



Name of PO Being Reviewed
Non-profit or For Profit

Date of Review

| ADULT DAY HEALTH CENTERS (ADHC) SURVEY REPORTING FORM | | | |
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| PACE Authority: Title 22 Division 5 Chapter 7: Adult Day Health Centers | | | |
| Name of Clinic: | | Provider Number: | |
| Street Address: | | Phone Number: | |
| City: | | Zip Code: | |
| Surveyed By: | | Professional Title: | |
| Date of Survey: | | <input type="checkbox"/> | <input type="checkbox"/> |
| | | Initial Survey | Re-survey |

| # | Desk Review | Onsite Review | ADHC CALIFORNIA STATE STANDARDS | Federal Regulation that meets requirement | Policy & Procedure that meets requirement |
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| 1 | | | § 78201 Right to Apply | | |
| 1 | X | | (a) Any city or county government or nonprofit corporation may apply for a license or special permit to operate an adult day health center if the following requirements are met: (1) The governing body meets the requirements of Section 78405. (2) The Department has approved the county plan for the county in which the center will be located. | §78201 Right to Apply: 42 CFR §460.12 Application requirements (a), (b) (1) (2) and §460.62 Governing body (a) (1-7), (b), and (c) meet intent of this regulation | |
| 2 | | | § 78203 License Required | | |
| 2 | X | | (a) Each city or county government or nonprofit corporation which operates, establishes, manages, conducts or maintains an adult day health center or holds out, advertises or represents by any means that it does so, shall obtain a license from the Department. (b) The Department shall notify any center which provides adult day health care services without a license or special permit to cease and desist or to file an application for a license within 15 days of the date of notification by the Department. | | |
| 3 | | | § 78205 Content of Application | | |
| 3 | X | | (a) Any city or county government or nonprofit corporation which desires to obtain a license or a special permit shall file with the Department an application on forms furnished by the Department. The application shall contain the following information: (1) Name of applicant. (2) Name and address and professional qualifications of the administrator and program director. (3) A copy of articles of incorporation, constitution and bylaws of nonprofit organization. (4) A copy of the current organizational chart. (5) A brief history and general description of the | DHCS Policy Letter 19-01 address most of the criteria's §78205 Content of Application: 42 CFR §460.12 Application requirements (a)(2), (b) (1-2), §460.20 Notice of CMS determination (a) (1-3), (b) (1-2), (c) (1-2), (d), §460.32 Content and terms of a PACE agreement (a) (1-3), (4) (i, ii, iii), (5-13), §460.80 Fiscal soundness (a) (1-3), (b) (1-3), (c) (i, ii), (2) (i, ii, iii) meet intent of this regulation | |

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| | | | <p>function of the organization.</p> <p>(6) Information about each member of the governing board.</p> <p>(7) A statement of projected revenues, expenditures and cashflow on a monthly basis for a one-year period.</p> <p>(8) Name, address and location of center and a map identifying the service area.</p> <p>(9) Plan of operation as specified in Section 78403.</p> <p>(10) A statement as to whether the applicant is licensed or has ever been licensed to operate a health or community care facility.</p> <p>(11) A copy of each subcontract related to securing health care services, administrative and management services or any other services necessary to fulfill the center's provider obligations.</p> <p>(12) A copy of each agreement with at least a general acute care hospital, a physician and an ambulance service for the provision of emergency service.</p> <p>(13) A copy of each agreement with other community services, such as home health agencies, homemaker/chore, visiting nurses, transportation and nutrition programs designed for the disabled and elderly and senior centers.</p> <p>(14) A copy of the nondiscrimination policy.</p> <p>(15) A copy of the participant grievance procedure.</p> <p>(16) A copy of the procedure for utilization review.</p> <p>(17) Any other information requested by the Department.</p> <p>(b) Each application for a new license shall be submitted to the Adult Day Health Care Review Committee which shall send the application to the Adult Day Health Planning Council for the county in which the adult day health center is located.</p> <p>(c) Applicants who are funded as of December 31, 1977 to provide adult day health care services pursuant to Section 14124.7 of the Welfare and Institutions Code shall be exempt from conformity with the county plan as a condition of licensure.</p> <p>(d) The Department shall notify the applicant within 60 days if the application is incomplete.</p> <p>(e) If, after 120 days the application remains</p> | | |
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| | | | incomplete, the applicant shall be notified that the application is considered withdrawn, and a new application is required. (f) The applicant shall be given the opportunity to appeal the determination that the application is incomplete and to receive instead a notice of denial. | | |
| 4 | | | § 78207 Fees | | |
| 4 | X | | (a) Each application for a license shall be accompanied by the prescribed fee. The annual license fee under this section shall be effective for the calendar year of 1978. (b) The fee for a license to operate an adult day health center which is being licensed for the first time or for any change in existing license shall be \$470.00. (c) The license renewal fee for all other adult day health centers shall be determined by the Department. | | |
| 5 | | | § 78209 Public hearing | | |
| 5 | X | | (a) Evidence shall be available that public hearings have been held in accordance with Section 1572(c) of the Health and Safety Code at the time of: (1) Initial proposal for an adult day health center after the application has been reviewed by the Adult Day Health Care Review Committee and the county Adult Day Health Planning Council. (2) Renewal application for Medi-Cal certification if the Director requests such a hearing. | §78209 Public Hearing: This regulation will not be applicable if the request for exemption from ADHC licensing and regulatory requirement is granted | |
| 6 | | | § 78213 Denial of initial application | | |
| 6 | X | | (a) The Department may deny the application for licensure if the requirements for licensure or certification are not met. An application shall be denied if the applicant: (1) Has failed to comply with the approved county adult day health plan. (2) Previously violated Department regulations and there is probability of noncompliance by the applicant. (3) Has not been certified as an adult day health care | §78213 Denial of Initial Application: 42 CFR §460.20 Notice of CMS determination (a) (1-2), (b) (2) meets intent of this regulation | |

