

# Adult Day Care Program Licensure



**Section for Long-Term Care Regulation  
Division of Regulation and Licensure  
Department of Health and Senior Services**

# Agenda

- ❖ Overview of departments impacting the ADC program
  - ❖ Department of Health & Senior Services-Section for Long-term Care Regulation (SLCR),
  - ❖ MO HealthNet (MHD)
  - ❖ Division of Senior & Disability Services (DSDS)
  - ❖ Missouri Medicaid Audit & Compliance (MMAC)
  - ❖ Department of Mental Health (DMH)
  
- ❖ Most frequently cited deficiencies in ADC programs
  
- ❖ Nurse responsibilities in DHSS licensed ADC programs

# Agenda (cont.)

- ❖ Culture change and MC5
- ❖ Informal Dispute Resolution (IDR) process for ADC programs
- ❖ Regulation update and ADC Program Manual

# Overview of departments

Department of Health & Senior Services (DHSS)

❖ **ADULT DAY CARE PROGRAM LICENSURE** –regulated by the DHSS, Division of Regulation & Licensure-Section for Long-Term Care Regulation (SLCR):

**19 CSR 30-90.010 (1)** states: *An adult day care program is a group program designed to provide care and supervision to meet the needs of five (5) or more functionally impaired adults for periods of less than twenty-four (24) hours but more than two (2) hours per day in a place other than the adult's own home.*

# Overview of departments

- ❖ DHSS-Division of Senior & Disability Services (DSDS), MO  
HealthNet (MHD), MO Medicaid Audit & Compliance (MMAC)

## **MO HEALTHNET REIMBURSEMENT - Adult Day Care (ADC) Services - Overview**

ADC services provide the continuous care and supervision of disabled adults in a licensed ADC setting for up to 10 hours per day for a maximum of 5 days per week. These services include, but are not limited to, assistance with activities of daily living, planned group activities, food services, client observation, skilled nursing services as specified in the individual's plan of care, and transportation. ADC services are provided by licensed ADC programs enrolled as a MO HealthNet Provider.

ADC services are available to participants who meet the nursing facility level of care and have been approved to participate in the ADC Waiver or the Aged and Disabled Waiver by the DSDS. The ADC Waiver and the Aged and Disabled Waiver are Home and Community Based Medicaid Waivers (HCB) operated by the DSDS. In order for ADC providers to be reimbursed by MO HealthNet, all ADC services must be prior authorized by the DSDS.

# Overview of departments (cont.)

## Department of Mental Health (DMH)

Developmental Disabilities Medicaid Waiver Program (Independent Living Skills Development)

- ❖ Independent living skills development focuses on skill acquisition/development, retention/maintenance to assist the individual in achieving maximum self-sufficiency. This service assists the individual to acquire, improve and retain the self-help, socialization and adaptive skills necessary to reside successfully in home and community-based settings. A provider is not required to make services available in a stand-alone facility to provide this service, but may choose only to provide the Home Skills Development and Community Integration components of this service. Day Services are provided at a stand-alone licensed or certified day program facility, which is not physically connected to the individual's residence. Day services assist the individual to acquire, improve and retain the self-help, socialization, adaptive, and life skills necessary at home or in the community. Costs for transporting the individual from their place of residence to the day program site are not included in the day service rate, and waiver transportation may be provided and separately billed.

# Frequently cited deficiencies

❖ **19 CSR 30-90.040 (7)** – Communicable Disease/Health – Staff

❖ Tuberculosis testing for employees

❖ Link to TB testing flowchart -

<http://www.health.mo.gov/seniors/nursinghomes/providerinfo.php>

# Frequently cited deficiencies

(cont.)

- ❖ **19 CSR 30-90.050 (8) (D)** - Medical Services – Nurse/Meds. Requirements
  - ❖ Handwashing/cleaning of equipment
  - ❖ Physician orders
  - ❖ Change in condition
  - ❖ Securing medications
  - ❖ Medication storage
  - ❖ Licensed nurse for medication administration



# Frequently cited deficiencies

(cont.)

## ❖ **19 CSR 30-90.050 (4)** – Plan of Care Within 5 Days/Review Every 6 Months

- ❖ Develop plan of care within 5 contact days following entry into program
- ❖ Base plan of care on a functional assessment and information obtained from participant and those involved in care
- ❖ Plan of care shall address needs, goals and means of accomplishing goals
- ❖ Revised at least every 6 months

# Frequently cited deficiencies

(cont.)

- ❖ **19 CSR 30-90.050 (7) (C)** – Services Required – Food Services
  - ❖ Sanitation
  - ❖ Compliance with local health department rules
- ❖ **19 CSR 30-90.040 (10)** – EDL Checks – At Least Every 90 Days
  - ❖ EDL checks every 90 days through FSCR

# Frequently cited deficiencies

(cont.)

