persons of their choice, join with other Participants or individuals within or outside the Center to work for improvements in Participant care, and, upon his or her request, shall be given assistance in the reading and writing of correspondence;
- (l) Are permitted to participate in social, religious, community, or group activities of their choice while at the Center;
- (m) Are permitted to exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any Participant. The Center shall encourage and assist in the exercise of these rights;
- (n) Are not the object of discrimination with respect to participation in activities which include recreation, meals, leisure, other social activities because of age, race, religion, sex, or nationality as defined in Title VI of the Civil Rights Act of 1964, or the Americans with Disabilities Act of 1990;
- (o) Are not deprived of any constitutional, civil, or legal right solely by reason of admission to the Center;
- (p) For protection of the Participants, are allowed to discharge themselves from the Center upon presentation of a request, preferably in writing; or, if the Participant is an adjudicated mental incompetent, upon the written consent of his next of kin, or sponsor or, guardian, or responsible person. However, if assessed by social workers, center Staff, or responsible persons at the time of intake as confused, the Participant shall not be allowed to discharge himself until after the Center notifies the Participant's guardian, spouse, or person having durable power of attorney;
- (q) Are informed of the right to report abusive, neglectful, exploitative or fraudulent practices

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 21 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0301 - Particip. Record

Title Particip. Record

Type Rule

58A-6.011(2)(a-g)

Regulation Definition

(2) The Participant File shall include a Participant Data Sheet which shall be completed for each Participant within forty-five days prior to or twenty-four hours after admission to the Center and which shall include:

- (a) Full name, birthday, address;
- (b) Date admitted as a Participant and services to be provided;
- (c) Next of kin, and address and phone number of such person;
- (d) Guardian or Responsible Person and address and phone number of that person;
- (e) Medicaid and Medicare identification and other health insurance numbers;
- (f) Emergency contact person, home or office address and phone numbers of such person;
- (g) Name and telephone number of attending physician to be contacted when there appears to be significant deviation from normal appearance or state of well-being of a Participant; physician's or hospital discharge statement no older than forty-five days indicating prescribed medications and dosage which is updated as changes are made by physicians or, until a statement is received, a dated and signed statement by the Participant, guardian or responsible person, stating that specific medication may be given as ordered by the attending physician; notation of physical and emotional conditions requiring care and medications administered; diet and mobility restrictions; and a statement that the Participant is free from tuberculosis in a communicable form;

Interpretive Guideline

Responsible person means any person who has assumed the responsibility to manage the affairs and protect the rights of any participant in the center. The responsible person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the center, its operations or the personnel, unless court ordered.

Surveyor Probes:

Review participant files for documentation of compliance and explanation for missing information.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 22 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0302 - Particip. Record - Signature

Title Particip. Record - Signature

Type Rule

58A-6.011(4)

Regulation Definition

Documentation shall be made of services, medication and special diets provided or administered to the Participants and shall be kept current in the Participant's File. Such documentation shall consist of a written, signed and dated notation or statement.

Interpretive Guideline

Review the participant's file for the written documentation. Ensure that the documentation is signed and dated.

ST - D0303 - Particip. Record Std

Title Particip. Record Std

Type Rule

58A-6.011(2)(h-i)

Regulation Definition

(h) The Participant File shall be updated when there is a Significant Change in the Participant, or at least quarterly;
(i) The Owner or Operator or Staff designated by the Owner or Operator shall review and approve each Participant care plan.

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 23 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0304 - Policy and Procedures

Title Policy and Procedures

Type Rule

58A-6.007(1)

Regulation Definition

(1) The center shall make a statement or summary statement of policies and procedures for participant care available to participants, to the responsible person, to the public, and to each member of the center staff. The statement or summary statement shall be displayed in a conspicuous place in the facility.

Interpretive Guideline

ST - D0305 - ADRD Participant Files

Title ADRD Participant Files

Type Rule

429.918(8)

Regulation Definition

(8)(a) An ADRD participant's file must include a data sheet, which must be completed within 45 days before or within 24 hours after admission to an adult day care center having a license designated under this section. The data sheet must contain:

1. Information regarding the status of the ADRD participant's enrollment in an identification or wandering-prevention program, including the name of the program; and
2. A current photograph of the ADRD participant.

(b) Dementia-specific services shall be documented in the ADRD participant's file.

Interpretive Guideline

Surveyor Probe:

This applies to facilities with the ADRD specialization as defined in tag 306.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 24 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

(c) Notes regarding services provided to the ADRD participant must be entered at least monthly in the ADRD participant's file, and must indicate the ADRD participant's status or progress toward achieving identified goals. Additional notes must be entered more frequently if indicated by the ADRD participant's condition.

(d) An ADRD participant, or the participant's caregiver, shall annually provide the center with updated medical documentation required under subparagraphs (7)(a)3. and 4., and the center must place that documentation in the ADRD participant's file.

ST - D0306 - ADRD participant

Title ADRD participant

Type Rule

429.918(9)

Regulation Definition

(9) An adult day care center having a license designated under this section must give to each person who enrolls as an ADRD participant in the center, or the caregiver, a copy of the ADRD participant's plan of care, as well as information regarding resources to assist in ensuring the safety and security of the ADRD participant, which must include, but need not be limited to, information pertaining to driving for those persons affected by dementia, available technology on wandering-prevention devices and identification devices, the Silver Alert program in this state, and dementia-specific safety interventions and strategies that can be used in the home setting.

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 25 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0400 - ADMISSION CRITERIA STANDARD

Title ADMISSION CRITERIA STANDARD

Type Rule

58A-6.006(1)(a), 58A-6.006(1)(a)2

Regulation Definition

58A-6.006(1)(a),
Admission criteria shall be determined by the Owner, Operator or Governing Authority and it may limit Participant eligibility to adults with Functional Impairments, in need of a protective environment or a program of therapeutic social and health activities and services as defined in this rule chapter. The Operator will assure that the admission of each Participant shall be reviewed within the confines of specific requirements set forth below:

58A-6.006(1)(a)2
No Participant shall be admitted or retained in a Center if he or she requires services from the Center that are beyond those that the Center is licensed to provide.