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| | | <p>provider.</p> <p>(4) Has past conviction of any crime, especially any crime involving misuse of funds or physical abuse.</p> <p>(b) Upon the denial of the application, a written notice of denial shall be sent by the Department by certified mail informing the applicant of the denial, setting forth the reasons for denial and advising the applicant of the right to petition for a hearing.</p> <p>(c) An applicant may submit a written petition for hearing to the Department within 15 days after the Department mails the notice.</p> <p>(d) The Department shall upon receipt of the petition for hearing, consult the Office of Administrative Hearings who shall determine the time and place of hearing.</p> <p>(e) The hearing shall be initiated in accordance with Section 11504 of the Government Code by filing and serving a statement of issues defining the disputed issues, specifying the statute and rules with which the respondent must show compliance by producing proof at the hearing.</p> <p>(f) The statement of issues together with the notice of hearing shall be delivered or mailed to the applicant as provided in Section 11509 of the Government Code.</p> <p>(g) A copy of Sections 11506.5, 11507.6 and 11507.7 and the name and address of the person to whom requests for hearing may be made, shall be served with the statement of issues.</p> <p>(h) The proceeding shall be conducted in accordance with Chapter 5, commencing with Section 11500, Division 3, Title 2, Government Code.</p> <p>(i) Hearing concerning denial of licensure for adult day health care provider shall be conducted concurrently with any hearing concerning denial of certification as a provider of adult day health care services.</p> | | |
| 7 | | § 78215 Inspections | | |

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| 7 | X | | <p>(a) The Department shall conduct an inspection of each licensed center at least annually.</p> <p>(b) The inspection shall include at least a personal interview with the licensee or administrator and an inspection of the center to assure compliance with these regulations.</p> | <p>§78215 Inspections: 42 CFR Subpart K-Federal/State Monitoring §460.190 Monitoring during trial period (a), (b) (1), (i, ii, iii, iv, v), (2 - 4), and §460.192 Ongoing monitoring after trial period (a), (b), meet intent of this regulation</p> | |
| 8 | | | § 78217 Program Flexibility | | |
| 8 | X | | <p>(a) All adult day health centers shall maintain compliance with these licensing requirements. These requirements do not prohibit the use of alternate concepts, methods, procedures, techniques, equipment, personnel qualifications or the conducting of pilot projects, provided such exceptions are carried out with the provisions for safe and adequate care and with the prior written approval of the Department. Such approval shall provide for the terms and conditions under which the exception is granted. A written request and substantiating evidence supporting the request shall be submitted by the applicant or licensee to the Department.</p> <p>(b) Any approval by the Department granted under this section, or a true copy thereof, shall be posted immediately adjacent to the center's license.</p> | <p>§78217 Program Flexibility: This regulation will not be applicable if the request for exemption from ADHC licensing and regulatory requirements is granted</p> | |
| 9 | | | § 78219 Issuance of License | | |
| 9 | X | | <p>(a) The Department shall grant a license if the applicant meets the standards as specified in these regulations and the application is in agreement with the county plan.</p> <p>(b) The Department shall issue or deny a license within 90 days of the receipt of the completed application forms and supporting documents.</p> | <p>§78219 Issuance of License: 42 CFR §460.20 Notice of CMS determination (a) (1-3), (b) (1-2), (c) (1-2), (d) meets intent of this regulation</p> | |
| 10 | | | § 78221 Limitations of Participants Admitted | | |

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| 10 | X | | <p>(a) A license shall specify the maximum number of participants who may receive services at any one time in a center. A center shall not operate beyond the conditions and limitations of its license unless it receives prior approval from the Department.</p> <p>(b) The Department shall state in writing to the applicant the reasons for limiting the number of participants if the license is issued for fewer participants than requested.</p> <p>(c) A new application shall be submitted by the licensee for an increase in center capacity, unless:</p> <p>(1) The basic services provided by the center have not changed.</p> <p>(2) The center has fire clearance for the increased capacity.</p> <p>(d) The Department shall specify any limitations on the license.</p> | <p>§78221 Limitations on Participants Admitted: 42 CFR §460.98 Service delivery (a), (d) (2-3), (e) meets the intent of this regulation</p> | |
| 11 | | | § 78223 Posting of license | | |
| 11 | X | X | The license shall be posted in a prominent location in the center accessible to public view. | | |
| 12 | | | § 78225 License not transferable | | |
| 12 | X | | <p>(a) The license shall not be transferable. The licensee shall notify the Department in writing at least 30 days prior to the effective date of any change of ownership. A new application for license shall be submitted by the prospective new owner.</p> <p>(b) The Department may approve a change of location and continuation of the existing license for a reasonable period of time when the change is due to accidental destruction of the center or similar emergency conditions, and the new location does not create a hazard to the health and safety of the participants.</p> | <p>§78225 License not Transferable: This regulation will not be applicable if the request for exemption from ADHC Licensing and regulatory requirement is granted. 42 CFR 460.60 Notification to CMS and DHCS of a change of ownership meets the intent of this regulation</p> | |
| 13 | | | § 78227 New application required | | |

