

**DEPARTMENT OF HUMAN RESOURCES
SENIOR AND DISABLED SERVICES DIVISION
OREGON ADMINISTRATIVE RULES**

**Chapter 411
Division 066**

REGISTRATION AND STANDARDS FOR ADULT DAY CARE PROGRAMS

411-066-0000 Statement of Purpose

The purpose of these rules is to develop a registry of all adult day care programs and to establish standards of operation by which each registered adult day care program can voluntarily meet.

Stat. Authority: ORS 410.485, 410.490 & 410.495

Stats. Implemented: ORS 410.495

411-066-0005 Definitions

- (1) "Activities of Daily Living" means those personal functional activities required by an individual for continued well-being which are essential for health and safety; i.e. eating/nutrition, dressing/grooming, bathing/personal hygiene, mobility, bowel and bladder control, and behavior.
- (2) "Adult Day Care" as used in these rules means a community-based group program designed to meet the needs of functionally or cognitively impaired adults through an individual plan of care. It is further a structured, comprehensive program that provides a variety of health, social and related support services in a protective setting during part of a day but for less than 24 hours.

- (3) "Division" means Senior and Disabled Services Division of the Department of Human Resources.
- (4) "Group" as used in these rules, means a program with ten (10) or more enrolled participants. Group also includes programs just beginning, with plans to enroll ten (10) or more participants.
- (5) "Long Term Care Facilities" as used in these rules, are nursing facilities, residential care facilities, and assisted living facilities.
- (6) "Programs" as used in these rules, means adult day care programs.

Stat. Authority: ORS 410.485, 410.490 & 410.495

Stats. Implemented: ORS 410.490 & 410.495

411-066-0010 Registration

- (1) All adult day care programs shall register with the Division on forms provided by the Division. The form for registration shall include, but not be limited to:
 - (a) The name and address of the program; and
 - (b) A checklist to determine the extent by which each program is voluntarily complying with the standards set forth in these rules.
- (2) Licensed long term care facilities and adult foster homes, which provide adult day care programs are not required to register.

Stat. Authority: ORS 410.485, 410.490 & 410.495

Stats. Implemented: ORS 410.495

411-066-0020 Standards for Adult Day Care Programs

The following standards are substantially consistent with the standards developed by the Oregon Association of Adult Day Care Services, as required under ORS 410.495. Compliance by adult day care programs with these standards is voluntary.

(1) **Services:**

- (a) **Individual Plan of Care.** For each participant, the program shall have an individual plan of care based on services needed and available. The individual plan of care shall include the following:
 - (A) **Intake Screening.** The intake screening shall be completed in order to determine the appropriateness of the program for the individual and shall include information regarding safety and emergency needs of the participant,
 - (B) **Assessment.** An assessment shall be conducted to determine the individual's health and psycho-social status, the individual's needs in activities of daily living and ability to live independently, the individual's history and financial status;
 - (C) **Individual Service Plan.** The written service plan shall reflect the participant's strengths, needs, and problems. It shall include realistic objectives that are both long-term and short-term. It shall also identify the services to be provided and the responsible staff. The participant, family/care giver, and other service providers shall have the opportunity to contribute to the development, implementation, and evaluation of the service plan;
 - (D) **Coordination of Care.** The need for coordination of care shall be considered for each participant. If coordination of care is needed

and if the person is a client of another agency, a care plan shall be developed in conjunction with the services provided by that agency;

(E) Service Documentation and Reassessment. Progress notes on each participant shall be written at least quarterly and shall reflect a review of the service plan and the participant's status in regard to the services. Reassessing the participant's needs and reevaluating the appropriateness of the service plan shall be done when needed, but at least semi-annually.

(b) Participants' Records. All programs shall:

(A) Keep a permanent registry of all participants with dates of admission and discharge;

(B) Develop a written policy on confidentiality and the protection of records, which defines procedures for the use and removal of participants' records; conditions for the release of information; and conditions that require authorization in writing by the participant or his/her legally responsible person, for the release of information, not otherwise authorized by law; and

(C) Keep application and enrollment forms, medical history and functional assessments, service plans, ancillary reports, correspondence, attendance and service records, log of medication provision and treatments, transportation plans, results of physical examinations, physician's orders, if any, progress notes, current photograph of participant, emergency records, and signed authorizations.