Interpretive Guideline

It is the responsibility of the owner or operator to continually observe the participants to determine that they meet the criteria for participation in the center.

Surveyor Probes:

During tour of center, observe participants interaction and involvement in center's activities.

ST - D0401 - Admission Criteria Std

Title Admission Criteria Std

Type Rule

58A-6.006(1)(a)1

Regulation Definition

Within forty-five days prior to admission to the Center, each person applying to be a Participant shall provide a statement signed by a physician licensed under Chapters 458 and 459,

Interpretive Guideline

Surveyor Probes:

Review participants' records to verify the presence of a completed and dated medical statement.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 26 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

F.S., a Florida licensed health care provider under the direct supervision of a physician, or a county public health unit. The statement must be signed within forty-five days prior to admission to the Center, and must state that the applicant is free from tuberculosis in the communicable form and free from signs and symptoms of any other communicable disease. Any Participant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious. However, Participants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the Center, provided that they would otherwise be eligible according to this rule.

ST - D0402 - Admission Criteria Std

Title Admission Criteria Std

Type Rule

58A-6.006(1)(a)3

Regulation Definition

No Participant who requires medication during the time spent at the Center and who is incapable of self-administration of medication shall be admitted or retained unless there is a Staff member licensed according to Florida law to administer medications who will provide this service. A person licensed according to Florida law includes: a physician licensed under Chapters 458 and 459, F.S.; an advanced registered nurse practitioner, certified under Chapter 464, F.S.; a dentist, licensed under Chapter 466, F.S.; a registered nurse, or licensed practical nurse, licensed under Chapter 464, F.S.; or a physician's assistant, licensed under Chapter 458, F.S.

Interpretive Guideline

Surveyor Probes:

The surveyor will review the participant's file and interview and observe the participants to determine their appropriateness for continued participation.

Staff should also be interviewed to determine the services the participant requires.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 27 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0403 - Admission Criteria Std

Title Admission Criteria Std

Type Rule

58A-6.007(4-5)

Regulation Definition

(4) The Center shall not be 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. Such conditions shall constitute a basis for termination of Center participation. Participation may be terminated after reasonable alternatives have failed, and upon written notification of the Participant, guardian and responsible person. Fifteen calendar days shall be allowed for arranging for alternative services for the Participant except in cases of emergency as determined by the Governing Authority or Operator of the center.

(5) All ADRD Participants involuntarily discharged from a Center designated as a Specialized Alzheimer's services adult day care center pursuant to Section 429.918, F.S., must be:

- (a) Informed of any Significant Change in the ADRD participant's condition such as a deterioration or improvement in the ability to carry out Activities of Daily Living; a deterioration in behavior or mood to the point where daily problems arise or an improvement to the point that these problems are eliminated; or a substantial deterioration in health status or reversal of such status, as documented in the ADRD Participant's case file notes;
- (b) Informed that the Center is unable to meet the ADRD Participant's needs, as determined by the Owner or Operator;
- (c) Provided with an appropriate discharge plan, including suggested transition options for the ADRD Participant to facilitate and ensure continuity of care. Fifteen (15) calendar

Interpretive Guideline

Surveyor Probes:

Interview operator and review records of participants who have been terminated from participation at the center.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 28 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

days shall be allowed for arranging for alternative services for the ADRD Participant except in cases of emergency as determined by the Governing Authority of the Center.

(d) Informed of monthly health assessments and monthly updates, in each ADRD Participant's file regarding the ADRD Participant's status or progress toward meeting the goals indicated in his or her individualized plan of care .

ST - D0404 - ADRD Participant

Title ADRD Participant

Type Rule

429.918(7)

Regulation Definition

(7)(a) An ADRD participant admitted to an adult day care center having a license designated under this section, or the caregiver when applicable, must:

1. Require ongoing supervision to maintain the highest level of medical or custodial functioning and have a demonstrated need for a responsible party to oversee his or her care.
2. Not actively demonstrate aggressive behavior that places himself, herself, or others at risk of harm.
3. Provide the following medical documentation signed by a licensed physician, licensed physician assistant, or a licensed advanced registered nurse practitioner:
 - a. Any physical, health, or emotional conditions that require medical care.
 - b. A listing of the ADRD participant's current prescribed and over-the-counter medications and dosages, diet restrictions, mobility restrictions, and other physical limitations.
4. Provide documentation signed by a health care provider licensed in this state which indicates that the ADRD participant is free of the communicable form of tuberculosis and free of signs and symptoms of other communicable

Interpretive Guideline

Review records for ADRD participants

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 29 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

diseases.

(b) Before admitting an ADRD participant to an adult day care center that has a license designated under this section, the center shall determine whether:

1. The medical, psychological, safety, and behavioral support and intervention required by the ADRD participant can be provided by the center.
2. The resources required to assist with the ADRD participant's acuity level of care and support needed can be provided or coordinated by the center.

ST - D0500 - STAFFING STANDARD

Title STAFFING STANDARD

Type Rule

58A-6.006(3), 58A-6.006(6).

Regulation Definition

(3) Each Center shall be under the administrative control of the Operator or Assistant Operator. The owner or Operator may supervise more than one Center, provided that a qualified, responsible Assistant Operator, duly appointed in writing, is in charge of each facility during the Operator's absence.

(6) The Owner or Operator shall also be responsible for the administration of all components of the facility and accountable for the implementation and enforcement of all policies and procedures, standards of care, and program development in accordance with the social, physical and mental capabilities and needs of the Participants served.

Interpretive Guideline

Surveyor Probes:

If the owner or operator is not present, the designated person must be present.