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| 13 | X | | (a) A new verified application shall be submitted to the Department by the licensee for any of the following reasons: (1) Construction of a new or replacement center. (2) Change of ownership. | §78227 New Application Required: This regulation will not be applicable if the request for exemption from ADHC licensing and regulatory requirements is granted | |
| 14 | | | § 78229 License expiration and renewal | | |
| 14 | X | | (a) An initial license shall expire one year from the date of issue. A renewal license may be issued for one year provided the Department determines that the licensee has complied with all statutory requirements and regulations during the preceding license period. (b) The Department shall send each licensee a renewal application form at least 90 days before the license expires. (c) The licensee shall file a renewal application with the Department not less than 30 days prior to the expiration date. The renewal application shall be accompanied by the full applicable fee. (d) If the licensee fails to apply for renewal within the prescribed time, the license shall expire. | §78229 License Expiration and Renewal: 42 CFR §460.190 CMS, in conjunction with DHCS, annual monitoring of PACE organization during trial period (a), (b), (l) (i, ii, iii, iv, v), (2-4), to ensure compliance with all applicable standards; 42 CFR §460.192 Ongoing monitoring after trial period (a), (b), all of which meets the requirements of this regulation. | |
| 15 | | | § 78231 Revocation or Suspense of License | | |
| 15 | X | | (a) A license may be suspended or revoked by the Department for any of the following: (1) Violation by the licensee of any of the statutory provisions of the Adult Day Health Care Act or regulations adopted by the Department under the Act. (2) Aiding, abetting or permitting the violation of any said statutory provisions or regulations of the Department. (3) Conduct in the operation or maintenance, or both the operation and maintenance of an adult day health center which is inimical to the health, morals, welfare or safety of either participants receiving services from the center or the people of the State of California. (b) The proceedings for revocation or suspension shall be commenced in accordance with Chapter 5, | §78231 Revocation or Suspension of License: 42 CFR §460.50 Termination of PACE program agreement (a), (b) (1) (i, ii), (2) (c), (d) (1-2), and §460.54 Termination procedures (a) (1-2), (b) meet the requirements of this regulation. | |

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| | | | commencing with Section 11500, Part 1, Division 3, Title 2, Government Code. | | |
| 16 | | | § 78233 Voluntary Suspension and Reinstatement | | |
| 16 | X | | <p>a) Any licensee may make a written request to the Department to surrender the license for suspension by the Department for a temporary period not to exceed 12 consecutive months. The Department may approve such request at its discretion.</p> <p>(b) Any license which has been temporarily suspended by the Department pursuant to this section shall remain subject to all renewal requirements of an active license including the payment of license renewal fees, during the period of temporary suspension.</p> <p>c) Any license suspended pursuant to this section may be reinstated by the Department within 12 months of the date of suspension upon receipt of an application and evidence showing compliance with licensing operational requirements in effect at the time of reinstatement. If the license is not reinstated within the 12-month period, the license shall expire automatically and shall not be subject to reinstatement.</p> | <p>DHCS Contract, Exhibit E, Attachment 2, Program Terms and Conditions (13. Termination for cause and other termination) CMS Regs. §78233 Voluntary Suspension and Reinstatement: 42 CFR §460.50 Termination of PACE program agreement (d) (1-2)</p> <p>meets intent of this regulation</p> | |

| # | Desk Review | On Site Review | Article 3 Services | Federal Regulation that meets requirement | Policy & Procedure that meets requirement |
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| 1 | | | § 78301 Basic Program Services: General. | | |
| 1 | X | | <p>(a) Each adult day health center shall provide at the center the following basic services:</p> <p>(1) Rehabilitation services which include:</p> <p>(A) Occupational therapy.</p> | <p>§78301 Basic Program Services: General: 42 CFR §460.92 Required services (a-c) meet intent of this regulation</p> | |

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| | | | <p>(B) Physical therapy. (C) Speech therapy. (2) Medical services. (3) Nursing services. (4) Nutrition services. (5) Psychiatric or psychological services. (6) Social work services. (7) Planned recreational and social activities. (8) Transportation services. (b) Each participant shall be encouraged and assisted to achieve and maintain the highest level of self-care and independence. (c) Each participant shall be treated as an individual with dignity and respect and shall not be subjected to verbal or physical abuse of any kind. (d) Each employee shall observe each participant for any change in physical, mental, emotional and social functioning and shall report such changes to the licensed nurse.</p> | | |
| 2 | | | § 78303 Basic Program Services: Assessment | | |
| 2 | X | | <p>(a) The multidisciplinary team shall be composed of at least a staff or attending physician, a registered nurse, a social worker, an occupational therapist and a physical therapist. (b) The multidisciplinary team, in collaboration with the participant or the participant's authorized representative and the placement agency, if any, shall assess each participant's need for services prior to the acceptance of that participant. (c) The multidisciplinary team shall determine and document in the participant's health record that: (1) The amount of care, supervision and type of services required by the participant are available in the center. (2) The participant is ready and can benefit from the program the center has to offer. (d) A written individualized plan of care shall be developed to meet the needs of each participant and shall include but not be limited to: (1) Scheduled days of attendance. (2) Medical diagnoses. (3) Prescribed medications and frequency of</p> | <p>§78303 Basic Program Services: Assessment: 42 CFR §460.104 Participant assessment (a) (1), (2) (i, ii, iii, iv, v, vi, vii, viii) (3), (4) (i, ii, iii, iv, v, vi, vii, viii, ix, x, xi), (b), (c) (i, ii, iii, iv, v), 2 (i, ii, iii, iv) and §460.106 Plan of Care (a), (b) (1-2), (c) (1-2), (d), (e), (f) meet intent of this regulation</p> | |