(c) Essential Services. All programs shall make services available commensurate with the needs of the participants. All adult day care programs shall provide: personal care, social services, group/individual activities, and nutrition services:

- (A) Personal Care. This includes assistance and supervision with activities of daily living.
 - (B) Social Services. Social services shall be provided to participants and their families to help them with personal, family, and adjustment problems that interfere with the effectiveness of the treatment plan. Programs shall provide the following social services: counseling; arranging for other community services, advocacy for the participant's human and civil rights, assessing for indicators of mental illness or dementia and make referrals for diagnosis, providing discharge planning and assisting in the transition and follow-up, and providing information and referral for persons not appropriate for adult day care;
 - (C) Nutrition. A noon meal shall be served which provides one-third of an adult's daily nutritional requirements. Modified diets shall be provided to meet participants' needs. Snacks and liquids shall be offered;
 - (D) Group/Individual Activities. The activity plan shall be an integral part of the total plan of care for the participants. The activities shall allow individuals to participate at their optimal level of functioning and to progress according to their own pace. The activities shall emphasize the individual's strengths and abilities and may include: social, intellectual, cultural, economic, emotional, physical and spiritual activities.
- (d) Optional Services. Adult day care programs may provide nursing, transportation and education services:
- (A) Transportation. The program may provide, formally arrange, or contract for transportation to enable persons to attend the program and to participate in program sponsored outings;
 - (B) Education. Education may be provided to the participants and to

the family/care givers, which may include health, nutrition, housing, range of services and benefits available, and legal and financial planning;

(C) Nursing Services. The program may offer nursing services if such services are needed. Indicators of the need for nursing assessment and monitoring include: dependency in behavior management; medically unstable; potential for skin breakdown or decubitus ulcer; multiple health problems or frailty, with a strong probability of deterioration; and potential for increased self care, but instruction and support for provider and care giver are needed to reach goals.

(2) PHYSICAL DESIGN, ENVIRONMENT AND SAFETY. The facility housing the adult day care program shall comply with applicable state and local building regulations, zoning, fire and health codes or ordinances:

(a) The facility shall be accessible to participants. Adult day care centers shall comply with the American Disabilities Act's standards for accessibility;

(b) There shall be an evacuation plan for relocation of participants in an emergency;

(c) The facility shall have one toilet per ten participants in an accessible bathroom. Each bathroom shall be equipped with a sink, grab bars and call bells;

(d) There shall be a minimum of 60 square feet of floor space available per day care participant. (The square footage excludes hallways, offices, restrooms, and storage spaces). Programs serving participants, of which 25% or more are cognitively impaired or require the use of adaptive equipment, shall provide at least 80 square feet per participant;

(e) The physical building, premises, and equipment shall be maintained in

a clean and sanitary condition, free of hazards and in good repair;

- (f) Heating, ventilation, and lighting shall be adequate to protect the health of the participants and staff;
- (g) Flooring shall be easily cleaned and made of a non-skid material. Stairs must be covered with non-skid material and handrails provided;
- (h) There shall be sufficient private space for the provision of nursing services and therapy services, if provided, and staff consultation;
- (i) There shall be one room with one bed available per ten participants for participants to rest;
- (j) Storage space shall be provided for files, records, recreational and cleaning supplies;
- (k) Furniture shall be of sturdy construction that will not easily tip over or move when used for seating or support while walking. The furniture shall be generally safe and comfortable;
- (l) Each bathroom shall contain an adequate supply of liquid hand soap, toilet tissue, and paper hand towels with dispenser. Common towels are not allowed. Disposable paper cups, individual drinking cups, or inclined jet type drinking fountains shall be provided;
- (m) Provide a Safe and Sanitary Environment. This includes food services, general maintenance and cleaning, sewage disposal, and incontinence care:
 - (A) Food Services. In order to assure the provision of safe food, the Food Sanitation Rules of Oregon's Health Division shall be the minimum requirements for all facilities serving 16 or more persons. Facilities serving 15 or fewer persons or a facility which purchases meals from an outside meal source shall be required to meet the minimum requirements of the Food Sanitation Rules

of Oregon's Health Division relating to the preparation, storage, and serving of food. Facilities serving 15 or fewer individuals are not required to use commercial equipment;

- (B) Garbage and Refuse. Garbage and refuse containers shall be insect-proof, rodent-proof, leak-proof, and non-absorbent. Garbage and refuse shall be removed at least once a week from the premises or more often if needed to prevent odors and attraction of insects, rodents, and other animals. Items being recycled shall be clean, and pending removal, stored in a manner that does not present rodent harborage or insect breeding. Recycled items shall be stored separately from food supplies and food preparation equipment;
 - (C) Cleaning and Maintenance. The facility shall be kept clean and in good repair. In facilities serving 16 or more persons, a utility sink shall be provided;
 - (D) Sewage Disposal. If a community disposal system is available it shall be utilized by the facility. If a private sewage disposal system is utilized it shall be properly operating and meet code requirements;
 - (E) Infection Control. Local health department standards shall be met regarding communicable diseases;
 - (F) Incontinence Care. If incontinent participants are served, a procedure for safely handling the soiled items and minimizing the potential for the spread of communicable diseases shall be established. Such procedures shall include: soiled item disposal/storage, hand washing, sanitizing of contaminated surfaces, and preventing contamination. The participants' privacy and comfort shall be considered in developing the procedure for their incontinent care.
- (n) Emergency Standards:

