

**DEPARTMENT OF HEALTH AND SOCIAL SERVICES
DIVISION OF LONG TERM CARE RESIDENTS PROTECTION
Statutory Authority: 16 Delaware Code,
Section 3006A (16 Del.C. §3006A)**

Regulations for Assisted Living Facilities

PROPOSED

PUBLIC NOTICE

The Department of Health and Social Services (DHSS), Division of Long Term Care Residents Protection, has drafted revised proposed Regulations for Assisted Living Facilities regarding requirements for electrical generators. The regulations, revised after public hearings on June 2 and June 3, 2004, will be the subject of a further public hearing on August 5, 2004 as described below. Comments received at the June and August public hearings regarding requirements for electrical generators will be discussed when those regulations are published as final regulations. The remainder of the proposed regulations which were the subject of the June public hearings, pertaining to incident reporting and an exemption for individuals with subcutaneous venous ports from the prohibition against admitting residents with central lines, are published as final regulations in this edition of the Register of Regulations.

Invitation For Public Comment

A public hearing will be held as follows:

Thursday, August 5, 2004
9:00 AM
Room 301, Main Building
Herman Holloway Campus
1901 N. DuPont Highway
New Castle

For clarification or directions, please call Gina Loughery at 302-577-6661.

Written comments on these proposed regulations should be sent to:

Katie McMillan
Division of Long Term Care Residents Protection
3 Mill Road, Suite 308
Wilmington, DE 19806

Written comments will be accepted until the conclusion of the public hearing.

PROPOSED REGULATIONS ASSISTED LIVING FACILITIES

Section 63.11 Services

63.1101 The assisted living facility shall ensure that:

- A. Three meals, snacks and prescribed food supplements are available during each 24-hour period, 7 days per week;
- B. Meals and snacks are varied, palatable, and of sufficient quality and quantity to meet the daily nutritional needs of each resident with specific attention given to the special dietary needs of each resident;
- C. Food service complies with the Delaware Food Code; and
- D. A resident who chooses not to follow prescribed dietary recommendations shall be provided documented counseling on potential adverse outcomes.
- E. A three-day supply of non-perishable food is maintained for use in emergencies.

63.1102 As part of the licensure approval and renewal process, an assisted living applicant or licensee shall submit at least a 4-week menu cycle with documentation by a dietician or nutritionist that the menus are nutritionally

adequate. Thereafter, menus are to be written at least one week in advance and maintained on file, as served, for two months.

63.1103 The assisted living facility shall ensure that the resident's service agreement is being properly implemented.

63.1104 In accordance with the service agreement, the assisted living facility shall provide or ensure the provision of all necessary personal services, including all activities of daily living, and shall ensure that personal care supplies are available.

63.1105 The assisted living facility shall ensure that laundry and housekeeping services are offered and that all areas of the facility are maintained in a clean and orderly condition.

63.1106 In accordance with the service agreement, the assisted living facility shall be responsible for facilitating access to appropriate health care and social services for the resident.

63.1107 The assisted living facility shall assess each resident and provide or arrange appropriate opportunities for social interaction and leisure activities which promote the physical and mental well-being of each resident, including facilitating access to spiritual activities consistent with the preferences and background of the resident.

Section 63.16 Environment And Physical Plant

63.1601 Each assisted living facility shall comply with applicable federal, state and local laws including:

- A. Rehabilitation Act, Section 504;
- B. Fair Housing Act as amended; and
- C. Americans with Disabilities Act.

63.1602 Assisted living facilities shall:

- A. Be in good repair;
- B. Be clean;
- C. Have a hazard-free environment; and
- D. Have an effective pest control program.

63.1603 Heating and cooling systems in common areas shall be maintained at a temperature between 71° F and 81° F. A resident with an individual temperature-controlled residential room or unit may heat and cool to provide individual comfort.

63.1604 Common areas shall be lighted to assure resident safety.

63.1605 For all new construction and conversions of assisted living facilities with more than 10 beds, there shall be at least 100 square feet of floor space, excluding alcoves, closets, and bathroom, for each resident in a private bedroom and at least 80 square feet of floor space for each resident sharing a bedroom.

A. Sharing of a bedroom shall be limited to 2 residents;

B. Each facility shall have locked storage available for the resident's valuables, in accordance with the facility's policies;

C. Bedrooms and all bathrooms used by residents in assisted living facilities, except in specialized care units for memory impairment, shall be equipped with an intercom or other mechanical means of communication for resident emergencies. For specialized care units for memory impairment, staff must be equipped to communicate resident emergencies immediately.

63.1606 Resident kitchens shall be available to residents either in their individual living unit or in an area readily accessible to each resident. Residents shall have access to a microwave or stove/conventional oven, refrigerator, and sink. The assisted living facility shall establish and adhere to policies and procedures to ensure that common kitchens are used and maintained in such a way as to provide:

- A. A clean and sanitary environment;
- B. Safe storage of food; and
- C. A means to enable hand washing and sanitizing of dishes, utensils and food preparation equipment.

63.1607 Bathroom facilities shall be available to residents either in their individual living units or in an area readily accessible to each resident. There shall be at least 1 working toilet, sink, and tub/shower for every 4 residents.

63.1608 Hot water at resident bathing and hand-washing facilities shall not exceed 120 degrees Fahrenheit.

63.1609 An assisted living facility shall have an emergency generator(s) adequate to supply power, immediately upon cessation of normal electrical supply, to the following:

A. Illumination of means of egress in stairs, facility vestibules, corridors and ramps leading to an exit. Illumination shall not be less than one foot candle.

B. Illumination of exit signs and exit directional signs. Illumination shall not be less than one foot candle.

- C. Fire detection, fire alarm and fire extinguishing systems.
- D. Communication systems including telephones, public address system and nurse call or resident intercom system.
- E. Lighting in dining and recreation areas to provide illumination to exit ways. Illumination shall not be less than 5 foot candles.
- F. Elevator cab lighting, control, communication and signal systems sufficient to operate the elevator to release passengers trapped between floors.
- G. Task illumination and at least one electrical receptacle in each area listed below. The cover plate on such receptacles shall have a distinctive color or marking.
 - 1. Medication dispensing areas.
 - 2. Direct care charting areas.
 - 3. Location of equipment for use in resident medical emergencies.
 - 4. Kitchen.
- H. Kitchen hood and/or exhaust systems.
- I. Sump pump.
- J. Heating, sufficient to prevent resident distress, in corridors, common areas and selected room(s) designated for congregate use during a power outage.
- K. Air conditioning, sufficient to prevent resident distress, in selected room(s) designated for congregate use during a power outage.

***PLEASE NOTE: AS THE REMAINING SECTIONS WERE NOT AFFECTED, THEY ARE NOT BEING PUBLISHED HERE. PLEASE REFER TO PAGE 85 TO VIEW THE COMPLETE REGULATION.**

8 DE Reg. 45 (7/1/04)