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| | | | <p>administration.</p> <p>(4) Specific element of the service needed.</p> <p>(5) Individualized objectives, therapeutic goals and duration of each service.</p> <p>(6) An individualized activity plan designed to meet the needs of the participant for social and therapeutic recreational activities.</p> <p>(7) Participation in specific group activities.</p> <p>(8) A plan for transportation needs.</p> <p>(9) Therapeutic diet requirements and if indicated, the plan for dietary counselling and education.</p> <p>(10) A plan for other services needed by the participant.</p> <p>(11) Discharge planning.</p> <p>(12) The signature of each member of the multidisciplinary team including a physician.</p> <p>(e) Prior to or at the time of the admission of a participant, the program director shall obtain a written health assessment of the participant which has been completed within 90 days by the participant's physician or staff physician. The assessment shall be included in the participant's health record and shall include at least the following:</p> <p>(1) Previous medical history.</p> <p>(2) Identification of any health condition including communicable disease.</p> <p>(3) Identification of physical limitations including ambulatory status.</p> <p>(4) Current diagnosis of any health problem and the prescribed treatment.</p> <p>(5) Evidence of tuberculosis screening.</p> | | |
| 3 | | | § 78305 Basic Program Services: Occupational Therapy Services. | | |
| 3 | X | | <p>(a) Occupational therapy services which utilize purposeful activity shall be provided and shall include at least the following:</p> <p>(1) Initial and continuing assessment of the participant by an occupational therapist in the multidisciplinary team, including the treatment plan, method and interval of delivery of services to meet identified needs and discharge summary.</p> <p>(2) Notation made after each treatment specifying</p> | <p>§78305 Basic Program Services: Occupational Therapy Services: 42 CFR §460.92 Required services (a-c), §460.104 Participant assessment (a) (1), (2) (iv), (4) (i), (c) (2) (ii), and §460.106 Plan of Care (a), (b)(1-2), (c) (1-2), (d), (e), (f)</p> | |

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| | | | <p>method of treatment and the reaction of the participant to the treatment. Narrative notes shall be entered in the participant's health record when indicated and shall be signed by the occupational therapist.</p> <p>(3) Progress notes shall be written at least quarterly in the participant's health record and shall be signed by the occupational therapist.</p> <p>(b) The occupational therapy service shall be under the direction of an occupational therapist. An occupational therapy assistant or aide shall work only under the supervision of an occupational therapist.</p> <p>(c) The occupational therapy services staff shall work the hours necessary to meet the needs of each participant as specified in the individual plan of care by the multidisciplinary team and in accordance with the staffing requirements of the Department.</p> <p>(d) Equipment for occupational therapy shall include at least the following:</p> <p>(1) Adaptive equipment for assistance in activities of daily living.</p> <p>(2) Equipment and supplies for creative skills when appropriate.</p> <p>(3) Provision for availability of assistive or supportive slings or splints and the materials from which to fabricate these devices.</p> <p>(e) Space shall be provided for treating the participants and for storage of equipment.</p> | <p>and §460.102 Interdisciplinary team (a) (1-2), (b) (5), (d) (1), (2) (i, ii, iii), (3) (e) meet the intent of this regulation</p> | |
| 4 | | | § 78307 Basic Program Services: Physical Therapy Services. | | |
| 4 | X | | <p>(a) Physical therapy services shall include at least the following:</p> <p>(1) Initial and continuing assessment of the participant by the physical therapist in the multidisciplinary team.</p> <p>(2) Notation made after each treatment specifying method of treatment and the reaction of the participant. Narrative notes shall be entered in the participant's health record when indicated and shall be signed by the physical therapist.</p> <p>(3) Progress notes shall be written at least quarterly</p> | <p>§78307 Basic Program Services: Physical Therapy Service: 42 CFR §460.92 Required services (a-c), §460.104 Participant assessment (a) (1) (2) (iv), (4) (i), (c) (2) (i), and §460.106 Plan of Care (a), (b) (1-2), (c) (1-2) (d), (e), (f) and §460.102 Interdisciplinary team (a) (1-2), (b) (4), (d) (1), (2)</p> | |

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| | | | <p>in the participant's health record and shall be signed by the physical therapist.</p> <p>(4) Treatment of participants to achieve and maintain maximum performance using physical means such as exercise, massage, heat, sound, water, light or electricity.</p> <p>(b) Physical therapy service shall be under the direction of a physical therapist. A physical therapy assistant or aide shall work only under the supervision of a physical therapist.</p> <p>(c) The physical therapy service staff shall work the hours necessary to meet the needs of each participant as specified in the individualized plan of care developed by the multidisciplinary team and in accordance with the staffing requirements of the Department.</p> <p>(d) Equipment of physical therapy services shall include at least the following:</p> <ol style="list-style-type: none"> (1) Parallel bars. (2) Full-view mirror. (3) Overhead pulley and weight. (4) Set of training stairs. (5) Treatment table. (6) Wheelchairs, walkers, canes, crutches and other ambulation devices in a sufficient number to meet the needs of each participant. <p>(e) Space shall be provided for storage of equipment.</p> <p>(f) Privacy shall be provided the participant during treatment.</p> | (i, ii, iii), (3) (e) meet intent of this regulation | |
| 5 | | | § 78309 Basic Program Services: Speech Therapy Services. | | |
| 5 | X | | <p>(a) Speech therapy services shall include at least the following:</p> <ol style="list-style-type: none"> (1) Initial and continuing assessment of the participant by the speech therapist in the multidisciplinary team. (2) Notation made after each treatment specifying method of treatment and reaction of the participant. Narrative notes shall be entered in the participant's health record when indicated and shall be signed by | §78309 Basic Program Services: Speech Therapy: 42 CFR §460.92 Required services (a-c), §460.104 Participant assessment (a) (1-2), (3), (c)(v); and §460.102 Interdisciplinary team (a) (1-2), (d) (1), (2) (i, ii, iii), (3) (e) meet intent of this regulation | |