- (A) A program emergency plan shall be posted, providing the locations of fire extinguishers and exit routes. All exit routes shall be well marked;
 - (B) Staff shall be instructed and drilled in the evacuation procedures on their first day of employment;
 - (C) Records for fire drills shall be kept as a part of the program's plan. Fire and evacuation drills shall be held at least once every six months;
 - (D) A fire warning system, which includes at least smoke detectors, but may include a sprinkler system or other alarm system, shall be installed in all adult day care facilities to insure the safety of the participants and the staff;
 - (E) A fire extinguisher shall be kept in the facility;
 - (F) A written policy for dealing with sick or injured participants shall be developed and given to participants upon admission;
 - (G) Emergency first-aid kits shall be visible and accessible to staff. Personnel trained in first aid and CPR shall be on duty whenever participants are present.
- (3) **STAFFING REQUIREMENTS.** Staff shall be adequate in number and skills to provide the essential services described in subsection (1)(c) of this rule.
- (a) **Basic Staff Requirements:**
 - (A) Each staff person shall be competent, ethical and qualified for the position held. Qualified means education or experience dealing with the adult day care population. Staff shall hold personal information about participants and their families in confidence, treating all participants with respect and dignity;

- (B) The staff/participants ratio shall be a minimum of one staff person to six participants (1 to 6). Programs serving participants, of which 50% or more are severely functionally or cognitively impaired, shall have a staff/participant ratio of one to four (1 to 4).
- (C) Each program that is located with another program in the same facility, such as a hospital, senior center or church, shall designate staff and staff hours committed to the adult day care program;
- (D) To insure adequate care and safety of participants, there shall be provisions for qualified substitute staff;
- (E) There shall be at least one staff person on duty at all times who shall be familiar with the fire, safety, and disaster plan; infection control; CPR and first aid; body mechanics/transfer techniques; mandatory reporting laws of abuse/neglect; behavior management and the needs of the participants. Staff shall have sufficient knowledge to provide the essential services to the participants;
- (F) Volunteers can be included in the staff ratio only when they conform to the same standards and requirements as paid staff, meet the job qualifications and have designated responsibilities;
- (G) There shall be general orientation for both paid staff and volunteers.

(4) ADMINISTRATION.

- (a) Plan of Operation. Each adult day care program shall develop and implement a plan of operation. The plan of operation shall be

reviewed and, if necessary, revised annually. The plan shall include:

- (A) A definition of the target population including number, age and needs of participants;
 - (B) Geographical definition of the service area;
 - (C) Description of basic services and any optional services;
 - (D) Hours and days of operation;
 - (E) Admission and discharge policies and procedures;
 - (F) Staffing;
 - (G) Statement of participants' rights and grievance procedure;
 - (H) Rates;
 - (I) Procedures for reporting suspected abuse; and
 - (J) A written policy for dealing with lost or wandering participants shall be developed and some type of identification for participants who wander shall be provided.
- (b) Advisory Committee. An adult day care program shall have a body that serves as an advisory committee. Members of the advisory committee shall be representative of the community and shall include family members of current or past participants and non-voting staff representatives. The advisory committee shall meet at least twice a year and shall have an opportunity, at least annually, to review and make recommendations on program policies such as:
- (A) The scope and quality of services and activities provided;

- (B) Admission and discharge criteria;
 - (C) Service records;
 - (D) Quality assurance activities, findings, and plan of corrective action;
 - (E) Program evaluation; and
 - (F) Fees.
- (c) Admission/Discharge Criteria. Each program shall have admission and discharge policies and procedures. The admission criteria shall include intake screening and a pre-admission assessment. The discharge criteria shall include reasons for discharge and a discharge summary. Each participant and family/caregiver shall receive a minimum of two weeks' notice if the participant is to be discharged from the program, except in matters of an urgent nature.
- (d) Program Evaluation. All programs shall develop a program evaluation plan with specific measurable objectives designed to meet requirements of professional standards. Adult day care centers shall develop policies and procedures for program evaluation of the services provided and of the corrective action to be taken;
- (g) Personnel Policies and Practices. Every program shall have written personnel policies for both staff and volunteers.
- (g) General Record Policies. The programs shall have a records policy for administrative records. The programs shall maintain administrative records which include personnel records, fiscal records, statistical reports, government related records, contracts, organizational records, quality assurance plans results and evaluations, advisory committee minutes, certificates of annual fire and health inspections

as required by local ordinances, and incident reports.

Stat. Authority: ORS 410.485, 410.490 & 410.495

Stats. Implemented: ORS 410.495