Operators who supervise other centers should be questioned regarding the number of other centers.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 30 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0501 - Staffing Std - Policies and Procedures

Title Staffing Std - Policies and Procedures

Type Rule

58A-6.007(1-2)

Regulation Definition

- (1) The center shall make a statement or summary statement of policies and procedures for participant care available to participants, to the responsible person, to the public, and to each member of the center staff ...
- (2), The center staff shall be trained to implement these policies and procedures, as specified in the staff orientation and training plan.

Interpretive Guideline

Surveyor Probes:

Review the plan for content and evidence of an annual review.

Review staff files for evidence of training.

Interview staff to determine their knowledge of and awareness of the center's policies, procedures, and their job responsibilities.

Refer to policies listed in tag 0300.

ST - D0502 - Staff Ratio

Title Staff Ratio

Type Rule

58A-6.006(8)(a,d,e)

Regulation Definition

- (a) 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.
- (d) The owner or operator may serve in dual capacity as a registered nurse, occupational therapist, physical therapist, speech-language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services.
- (e) The owner or operator may be counted as one of the

Interpretive Guideline

The work schedule should reflect the staffing pattern maintained by the center for a given time period, (i.e., week, month, etc.).

Surveyor Probes:

Obtain the number of participants from center operator or designee to determine the required staffing pattern.

Compare written work schedule to staff on duty at survey.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 31 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

required staff members provided the owner or operator provides direct services and is included in the work schedule for the center. However, the owner or operator shall not be counted more than once in the staff/participant ratio, calculated on the basis of daily census.

Review staffing patterns.

ST - D0503 - Staffing Std - First Aid/CPR

Title Staffing Std - First Aid/CPR

Type Rule

58A-6.006(8)(b)

Regulation Definition

No less than two staff members, one of whom has a certification in an approved first aid course and CPR, shall be present in the center at all times.

Interpretive Guideline

A Florida licensed registered nurse (RN), licensed practical nurse (LPN), emergency medical technician (EMT), or advanced registered nurse practitioner (ARNP) is exempt from additional certification.

Surveyor Probes:

Review employment application, continuing education, certificates, and copies of licenses on file.

Compare the written work schedule against documentation in employee's files for current certification in first aid/CPR.

ST - D0504 - Staffing Std - Communicable Diseases

Title Staffing Std - Communicable Diseases

Type Rule

58A-6.006(5)(b)9

Regulation Definition

A statement from a Florida licensed health care provider under the direct supervision of a physician, physician or a county public health unit that the employee is free from tuberculosis

Interpretive Guideline

Documentation of lab reports does not meet this requirement.

The written statement must be from a Florida licensed health care provider.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 32 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

in a communicable form and apparent signs and symptoms of other communicable diseases within 45 days prior to beginning work in the center. In accordance with Section 760.50, F.S., a center shall not exclude a potential employee who is infected with human immunodeficiency virus who would otherwise meet the conditions of employment.

Surveyor Probes:

Identify and review the files of employees to determine if documentation is received 45 days or less prior to employee hire/start date.

ST - D0505 - Staffing Std

Title Staffing Std

Type Rule

58A-6.006(4), 58A-6.006(8)(c)

Regulation Definition

58A-6.006(4),
The center shall employ qualified staff to provide the services, personal assistance and safety measures required by the participants.

58A-6.006(8)(c)

At all times staffing shall be maintained to meet the needs of the Participants as required by the Participant Files, including Centers which serve persons with Alzheimer's disease and related disorders, persons with physical handicaps, or other special target populations

Interpretive Guideline

Surveyor Probes:

Determine from observations, interview of participants and staff of the center, if unmet needs are present.

ST - D0506 - Staffing Std - Cleanliness and Hygiene

Title Staffing Std - Cleanliness and Hygiene

Type Rule

58A-6.006(7)(a)

Regulation Definition

(7) The owner or operator shall assure that each employee

Surveyor Probes:

Interpretive Guideline

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 33 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

shall:

(a) Maintain personal cleanliness and hygiene;

Observe staff.

ST - D0507 - Staffing Std - Personnel File

Title Staffing Std - Personnel File

Type Rule

58A-6.006(5)(b)

Regulation Definition

Interpretive Guideline

(5) The owner or operator shall:

(b) Establish and maintain a personnel file for each Staff member to include:

1. Name, home address, phone number;
2. Education and experience;
3. Job assignment;
4. Evaluation of performance at least yearly;
5. Dates of employment and termination;
6. Character references, including former employers and supervisors;
7. A signed statement from a Florida licensed physician, a Florida licensed health care provider under the direct supervision of a physician, or a county public health unit, that the employee is free from tuberculosis in a communicable form, and free from apparent signs and symptoms of other communicable diseases. The statement must be signed no less than forty-five days prior to beginning work in the Center.
8. Training certificates or copies of training certificates as required by subsection 58A-6.016(7), F.A.C.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 34 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0508 - Staffing Std - Job Descriptions

Title Staffing Std - Job Descriptions

Type Rule

58A-6.006(5)(a)

Regulation Definition

Interpretive Guideline

(5) The owner or operator shall:
Develop a written job description for each staff member containing a list of qualifications, duties, responsibilities and accountability required of each staff member.

ST - D0510 - Staffing Std - Level 2 Background

Title Staffing Std - Level 2 Background

Type Rule

435.05(2)

Regulation Definition

Interpretive Guideline

Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer.

Surveyor Probes:

Is AHCA Recommended Form 3100-0008, August 2010, Affidavit of Compliance with Background Screening Requirements, in the employee's personnel file?

ST - D0511 - Staffing Std - Unacceptable Conduct

Title Staffing Std - Unacceptable Conduct

Type Rule

58A-6.006(7)(b)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 35 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

Refrain from abusive, immoral or other unacceptable conduct such as use of alcohol, illegal use of narcotics or other impairing drugs, and behavior or language which may be injurious to participants;

Interpretive Guideline

Surveyor Probes:

Interview operator regarding the center's policy regarding employee behavior and conduct. Ask participants about staff behavior and conduct.