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| | | | <p>the speech therapist.</p> <p>(3) Progress notes shall be written at least quarterly in the participant's health record and signed by the speech therapist.</p> <p>(b) The speech therapist shall work the number of hours necessary to meet the needs of each participant as specified in the individualized plan of care developed by the multidisciplinary team and in accordance with the staffing requirements of the Department.</p> <p>(c) Equipment and supplies shall be available to implement the specified speech therapy needs of each participant.</p> <p>(d) Space that is free from noise shall be provided to the extent that such conditions are within the reasonable control of the center.</p> | | |
| 6 | | | § 78311 Basic Program Services: Medical Services | | |
| 6 | X | X | <p>a) Medical services shall be provided to each participant by a personal or a staff physician.</p> <p>(b) Medical services shall include at least the following:</p> <p>(1) The initial health assessment as specified in Section 78303(e).</p> <p>(2) Authorization of the participant's initial individualized plan of care and each quarterly revision of the plan.</p> <p>(3) Emergency care or provision for emergency care as needed.</p> <p>(4) Documentation of services provided.</p> <p>(c) Space shall be provided that allows privacy for the participant during examination by and consultation with the physician.</p> <p>(d) The names and telephone numbers for all participants' physicians shall be posted in a location accessible to the center's personnel.</p> | <p>§78311 Basic Program Services: Medical Services: 42 CFR §460.92 Required service (a-c), §460.102 Interdisciplinary team (a) (1-2), (b) (1), (c) (1), (2) (i, ii), (d) (1), (2) (i, ii, iii) (3) (e); §460.104 Participant assessment (a) (1), (2) (i), (4) (i, ii, iii, v, x), (c) (i) and §460.106 Plan of Care (a), (b) (1-2), (c) (1-2) (d), (e), (f) meet intent of this regulation</p> | |
| 7 | | | § 78313 Basic Program Services: Nursing services | | |

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| 7 | X | | <p>(a) Skilled nursing care shall be available to each participant and shall include at least the following:</p> <p>(1) Initial and continuing assessment of the participant by the registered nurse in the multidisciplinary team and development of a written plan of care.</p> <p>(2) Administration of medications or monitoring of self-administration of medications by participants.</p> <p>(3) Supervision of personal care given by program aides.</p> <p>(4) Maintenance of a participant's health record which includes:</p> <p>(A) Signed quarterly progress notes from each member of the multidisciplinary team and outside consultants.</p> <p>(B) Records of medications and treatments administered.</p> <p>(C) Quarterly narrative nursing note, unless a participant's condition requires a more frequent note, indicating participant's progress toward achieving health goals.</p> <p>(5) Provision of emergency care, including arrangements for transportation.</p> <p>(6) Notification of the physician of any marked change in the participant's condition.</p> <p>(b) A licensed nurse shall be on duty during the hours the center offers basic services.</p> <p>(c) Nursing service space shall be provided for the treatment of participants.</p> | <p>§78313 Basic Program Services: Nursing Services: 42 CFR §460.92 Required service (a-c), §460.102 Interdisciplinary team (a) (1-2), (b) (2), (d) (1) (2) (i, ii, iii), (3) (e), §460.104 Participant assessment (a) (1), (2) (i), (4) (i, ii, iii, v, x), (c) (i), §460.106 Plan of Care (a), (b) (1-2), (c) (1-2) (d), (e), (f), and §460.100 Emergency services (a), (b) (1-2), (c) (1-3) meet intent of this regulation</p> | |
| 8 | | | <p>§ 78315 Nursing Services: Restraints</p> | | |
| 8 | X | | <p>(a) Restraints shall be used only as measures to protect the participant from injury to self, based on the assessment of the participant by the multidisciplinary team.</p> <p>(b) Restraints shall be used only under the following conditions:</p> <p>(1) Treatment restraints for the protection of the participant during treatment and diagnostic procedures.</p> <p>(2) Supportive restraints for positioning the participant and to prevent the participant from falling out of a chair or from a treatment table or bed.</p> | <p>§78315 Nursing Services: Restraints: 42 CFR §460.114 Restraints (a) (1-2), (b) (1-4), (c), and</p> | |

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| | | | <p>(c) Acceptable forms of restraints shall include only cloth vests, soft ties, soft cloth mittens, seat belts and trays with spring release devices. Soft ties means soft cloth which does not cause skin abrasion and which does not restrict blood circulation.</p> <p>(d) Restraints shall not be used as punishment or as a substitute for medical and nursing care.</p> <p>(e) No restraints with locking devices shall be used or available for use.</p> <p>(f) Restraints shall be applied in a manner so that they can be speedily removed in case of fire or other emergency.</p> <p>(g) Various types of adult chairs referred to as geriatric chairs are not defined as a restraint if the type of closing mechanism of the chair and the physical and mental capability of the specific participant allow for easy removal.</p> | | |
| 9 | | | § 78317 Nursing Services: Medications | | |
| 9 | X | X | <p>(a) Each participant's health record shall include a drug history which lists all medications currently being taken by the participant and any medications to which the participant is allergic.</p> <p>(b) Medications stored in the center or administered by center personnel shall be labeled in conformance with state and federal laws and regulations. Center personnel shall not alter prescription labels.</p> <p>(c) Center personnel, except those lawfully authorized to do so, shall not dispense, repackage or label drugs or transfer drugs between containers.</p> <p>(d) No medication shall be administered to a participant by center personnel unless the name, dosage and frequency of administration of the drug and the name of the prescriber is recorded in that participant's record. P.R.N. drug orders shall include an indication for use.</p> <p>(e) Medications not self-administered shall be administered only by licensed medical or licensed nursing personnel.</p> <p>(f) The self-administration of medications shall be permitted only under the following conditions:</p> <p>(1) Center shall have approved policies permitting self-administration of medications when approved by</p> | 42 CFR 460.210(b) | |