## ❖ **19 CSR 30-90.070 (2) (A)** – Fire Safety Requirements

- ❖ Emergency lighting illumination
- ❖ Unobstructed exits
- ❖ Exit doors – one lock
- ❖ Annual written approval from local fire safety officials

# Nurse responsibilities

When must an ADC program employ a nurse?

- ❖ If the ADC provides medical services, including medication administration. The licensed nurse is responsible for:
  - ❖ A safe, effective system of identifying, handling and storing each participant's medications.
  - ❖ A system for administering and storing medications that is reviewed not less than every 90 days.
  - ❖ Administration of medications and treatments.

**NOTE:** Full regulation is found at 19 CSR 30-90.050 (8) (D)

# Nurse Responsibilities (cont.)

- ❖ The licensed nurse can be the person responsible for reviewing modified diets every 6 months (*if modified diets are provided at the ADC*). This can also be completed by a qualified dietician or the physician 19 CSR 30-90.050 (7) (C)
- ❖ Other services, as defined in the participants Plan of Care
  - ❖ If the plan of care requires a service that would be recognized as a medical or nursing service (*such as tube feeding, colostomy care, etc.*) then the ADC would be required to provide services needed by appropriate personnel.

# Nurse responsibilities (cont.)

May a Certified Medication Technician (CMT) or Level I Medication Aide pass medications if the program is dually licensed by DMH and DHSS?

*-No, a CMT or LIMA may not administer medications or perform treatments in a DHSS licensed ADC program. There are no exceptions to this requirement.*

# Culture change

❖ Culture Change is a nationwide movement to improve the way we care for people.

❖ Key Principles:

❖ person centered care

❖ personal choice/self determination

❖ home vs. institutional care

❖ focus on individual rights

# Culture change (cont.)

- ❖ State and Nationwide Focus Improving Dementia Care through the use of non-pharmacological means and reduction of antipsychotics.
  - ❖ Focus on “behavior” as communication
  - ❖ Music and Memory programs
  - ❖ Art therapy



# Culture change (cont.)

## Missouri Coalition Celebrating Care Continuum Change (MC5)

- ❖ Mission: To promote and support ongoing collaboration within the adult care continuum to create environments where the dignity and value of each individual who lives or works there is respected and celebrated.
- ❖ Attend a regional meeting:  
<http://www.momc5.com/regional-meetings.html>

# Informal dispute resolution

- ❖ Informal Dispute Resolution (IDR) process for ADC programs
- ❖ In accordance with 192.2700 RSMo, ADC programs are provided the opportunity to request an IDR conference to dispute deficiencies cited during an inspection or complaint investigation.

# Informal dispute resolution

(cont.)

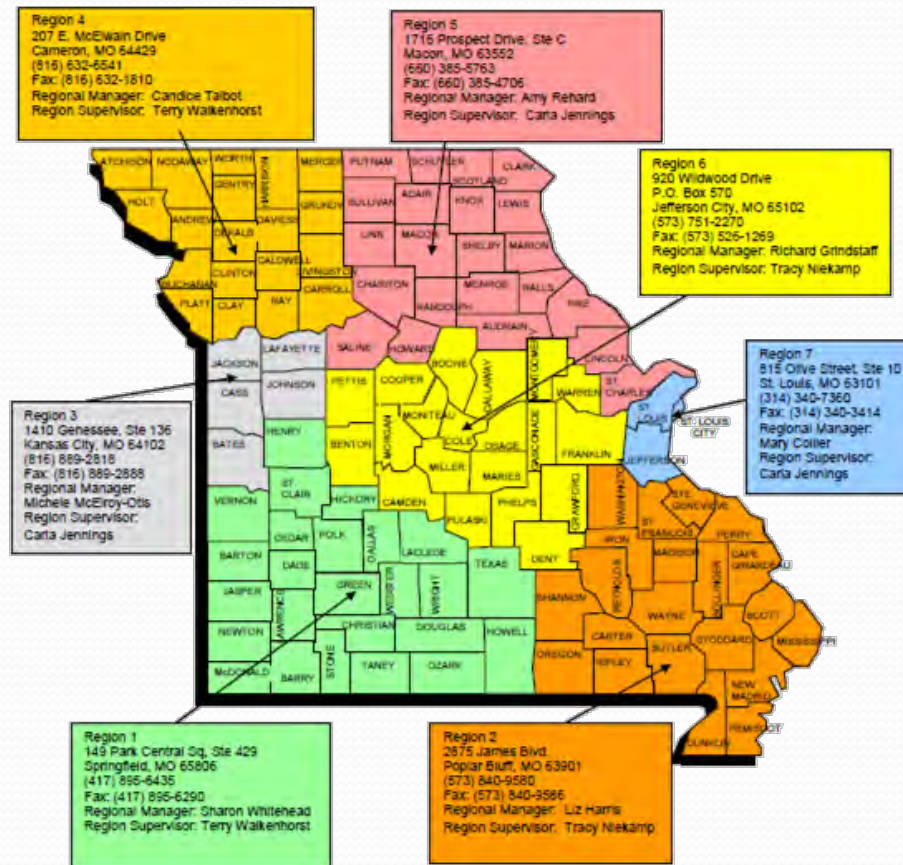
- ❖ ADC program staff are informed of the IDR process during the exit conference.