ST - D0512 - Staffing Std

Title Staffing Std

Type Rule

58A-6.006(9-10)

Regulation Definition

(9) Center staff whose conduct constitutes abuse, neglect, or exploitation of a participant shall immediately be terminated from employment and shall be reported to the Department of Children and Families in accordance with Section 415.103, F.S.

(10) No administrator who has been terminated pursuant to the provisions of subsection (9) shall accept employment in an adult day care center and no owner or operator of a center shall knowingly employ any person who has been terminated pursuant to subsection (9).

Interpretive Guideline

Chapter 415, F.S., requires that such individuals be immediately reported to the Florida Abuse Registry, (1-800-96-ABUSE)

Chapter 429.911, F.S., authorizes the Agency to deny, suspend, or revoke the ADCC license when the center has retained employees who did not pass the required background screening.

ST - D0513 - Staffing Std

Title Staffing Std

Type Rule

419.918(5); 58A-6.010(6)(c)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 36 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

429.918

(5)(a) The operator of an adult day care center having a license designated under this section, and the operator's designee, as applicable, hired on or after July 1, 2012, shall:

1. Have at least a bachelor's degree in health care services, social services, or a related field, 1 year of staff supervisory experience in a social services or health care services setting, and a minimum of 1 year of experience in providing services to persons who have dementia;
2. Be a registered or practical nurse licensed in this state, have 1 year of staff supervisory experience in a social services or health care services setting, and have a minimum of 1 year of experience in providing services to persons who have dementia; or
3. Have 5 years of staff supervisory experience in a social services or health care services setting and a minimum of 3 years of experience in providing services to persons who have dementia.

(b) The owner must sign an affidavit under penalty of perjury stating that he or she has verified that the operator, and the operator's designee, if any, have completed the education and experience requirements of this subsection.

58A-6.010(6)(c)

(c) In addition to the minimum staffing required in Chapter 58A-6, F.A.C., provide the following Staff:

1. The Operator shall: have a minimum of a Bachelor's degree in a health or social services or related field, with one year of supervisory experience in a social or health service setting; hold a registered nurse license with one year of supervisory experience; or have 5 years of supervisory experience in a social or health service setting.
2. A registered nurse (RN) or licensed practical nurse (LPN) shall be on-site during the primary hours of program operation

Interpretive Guideline

If the facility only provides basic services, this education requirement is does not apply.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 37 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

and on-call during all hours the Center is open. Arrangements shall be formalized for obtaining the services of an LPN or RN in anticipation of potential absences, planned and unplanned, of the regular nursing Staff.

3. A social worker with a minimum of a Bachelor's degree in social work or a case worker with a minimum of a Bachelor's degree in sociology, psychology, nursing, or gerontology, or a Bachelor's degree with at least two years of experience in a human service field. Services provided by program aides in this service area must be provided under the direct supervision of a social worker or case manager who meets or exceeds these standards (e.g., a Master's degree in a related field).

4. An activity director or Recreational Therapist with a Bachelor's degree in a social or health service field or an Associate's degree in a related field plus 2 years of experience. All services provided by program aides must be provided under the direct supervision of the activity director or recreation therapist. The recreation therapist may be retained as a consultant.

ST - D0514 - ADRD Employee Requirements

Title ADRD Employee Requirements

Type Rule

429.918(6)(a)2

Regulation Definition

2. Upon beginning employment with the center, each employee must receive and review basic written information about interacting with ADRD participants

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 38 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0515 - Dementia-Specific Training

Title Dementia-Specific Training

Type Rule

429.917(1)(b), 58A-6.015(1)(a)

Regulation Definition

429.917(1)(b),

(b) In addition to the information provided under paragraph (a), 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.

58A-6.015(1)(a)

(a) All Staff in Direct Contact with ADRD Participants and Staff Providing Direct Care for ADRD Participants shall receive one initial hour of training within ninety days of employment, which shall satisfy the requirement referenced in Section 429.917(1)(b), F.S. The curriculum for the initial one-hour training shall address the following subject areas:

1. Understanding Alzheimer's Disease and Related Disorders;
2. Characteristics of Alzheimer's Disease and Related Disorders; and,
3. Communicating with Participants with Alzheimer's Disease or Related Disorders.

Interpretive Guideline

58A-6.015(2-3)

- (2) An Adult Day Care Center Staff member who has successfully completed training and continuing education consistent with the requirements of Section 429.178, F.S., or completed training consistent with the requirements of Sections 400.1755 or 400.6045, F.S., shall be considered as having met the training requirements of this rule.
- (3) All training required by this rule and Section 429.917, F.S., must be completed only once for each applicable employee .

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 39 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0516 - Staff Training

Title Staff Training

Type Rule

429.917(1)(a-c), 419.918;58A-6.015(1)(b)

Regulation Definition

429.917

(1) An adult day care center licensed under this part must provide the following staff training:

(a) 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.

(b) In addition to the information provided under paragraph (a), 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.

(c) In addition to the requirements of paragraphs (a) and (b), 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 activities of daily living, and instruction in skills for working with families and caregivers.

58A-6.015(1)(b)

Interpretive Guideline

This training is required for an employee hired on or after July 1, 2004.

Upon completion of training, the trainee must be issued a certificate by the approved training provider. The certificate must include the title of the training, the DOEA curriculum approval number, the number of hours of training, the participant's name, dates of attendance, location, the training provider's name, the DOEA training provider's approval number, and dated signature. The training provider's signature on the certificate serves as documentation that the training provider has verified that the trainee has completed the required training.

Training certificates or copies of certificates must be documented in the center's personnel files.

Alzheimer's Disease or Related Disorders training and training providers must be approved by DOEA or its designee.

An ADCC employee who has successfully completed Alzheimer's disease or other related disorders training and continuing education requirements for ALFs pursuant to Section 429.178, F.S., or completed Alzheimer's disease or related disorders training for nursing homes specified in s. 400.1755, F.S., or for hospices under s. 400.6045, F.S., meets the training standard for ADCCs.