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| | | | <p>manner.</p> <p>(i) Those centers desiring to keep emergency drug supplies shall meet the following requirements:</p> <p>(1) The drugs included in the emergency drug supply shall be determined by the pharmacist, the staff or attending physician and the registered nurse and shall be limited to a maximum of three doses in either sealed ampules or vials of any one emergency drug. If an emergency drug is not available in parenteral form, a supply of the drug in inhalation or sublingual form may be maintained in the smallest sealed manufacturer's package. No other oral legend drugs shall be stored.</p> <p>(2) The emergency drug supply shall be stored in a portable container which is sealed in such a manner that the tamper-proof seal must be broken to gain access to the drugs. The registered nurse shall notify the pharmacist when drugs have been used from the emergency kit or when the seal has been broken. Drugs used from the kit shall be replaced within 72 hours and the supply resealed by the registered nurse.</p> <p>(3) The contents of the supply shall be listed on the outside of the container.</p> <p>(4) The supply shall be checked at least quarterly by the pharmacist.</p> <p>(5) Separate records of use shall be maintained for drugs administered from the supply. Such records shall include the name and dose of the drug administered, name of the participant, the date and time of administration and signature of the person administering the dose.</p> <p>(j) Drugs which have been left in the center by participants who have expired or have not visited the center for 30 days shall be destroyed in the center in the following manner:</p> <p>(1) A registered nurse employed by the center and either another licensed nurse, the center administrator, a pharmacist or a physician shall witness the destruction.</p> <p>(2) The method of destruction shall be recorded or indicated in the center's written procedures.</p> <p>Destruction shall be by flushing into the sewage</p> | | |
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| | | | <p>system.</p> <p>(3) Both witnesses required in (1) above shall sign a record which lists the date of destruction, the participant's name, the drug name and strength, the quantity destroyed and the prescription number, if any.</p> <p>(k) There shall be written policies and procedures governing all aspects of medication storage, distribution, recording and disposal in the center.</p> <p>(l) The center shall retain the services of a pharmacist who shall:</p> <p>(1) Assist in the development and review of written policies and procedures.</p> <p>(2) Monitor at least quarterly the implementation of policies and procedures related to medications at the center.</p> <p>(3) Furnish to the center administrator at least quarterly a written report on the status of medication-related services.</p> <p>(4) Communicate directly with participants, pharmacies, attending physician and center staff on matters pertaining to individual participant's drug therapy.</p> | | |
| 10 | | | § 78319 Basic services: nutrition services | | |
| 10 | X | | <p>(a) When meals are served in the center, they shall meet the "Recommended Dietary Allowances," 1974 Edition, adopted by the Food and Nutrition Board of the National Research Council of the National Academy of Sciences.</p> <p>(b) All food shall be selected, stored, prepared and served in a safe and healthful manner.</p> <p>(c) Each participant who is in the center for four hours or more shall be served a meal that will supply at least one-third of the National Research Council's Recommended Dietary Allowances.</p> <p>(d) Each participant who is in the center for eight hours shall be served a meal and between meal nourishments that will supply at least one-half of the National Research Council's Recommended Dietary Allowances.</p> <p>(e) Each participant receiving care for periods longer than eight hours shall be served at least two meals and between meal nourishments.</p> | <p>§78319 Basic Services: Nutritional Services: 42 CFR §460.78 Dietary services (a)(! (i, ii, iii), (2) (i, ii, iii), (b) (1-3)</p> | |

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| | | | <p>(f) Any participant accepted at 7:00 a.m. or earlier shall be served a nourishing breakfast unless it has been determined that the participant has received a meal prior to arrival.</p> <p>(g) Therapeutic diets shall be provided for each participant whose diet has been prescribed by the participant's physician as a medical necessity.</p> <p>(h) The diet order for each participant shall be reviewed every 90 days by a dietitian and approved by the multidisciplinary team when reassessment is done.</p> <p>(i) When food is provided by an outside commercial food service, the applicable requirements shall be met. Equipment and employees to receive and serve the food and for cleanup shall be provided. Equipment for in-house preparation and service of food in emergencies shall be maintained.</p> <p>(j) When prepared food and beverages are obtained from a food management service, the food management service shall be approved in accordance with federal, state and local requirements. The center shall obtain from the food management service evidence of such approval. The food management service shall supply evidence to the adult day health center that menus are planned by a qualified dietitian.</p> <p>(k) When low-sodium and low-cholesterol diets are provided through Older Americans Act nutrition sites, the adult day health center registered nurse shall meet with the nutrition site dietitian to adjust menus to provide for special dietary requirements of participants.</p> | | |
| 11 | | | § 78321 Nutritional Services: menus | | |
| 11 | X | | <p>a) Meals shall consist of a variety of food and shall be planned with consideration for medical needs, cultural and religious background and food habits and age of each participant served.</p> <p>(b) Between meal nourishments shall consist of but not be limited to a beverage and either fruits, vegetables or a grain product such as crackers, cookies or bread.</p> | <p>§78321 Nutrition Services: 42 CFR §460.78 Dietary services (a) (1) (i, ii, iii), (2) (i, ii, iii), (b) (1-3)</p> | |