# Informal dispute resolution



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## Long Term Care Regions



# Informal dispute resolution

(cont.)

❖ Requesting an IDR conference

❖ Timeframes

# Informal dispute resolution

(cont.)

- ❖ Providing exhibits for consideration during the IDR conference
- ❖ Types of IDR conferences available to the ADC program

# Informal dispute resolution

(cont.)

- ❖ ADC program participants in the IDR conference.

- ❖ During the IDR conference.

# Informal dispute resolution

(cont.)

- ❖ Findings of the IDR.

- ❖ Notification of the IDR findings.



# Informal dispute resolution

(cont.)

- ❖ Since August 28<sup>th</sup>, 2014 the Compliance Unit has held one (1) ADC IDR conference.
- ❖ For questions regarding the ADC IDR process you are welcome to call Carla Jennings, Program Manager, Regulation and Compliance Unit at (573) 526-8523

# Regulation Update

❖ Senate Bill 567 – Effective August 28, 2014.

Modified provisions related to ADC programs

❖ A few highlights of the bill:

- ❖ New licensure requirements.
- ❖ Creation of classification (Class I, II, III) standards regarding non-compliance.
- ❖ Creation of an ADC program manual by January 1, 2015
- ❖ Offer regional training sessions by January 1, 2015.
- ❖ Promulgate regulations related to licensure, staffing, program policies & participant care, participant rights, record keeping, fire safety, and physical plant requirements.
- ❖ Creation of an informal dispute resolution process.

# Regulation Update (cont.)

House Bill 1299 – effective August 28, 2014. Executive branch reorganization within DHSS

- ❖ Transferred all ADC statutes (*formerly Chap. 660, RSMo.*) to Chapter 192, RSMo.

**NOTE:** 660.400 – 660.420, RSMO statutes were transferred to 192, RSMo as follows: 660.400 to 192.2200; 660.403 to 192.2205; 660.404 to 192.2210; 660.405 (N)\* to 192.2215; 660.406 to 192.2220; 660.407 to 192.2225; 660.409 to 192.2230; 660.411 to 192.2235; 660.414 to 192.2240; 660.416 to 192.2245; 660.417 (N)\* to 192.2250; 660.418 to 192.2255; 660.420 to 192.2260; 660.422 (N)\* to 192.2265; 660.423 (N)\* to 192.2270; 660.424 (N)\* to 192.2275

\*(N) = new statute

MO General Assembly link:

<http://www.moga.mo.gov/index.html>

# Regulation Update (cont.)

## **19 CSR 30-90** Adult Day Care Program Licensure Requirements.

Official Code of State Regulations (CSRs) can be found at the Secretary of State website:

<http://www.sos.mo.gov/adrules/csr/current/19csr/19csr.asp>

Division 30, Chapter 90 Adult Day Care Program Licensure requirements

# Regulation Update (cont.)

Since the passage of SB567 have new regulations been promulgated for ADC's?

-Not at this time. However, beginning in January 2015, DHSS, ADC associations, our long-term care associations, and other ADC stakeholders will begin the task of revising the ADC regulations. The rule promulgation process is lengthy. The process for rule promulgation can take some time before a rule becomes effective.

**NOTE:** 19 CSR 30-90 Adult Day Care Program Licensure regulations found on the SOS website, with a publish date of February 28, 2005 are still in effect.

# Regulation Update (cont.)

## **ADULT DAY CARE PROGRAM MANUAL**

In compliance with statutory requirements, an ADC program manual was developed in partnership with DHSS, DSDS, ADC associations, MO HealthNet, Missouri Medicaid Audit & Compliance, and DMH.

# Regulation Update (cont.)

## ADULT DAY CARE PROGRAM MANUAL

- ❖ Highlights of the ADC Program Manual
  - ❖ Overview of departments impacting ADC programs
  - ❖ DHSS licensure, staffing, program policies & participant care, participant rights, record keeping, fire safety & facility physical plant requirements
  - ❖ Contact information
  - ❖ Flow charts on how to open an ADC program
  - ❖ Forms and materials
  
- ❖ On January 1, 2015, the ADC Program Manual will be available for viewing or download on the DHSS website:  
<http://health.mo.gov/seniors/nursinghomes/lawsregs.php>



**Thank you for  
viewing this  
webinar  
today!**