Health care practitioner (e.g., physicians, nurses) required continuing education hours are counted toward meeting the 3 hours of additional Alzheimer's disease training.

The employee is not required to repeat this training if the employee changes employment to a different adult day care center or to an assisted living facility, nursing home, home health agency, or hospice.

Surveyor Probes:

Select a sample of staff providing direct care to participants having Alzheimer's disease or related disorders.
Determine employment dates for sample staff selected.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 40 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

(b) All Staff Providing Direct Care for ADRD Participants shall receive three hours of additional training, within nine months of employment, which shall satisfy the requirement referenced in Section 429.917(1)(c), F.S. The curriculum for the three hours of additional training must address the following subject areas as they apply to Alzheimer's Disease and Related Disorders:

1. Behavior management;
2. Assistance with Activities of Daily Living to promote the patient's independence;
3. Activities for Participants;
4. Stress management for the caregiver;
5. Family issues;
6. Participant environment; and,
7. Ethical issues

58A-6.0151 Specialized Alzheimer's Services Adult Day Care Center Staff Training Requirements.

(1) The following terms are defined in Section 429.918, F.S., and are applicable to this rule section: ADRD Participant, Dementia, Specialized Alzheimer's Services, and Therapeutic Activity.

(2) Within three months of employment, all Staff in Direct Contact with ADRD Participants and all Staff Providing Direct Care for ADRD Participants at a Center designated as a Specialized Alzheimer's services adult day care center pursuant to Section 429.918, F.S., and hired on or after July 1, 2012, must obtain four hours of Alzheimer's disease and related disorders training pursuant to subsection 58A-6.015(1), F.A.C.

(3) Within six months of employment, all Staff Providing Direct Care for ADRD Participants at a Center designated as a Specialized Alzheimer's services adult day care center pursuant to Section 429.918, F.S., and hired on or after July 1, 2012, must obtain an additional four hours of

Review personnel files for a certificate documenting completion of required training within time frame.

58A-6.015(2-3)

(2) An Adult Day Care Center Staff member who has successfully completed training and continuing education consistent with the requirements of Section 429.178, F.S., or completed training consistent with the requirements of Sections 400.1755 or 400.6045, F.S., shall be considered as having met the training requirements of this rule.

(3) All training required by this rule and Section 429.917, F.S., must be completed only once for each applicable employee .

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 41 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

dementia-specific training approved by the Department. The curriculum for the additional four hours of training must address the following subject areas as they apply to Alzheimer's disease and related disorders:

- a. Understanding brain disease;
- b. Normal brain functions and normal aging;
- c. Understanding treatable and irreversible dementia;
- d. Mental status tests;
- e. Communication and the effects of damage to brain cells;
- f. Influences on behavior and brain deterioration;
- g. Interventions;
- h. Physical causes and pain indications;
- i. Common Alzheimer's disease and related disorders medications and side effects;
- j. Malnutrition and dehydration;
- k. Activities of daily living -- routines and schedules;
- l. Validation therapy;
- m. Safety -- new and proven technologies;
- n. Caregiver stress management -- physical, emotional, and financial; burden tests.

(4) All training providers and their curricula must be approved by the Department or its designee pursuant to Rule 58A-6.016, F.A.C., prior to the commencement of training activities pursuant to this rule.

(5) All Staff Providing Direct Care for ADRD Participants shall participate in four hours of continuing education annually in topics related to Alzheimer's disease and related disorders.

(6) All training required by this rule and Section 429.918, F.S., must be completed only once for each applicable employee.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 42 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0601 - MEDICATION STANDARD

Title MEDICATION STANDARD

Type Rule

58A-6.002(2)(w)

Regulation Definition

"Supervision of self-administered medication" shall mean reminding participants to take medication at the time indicated on the prescription; opening or closing medication container(s) or assisting in the opening of prepackaged medication; reading the medication label to participants; observing participants while they take medication; checking the self-administered dosage against the label of the container; reassuring participants that they have obtained and are taking the dosage as prescribed; keeping daily records of when participants received supervision pursuant to this subsection; and immediately reporting apparent adverse effects on a participant's condition to the participant's physician and responsible person. 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 medication.

Interpretive Guideline

ST - D0602 - Medication Administration

Title Medication Administration

Type Rule

58A-6.013(12)(b, k)

Regulation Definition

(b) Participants who can self-administer medications may

Interpretive Guideline

In a center where participants cannot self-administer medications and require the administration of medications, a

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 43 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

bring and be responsible for their own medications.

licensed person would be defined as a person licensed to administer medication, i.e., a licensed physician, advanced registered nurse practitioner, a dentist, a registered nurse, licensed practical nurse or a physician's assistant.

(k) In no instance shall medication be administered by a person other than one licensed, according to Florida law, to administer medication including a physician, a dentist, a nurse, or a physician's assistant .

ST - D0603 - Medication Storage

Title Medication Storage

Type Rule

58A-6.013(12)(c-e)

Regulation Definition

(c) Medications shall be centrally stored when:

1. The preservation of medicines requires refrigeration;
2. 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;
3. Because of physical arrangements and the conditions or habits of other persons in the center, the medications are determined by the operator or physician to be a safety hazard to others .

(d) Centrally stored medications shall be:

1. Kept in a locked cabinet or container; and refrigerated, if required;
2. Accessible only to the authorized staff responsible for distribution of medication;
3. Located in an area free from dampness and abnormal temperatures.

(e) Each container of medication shall be labeled according to state law, and shall include the name of the person for whom it is prescribed, the name of the drug, and instructions for use.

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 44 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0604 - Medication Std

Title Medication Std

Type Rule

58A-6.013(12)(f)

Regulation Definition

No person other than the dispensing pharmacist shall:

1. Alter the prescription label;
2. Transfer medication from one storage container to another.

Interpretive Guideline

Surveyor Probes:

Observe medication containers to ensure they appear to be original pharmacy containers.

ST - D0605 - Medication Std

Title Medication Std

Type Rule

58A-6.013(12)(g)

Regulation Definition

(g) Prescription medications which are not taken with the person upon discharge shall be destroyed or disposed of by the Operator or designee in the presence of one other Staff member.