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| | | | <p>(c) Menus for all meals, between meal nourishments, and for therapeutic diets shall be written one week in advance, approved by a dietitian and posted in the kitchen. Menus shall be available for review by each participant served or the participant's designated representative.</p> <p>(1) If any meal or between meal nourishment varies from the planned menu, the change shall be noted in writing on the menu posted in the kitchen.</p> <p>(2) A copy of the menu as served shall be kept on file for at least 30 days.</p> <p>(d) Itemized records of foods purchased shall be kept for one year and available for review by the Department. Food purchase invoices are acceptable provided they list amounts of specific foods.</p> | | |
| 12 | | | § 78323 Nutrition Services: Quality of Food | | |
| 12 | X | | <p>(a) All food shall be of good quality.</p> <p>(b) Prepared foods shall be approved by appropriate federal, state and local authorities.</p> <p>(c) Food in unlabeled, rusty, leaking, broken containers or cans with side seam dents, rim dents or swells shall not be accepted, retained or used.</p> <p>(d) Home-canned foods shall not be used.</p> <p>(e) Milk, milk products and products resembling milk shall be processed or manufactured in milk product plants, meeting the requirements of Division 15 of the California Food and Agricultural Code. When milk is served as a beverage it shall be pasteurized, Grade "A" milk or certified milk unless otherwise prescribed by a physician. Powdered milk shall not be used as a beverage but may be used in cooking. Instant liquid or powdered cream substitutes may be used only when dispensed from their original containers. When milk is served in individual containers, the cap or seal shall not be removed except in the presence of the participant. Milk may be served from an approved dispensing device and shall be dispensed directly into the glass or other container from which the participant drinks.</p> <p>(f) Meat, poultry and meat products shall not be used unless they have met inspection standards of state or federal authorities.</p> | <p>§78323 Nutrition Services: Quality of Food: 42 CFR §460.78 Dietary services (a) (I) (i, ii, iii), (2) (i, ii, iii), (b) (1-3)</p> | |

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| 13 | | | § 78325 Nutrition Services: Food Sanitation | | |
| 13 | X | X | <p>(a) Kitchens and kitchen areas shall be kept clean, free from litter and rubbish and protected from rodents, roaches, flies and other vermin.</p> <p>(b) Utensils, counters, shelves and equipment shall be kept clean and maintained in good repair.</p> <p>(c) Plastic ware, china and glassware that is insanitary or hazardous because of chips, cracks or loss of glaze shall be discarded.</p> <p>(d) Food shall be protected against contamination and spoilage. Contaminated or spoiled food shall not be served.</p> <p>(e) Foods held in refrigerators or other storage space shall be covered.</p> <p>(f) Foods which have been opened or prepared and are to be stored shall be labeled and dated.</p> | <p>§78325 Nutrition Services: Food Sanitation: 42 CFR §460.78 Dietary Services (b) (1-3)</p> | |
| 14 | | | § 78327 Nutrition Services: Food Service | | |
| 14 | X | | <p>(a) Foods shall be prepared by methods that conserve nutritive value, flavor and appearance and shall be served at appropriate temperatures.</p> <p>(b) A dining area equipped for serving at meal time shall be provided.</p> <p>(c) Dishes, beverage containers and eating utensils appropriate for use with the food being served shall be provided.</p> <p>(d) Each participant shall be seated for meals on an individual chair, at a table, or as appropriate if the participant is in a wheelchair.</p> <p>(e) Each participant shall be assisted by employees during meals as needed.</p> <p>(f) Special equipment and utensils shall be provided for self-help in eating as needed.</p> <p>(g) Sufficient food shall be prepared to provide additional servings as requested by the participant</p> | <p>§78327 Nutrition Services: Food Service: 42 CFR §460.78 Dietary services (a) (1) (i, ii, iii), (2) (i, ii, iii), (b) (1-3)</p> | |

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| | | | <p>served, unless the participant is on a restricted diet prescribed by a physician.</p> <p>(h) When necessary, food shall be cut, chopped or ground to meet the needs of individual participants.</p> | | |
| 15 | | | § 78329 Nutrition Services: Cleaning of Utensils | | |
| 15 | X | X | <p>(a) Multiuse utensils used for eating, drinking, preparing and serving of food and drink shall be cleaned after each use.</p> <p>(b) Food particles shall be removed by scraping and prerinseing in running water.</p> <p>(c) Multiuse utensils not washed by mechanical means shall be thoroughly washed in hot water with a minimum temperature of 43 degrees C (110 degrees F) using soap or detergent, shall be rinsed in hot water and disinfected by one of the following methods or equivalent as approved by the Department:</p> <p>(1) Immersion in water containing bactericidal chemical as approved by the Department.</p> <p>(2) Immersion for at least two minutes in clean water at 77 degrees C (170 degrees F).</p> <p>(3) Immersion for at least 30 seconds in clean water at 82 degrees C (180 degrees F).</p> <p>(d) After disinfection, the utensils shall be allowed to drain and dry in racks or baskets on nonabsorbent surfaces. Drying cloths shall not be used.</p> <p>(e) Results obtained with dishwashing machines shall be equal to those obtained by the methods outlined above, and all dishwashing machines shall meet the requirements contained in Standard No. 3 as amended in April 1965 by the National Sanitation Foundation, P.O. Box 1468, Ann Arbor, Michigan 04106.</p> | §78329 Nutrition | |
| 17 | | | § 78331 Nutrition Services: Supplies and Equipment | | |

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| 17 | X | | <p>(a) Food supplies shall be available to meet the planned menus and shall be in sufficient quantity to serve the participants.</p> <p>(b) There shall be sufficient equipment of the type and amount necessary for proper preparation, serving and storage of food for the number of participants served by the center.</p> | §78331 Nutrition Services | |
| 18 | | | § 78333 Nutrition Services: Staff | | |
| 18 | X | | <p>(a) A dietitian shall be employed on a consulting basis. Part-time or consultant services shall be provided on the premises at appropriate times on a regularly scheduled basis. A written record of the frequency, nature and duration of the consultant's visits shall be maintained.</p> <p>(b) When a dietitian is not employed full-time, the administrator shall designate a staff person to be responsible for the operation of the food service.</p> <p>(c) Sufficient employees shall be employed, trained and their working hours scheduled to provide for the nutritional needs of the participants in the adult day health center.</p> <p>(1) If these employees are assigned duties in other services, those duties shall not interfere with food service work assignments.</p> <p>(d) Each employee engaged in food preparation and service shall practice personal hygiene, including hand washing, wearing clean clothing and wearing of caps or hair nets. This includes participants who may, as part of their planned program, assist with food preparation.</p> <p>(1) Employees shall be excluded from food preparation duty when affected by gastrointestinal illness skin infections, colds or other communicable illnesses.</p> | §78333 Nutritional Services: Staff: 42 CFR 460102 (b)(7), (d) and (e), 42 CFR 460.64 | |
| 19 | | | § 78335 Nutrition Services: Food Storage | | |