Interpretive Guideline

Surveyor Probes:

Review records of participants who have been discharged for notation of drug disposition in their file . Examine medication cabinets for drugs prescribed for participants that have been discharged.

ST - D0606 - Medication Std

Title Medication Std

Type Rule

58A-6.013(12)(h)

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 45 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

There shall be a Staff person available at all times who has access to the centrally stored medications and is responsible for the distribution thereof.

Interpretive Guideline

ST - D0700 - Planned Activities

Title Planned Activities

Type Rule

58A-6.008(1)

Regulation Definition

Each Center shall offer a planned program of varied activities and services promoting and maintaining the health of Participants and encouraging leisure activities. Opportunities for interaction and communication among Participants shall be available on a daily basis at each Center in order to enhance the Participant's well-being and to maximize individual functioning. Such activities and services shall be available during at least 60 percent of the time the Center is open to Participants and shall be documented in accordance with subsection (5).

Interpretive Guideline

Surveyor Probes:

Observe center activities. Interview participants and staff to verify that activities are taking place.

ST - D0701 - Activity Schedule

Title Activity Schedule

Type Rule

58A-6.008(5)

Regulation Definition

A monthly schedule of daily activities shall be maintained on a current basis and displayed in a conspicuous place.

Interpretive Guideline

Verify that the center has an up-to-date activities calendar. Observe center activities. Interview participants and staff to verify that scheduled activities are taking place.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 46 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0702 - Consultation and Referral Services

Title Consultation and Referral Services

Type Rule

58A-6.008(3)

Regulation Definition

The center shall provide for family consultation or referral service to community agencies, clinics, or physicians when the participant or family is observed to be in need of intensive counseling, health, or mental health services.

Interpretive Guideline

Surveyor Probes:

Interview staff for understanding of procedures for consultation and referral services.

ST - D0704 - Therapy

Title Therapy

Type Rule

58A-6.010(2-4)

Regulation Definition

(2) Speech therapy provided by or under the supervision of an individual licensed under Chapter 468, Part I, F.S., who has a certification of clinical competence from the American Speech and Hearing Association, and who has completed the equivalent education requirements and work experience necessary for certification, or who has completed the academic program and is acquiring supervised work experience to qualify for the certificate. Progress notes shall be maintained and must be written in the Participant's File and signed by the speech therapist as services are provided.

(3) Physical therapy must be provided by, or under the supervision of, an individual who is a graduate of a program of physical therapy approved by both the Council on Medical

Interpretive Guideline

Surveyor Probes:

Review license(s) or certification(s) or registration(s).

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 47 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Education of the American Medical Association and the American Therapy Association, or the equivalent, and licensed by the State. Progress notes shall be maintained and must be written in the Participant's File and signed by the physical therapist as services are provided.

(4) Occupational therapy as an adjunct to treatment of persons with physical and mental limitations must be provided by, or under the supervision of, an individual who is registered by the American Occupational Therapy Association; or a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience required before registration by the American Occupational Therapy Association. Progress notes shall be written in the Participant's File and signed by the occupational therapist as services are provided.

ST - D0705 - Particip. Svcs Std

Title Particip. Svcs Std

Type Rule

58A-6.010(6)(a-b)

Regulation Definition

- (6) Adult day health care services for disabled adults or aged persons, provided the Center complies with the following:
- (a) Make services available for a minimum of five hours per day five days per week, excluding legal holidays as posted by the facility;. For purposes of this subsection, legal holiday shall mean any day which, by the laws of this state or the United States, is designated or recognized as a legal or public holiday or any day on which businesses or institutions are customarily closed.
 - (b) Provide or coordinate, in addition to the Basic Services specified in Rule 58A-6.009, F.A.C., and Supportive and Optional Services, pursuant to subsections (1), (2), (3), (4) and

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 48 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

(5), the following adult day health care services:

1. Medical screening emphasizing prevention and continuity of care which includes routine blood pressure checks or blood glucose diabetic maintenance checks;
2. Nursing services including a configuration of services at different levels of intensity as determined by the nursing assessment, Participant Care Plan, and physician's orders. Services shall include:
 - a. Health education and counseling including nutritional advice, liaison with the Participant's personal physician, and notification of the Participant's physician, as well as the caregiver or family of any changes in the Participant's health status;
 - b. Coordination of the provision of other health services provided outside the Center;
 - c. Supervision of health services provided by program aides.
3. Social services including: counseling for Participants' families and caregivers; compilation of a social history and psychosocial assessment of formal and informal support systems; mental and emotional status; caregiver data; information on planning for discharge; and referral for persons not appropriate for adult day care.
4. Additional medical services such as dental, ophthalmological, optometric, hearing aid, or laboratory services.
5. Transportation Services to and from the adult day health care services.

ST - D0706 - Particip. Svcs Std

Title Particip. Svcs Std

Type Rule

58A-6.010(6)(d)

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 49 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

Documentation of services provided under this section must be in the participants' files. Participant care plans must be reviewed at least quarterly by a multidisciplinary team. At a minimum, narrative nursing, social work, and activity notes must be entered in the participant's record quarterly indicating the participant's progress toward achieving health goals. More frequent notes are required if indicated by the participant's condition.

Interpretive Guideline

ST - D0708 - Alzheimer's Services

Title Alzheimer's Services

Type Rule

429.918(3)(a)

Regulation Definition

The adult day care center must notify the agency at least 30 days prior to initial licensure under s. 429.907 or, if already licensed, at least 6 months prior to the expiration of a license issued under s. 429.907, that the adult day care center is seeking a designation as a specialized Alzheimer's services adult day care center.

Interpretive Guideline

Observe participants for appropriateness for daycare setting.

ST - D0709 - Nursing staff Requirements

Title Nursing staff Requirements

Type Rule

429.918(6)(a)1

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 50 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

A registered nurse or licensed practical nurse must be on site daily for at least 75 percent of the time that the center is open to ADRD participants. Each licensed practical nurse who works at the center must be supervised in accordance with chapter 464.

Interpretive Guideline

Surveyor Probes:
Review the nurse credentials and facility schedule.

ST - D0801 - Food Service

Title Food Service

Type Rule

58A-6.009(2)(d4-e)

Regulation Definition

(d)(4)4. Menus not approved by or meeting the requirements of Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be reviewed by a registered or Florida licensed dietitian or a dietetic technician supervised by a registered or Florida licensed dietitian to ensure that the menus are commensurate with the Dietary Reference Intakes as referenced in the DGA, adjusted for age, sex and activity. Documentation of review of the menus shall be maintained in the Center files and shall include the signature and registration or license number of the reviewer and date reviewed. Menus shall be kept on file for one year and shall be accessible to Participants and families of Participants.

(e) If food is catered from outside sources, no warewashing may take place on-site. Catered food, once delivered to an Adult Day Care Center, must be adequately protected. In order to provide catered meals through a third party, there must be a formal contract betwe

Interpretive Guideline

The most recent Food Service inspection report(s) should be on file or posted within the center. If deficiencies were cited, the facility should have a copy of an inspection report verifying correction of deficiencies.

Surveyor Probes:
Examine menus to determine if requirements are satisfied.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 51 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0802 - Nutrition/Diet. Std

Title Nutrition/Diet. Std

Type Rule

429.929(1)(f), 58A-6.009(2)(a)

Regulation Definition

58A-6.009(1)(f)

(f) Nutritional services or food provided or prepared in a central location in a center or by formal agreement with a third party; the activities performed and the resources utilized in the planning, processing, preparing, and serving of meals or snacks; nutritional education; and nutritional counseling;

58A-6.009(2)(a)

Participants attending or in transit to the Center for four or more hours daily shall be served a meal which shall adhere to the U.S. Department of Health and Human Services and U.S. Department of Agriculture's Dietary Guidelines for Americans 2010 (DGAs) and provides at least one-third of the Dietary Reference Intakes as referenced in the DGAs, adjusted for age, sex and activity. Modified diets, if required, shall meet these nutritional standards to the extent medically possible. Menus approved and provided by Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be evidence of meeting the one-third of the Dietary Reference Intakes requirement.

Interpretive Guideline

Surveyor Probes:

Determine meal times by observing a meal and by asking participants.

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 52 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0803 - Snack Requirement

Title Snack Requirement

Type Rule

58A-6.009(2)(c)

Regulation Definition

Participants in the center 3 hours before the noon meal or 2 hours after the noon meal must be provided a snack consisting of at least 2 servings from the following four food groups: milk, bread or bread alternate, meat or meat alternate, and vegetables or fruits.

Interpretive Guideline

Surveyor Probes:

Determine snack time by observing snack interval and by asking participants.

ST - D0804 - Kitchen Assignments

Title Kitchen Assignments

Type Rule

58A-6.009(2)(f)

Regulation Definition

(f) Duty Assignments for the people designated by the Owner or Operator as responsible for food service shall be posted in the kitchen area in Centers having five or more food service Staff.

Interpretive Guideline

Surveyor Probes:

Check to see where duty assignments are posted; review against what the employees are doing to see if they are valid.

ST - D0805 - Catered Food

Title Catered Food

Type Rule

58A-6.009(2)(e)

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 53 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

Regulation Definition

If food is catered from outside sources, no warewashing may take place on-site. Catered food, once delivered to an Adult Day Care Center, must be adequately protected. In order to provide catered meals through a third party, there must be a formal contract between the Center and the third party provider containing assurances that the provider will meet all food service and dietary standards.

Interpretive Guideline

Surveyor Probes:

Is there a formal contract between the center and the food service provider?

ST - D0806 - Modified diets

Title Modified diets

Type Rule

58A-6.010(5)

Regulation Definition

Modified diets or diets based on the normal diet and designed to meet the requirements of a given situation such as altering individual nutrients, caloric values, consistency, flavor, techniques of service or preparation, content of specific foods, or a combination of these factors, may be provided as an optional service. When modified diets are provided, a physician's written or documented oral order for each participant receiving a modified diet shall be on file. A menu including types and amounts of food to serve will be on file in the food service area. Diets shall be prepared and served as ordered by the physician.

Interpretive Guideline

Surveyor Probes:

Review participant files for physician diet orders.

Interview food service personnel to see if they are aware of the diet order.

Observe food being prepared to see if it matches the diet that has been ordered.

Modified diets are an optional service. However, if ordered by a physician and provided by the center, all requirements must be met.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 54 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D0900 - MAINTENANCE AND HOUSEKEEPING STANDARD

Title MAINTENANCE AND HOUSEKEEPING STANDARD

Type Rule

58A-6.013(15)

Regulation Definition

58A-6.013(15), F.A.C.

(15) Every Center shall be maintained for the comfort and safety of the Participants and shall have an effective written maintenance plan that ensures preventive maintenance as well as immediate attention to and correction of hazardous or potentially hazardous conditions. The plan shall provide for:

(a) Keeping the building in good repair and free of hazards such as: cracks in floors, walls, or ceilings; warped or loose boards, tile, linoleum, handrails or railings,; broken window panes,; and any similar hazards.

(b) Keeping all heating, air conditioning, electrical, mechanical, water supply, fire protection and sewage disposal systems in a safe and functioning condition. Electrical wiring cords and appliances shall be maintained in a safe condition. Emergency generators, where existing, shall be tested monthly.

(c) Keeping all plumbing fixtures in good repair, properly functioning and satisfactorily provided with protection to prevent infiltration and contamination of the water supply.

(d) Painting the interior and exterior of the building as needed to keep it reasonably attractive. Loose, cracked or peeling wallpaper or paint shall be promptly replaced or repaired to provide a satisfactory finish.

(e) Keeping all furniture and furnishings clean and in good repair.

(f) Keeping the grounds and buildings in a safe, sanitary and presentable condition. Grounds and buildings shall be kept

Interpretive Guideline

Surveyor Probes:

Review maintenance plan for verification of written policy and procedures.

Observation through tour of interior and exterior and participant interviews.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 55 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

free from refuse, litter, and insect and rodent breeding areas.

ST - D1000 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Type Rule

58A-6.013(10)

Regulation Definition

All areas used by Participants shall be suitably lighted and ventilated and maintained at a minimum inside temperature of 72 degrees Fahrenheit, when outside temperatures are 65 degrees Fahrenheit or below, and all areas used by Participants must not exceed 90 degrees Fahrenheit. Mechanical cooling devices must be provided when indoor temperatures exceed 84 degrees Fahrenheit. The facility shall have a thermometer which accurately identifies the temperature.

Interpretive Guideline

Surveyor Probes:

Tour facility and interview participants about the comfort level. Complaints may warrant further investigation.

ST - D1001 - Net Floor Space

Title Net Floor Space

Type Rule

58A-6.013(1-3)

Regulation Definition

- (1) The Center shall provide adequate, safe and sanitary facilities appropriate for the services provided by the Center and for the needs of the Participants. All Centers receiving federal funds shall meet regulations for access to the handicapped in compliance with the Americans With Disabilities Act of 1990.
- (2) The Participant Capacity shall be determined by the total

Interpretive Guideline

Surveyor Probes:

Review center floor plan with square footage measurement. If in doubt measure.

Length (Inches) x Width (inches)= total (inches) /144= total /35

$245 \times 287 = 70315 / 144 = 488 / 35 = 35$ participants

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 01/26/2018

Page 56 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

amount of Net Floor Space available for all of the Participants. Centers licensed prior to the effective date of this rule shall provide 30 square feet of net floor area per Participant. For Centers initially licensed after November 9, 1995, there shall not be less than 45 square feet of net floor area per Participant. Centers shall be required to provide additional floor space for special target populations to accommodate activities required by Participant care plans. A change in space usage that increases or decreases the Participant Capacity must continue to comply with all requirements of Part III of Chapter 429, F.S., and this rule.

(3) The Participant Capacity of facilities that are exempt from licensure as an Adult Day Care Center pursuant to Section 429.905, F.S., shall be determined by the total amount of Congregate Space available to the Participants. Such Facilities shall utilize separate space over and above the minimum requirement needed to meet their own licensure certification approval requirements. .

ST - D1002 - Bathrooms

Title Bathrooms

Type Rule

58A-6.013(8)

Regulation Definition

Bathrooms shall be ventilated and have hot and cold running water, supplying hot water at a minimum of 105 degrees Fahrenheit and a maximum of 115 degrees Fahrenheit. Facilities licensed prior to the effective date of this rule are exempt from the requirement for hot running water only.

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 57 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D1003 - Laundry

Title Laundry

Type Rule

58A-6.013(13)

Regulation Definition

Centers that provide their own laundry services shall have a sufficient area and the appropriate equipment for the laundry to be processed by the center.

Interpretive Guideline

Surveyor Probes:

During the tour and interviews, question participants regarding laundry procedures, complaints, etc.

ST - D1004 - Resting Space

Title Resting Space

Type Rule

58A-6.013(7)

Regulation Definition

Each Participant shall be provided with adequately padded, clean, comfortable seating, with support meeting the needs of each Participant. Rest areas shall be provided for at least one-fourth of the Participants who are present for four or more hours a day, or as needed by the Participants. Seating options may include:

- (a) Bed and mattress, or
- (b) Recliner, or
- (c) Sofa, or
- (d) Chair with back and arm support.

Interpretive Guideline

Surveyor Probes:

During the tour, determine if rest areas are available for participants.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 58 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D1005 - Fire safety protection

Title Fire safety protection

Type Rule

58A-6.011(11)

Regulation Definition

(11) Fire safety protection shall be governed by the local fire code applicable to Adult Day Care Centers. In areas where no local fire code applies, the standards contained in Chapter 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities, may be used to determine compliance with fire safety standards. In every instance, a Center shall comply with local and state standards before a license may be issued.

(a) A fire evacuation drill shall be conducted once a month for the Staff and once every three months for Participants;

(b) A written record of each fire drill, indicating the date, hour and general description of each drill, the extent of Staff involvement, and the name of the person in charge shall be maintained and available for review;

(c) Evacuation routes shall be posted conspicuously in the Center.

Interpretive Guideline

Surveyor Probes:

Review the latest fire safety inspection to ensure the center has received a satisfactory inspection.

Review the records of each fire drill to ensure the fire drills are being conducted as required.

ST - D1006 - Center Requirements

Title Center Requirements

Type Rule

58A-6.013(5)

Regulation Definition

Center facilities shall consist of, but not be limited to, the following:

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 59 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

- (a) Bathrooms;
- (b) Dining areas;
- (c) Kitchen areas;
- (d) Rest areas;
- (e) Recreation and leisure time areas.

ST - D1007 - Private Areas

Title Private Areas

Type Rule

58A-6.013(6)

Regulation Definition

A private area shall be available for the provision of first aid, special care and counseling services when provided, or as necessary for other services required by participants. This area shall be appropriately furnished and equipped

Interpretive Guideline

ST - D1008 - Storage

Title Storage

Type Rule

58A-6.013(12)

Regulation Definition

Medicines, cleaning supplies, flammables and other potentially poisonous or dangerous supplies shall be stored out of the participant's reach, and in such manner as to ensure the safety of participants.

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 01/26/2018

Page 60 of 60

Aspen State Regulation Set: D 2.05 Adult Day Care

ST - D1009 - Physical Plant Maintenance

Title Physical Plant Maintenance

Type Rule

58A-6.013(4)

Regulation Definition

The center shall have available and shall make accessible to the AHCA written policies and procedures for the cleaning of the physical plant and equipment and for its maintenance.

Interpretive Guideline