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| 19 | X | X | <p>(a) Food storage areas of adequate size to accommodate the required food supply shall be provided.</p> <p>(b) Food storage areas shall be clean at all times.</p> <p>(c) Dry or staple food items shall be stored above the floor on shelves, racks or dollies which permit easy and regular cleaning in a ventilated room not subject to sewage or waste water backflow or contamination by condensation, leakage, rodents or vermin.</p> <p>(d) The temperature for refrigerator, cold storage shall be maintained at 7 degrees C (45 degrees F) or below.</p> <p>(e) Hot foods shall be maintained at 60 degrees C (140 degrees F) if they are not served immediately upon completion of cooking.</p> <p>(f) The temperature for frozen food storage shall be maintained minus 18 degrees C (0 degrees F) or below.</p> <p>(g) Pesticides and other toxic substances shall not be stored in food storeroom, kitchen areas or where kitchen equipment or utensils are stored.</p> <p>(h) Soaps, detergents, cleaning compounds, craft supplies or similar substances shall be stored in areas separate from food supplies.</p> <p>(i) Employees' street clothing and purses shall be stored in an enclosed area separated from food, paper goods, utensils, kitchen equipment and other supplies used in the preparation or service of food.</p> | §78335 Nutrition Services: Food Storage: | |
| 20 | | | § 78337 Basic Program Services: Psychiatric or Psychological Services | | |
| 20 | X | | <p>(a) The adult day health center shall have consultant staff available at a minimum of three hours per month and consisting of a psychiatrist, clinical psychologist, psychiatric social worker or psychiatric nurse. For purposes of this section a psychiatric nurse shall meet either of the following requirements:</p> <p>(1) Be a registered nurse with a graduate degree in psychiatric nursing and one year of psychiatric nursing experience within the past five years.</p> <p>(2) Be a registered nurse with a baccalaureate degree in nursing and three years of psychiatric nursing experience in an acute psychiatric setting or</p> | <p>§78337 Basic Program Services: Psychiatric or Psychological Services: 42 CFR §460.92 Required services (a-c),</p> <p>§460.106 Plan of Care (a), (b) (1-2), (c) (1-2), (d), (e), (f), and §460.70 Contracted services (5) (i, ii, iii, iv, v, vi, vii, viii and ix)</p> | |

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| | | | <p>in a psychiatric health facility, one year of which shall have been within the past five years.</p> <p>(b) The consultant shall provide at least the following:</p> <p>(1) Participation in the initial and continuing assessments for the development of an individual plan of care by the multidisciplinary team when indicated.</p> <p>(2) Maintenance of signed progress records in the participant's health record when indicated.</p> <p>(3) Liaison with other members of the multidisciplinary team and family members and referral agencies that may yield information for psychiatric or psychological treatment.</p> <p>(4) Group counseling and techniques, as indicated by participant's need.</p> <p>(c) Sufficient space shall be provided for privacy for individual or small group counseling or large group activities as indicated by participant's need.</p> <p>(d) Consultant staff shall spend a sufficient number of hours in the adult day health center to meet the needs of each participant and the staffing requirements of the Department.</p> | | |
| 21 | | | § 78339 Basic Program Services: Social Services | | |
| 21 | X | | <p>(a) The adult day health center shall provide social services to assist participants and their families to solve medical social problems that arise as a result of the participant's disability.</p> <p>(b) Medical social services shall consist of at least the following:</p> <p>(1) Initial and continuing assessment of the participant by the medical social worker in the formation of an individual plan of care by the multidisciplinary team.</p> <p>(2) Maintaining signed progress records in the participant's health record at least quarterly.</p> <p>(3) Assumption of responsibility for implementation and coordination of the discharge plan.</p> <p>(4) Providing referral to outside resources and assisting with counseling when applicable.</p> <p>(5) Providing problem oriented discussion groups</p> | <p>§78339 Basic Program Services: Social Services: The attached Position Description for a PACE Social Worker describing the scope of work and responsibilities for a Social Worker, combined with the following 42 CFR regulations meet the requirements of this regulation, §460.92 Required services (a-c), §460.104 Participant assessment (a) (1-2) (iii), (4) (vi, xi), (c) (iii), §460.106 Plan of Care (a), (b) (1-2), (c) (1-2), (d), (e), (f) and §460.102 Interdisciplinary team (a)</p> | |

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| | | | <p>among participants.</p> <p>(6) Serving as a liaison with the participant's family and home.</p> <p>(7) Providing referral and follow-up for referred persons not appropriate for adult day health care.</p> <p>(c) Medical social services shall be provided or supervised by a social worker.</p> <p>(d) The medical social worker shall be a full-time employee of the adult day health center.</p> <p>(e) A social work assistant or social work aide shall provide medical social services only under the supervision of the medical social worker.</p> <p>(f) Space to allow privacy shall be provided for the medical social worker when counseling participants.</p> | <p>(1-2), (b) (3), (d) (1-2) (i, ii, iii), (3) (e).</p> | |
| 22 | | | § 78341 Basic Program Services: Recreation or Planned Social Activities | | |
| 22 | X | | <p>(a) The adult day health center shall provide an activity program that is supervised and directed by an activity coordinator to meet the needs and interests of each participant. The activity program shall assist the participant to resume self-care and normal activities or to prevent further deterioration.</p> <p>(b) An activity coordinator shall meet at least one of the following qualifications:</p> <p>(1) Have two years of experience in a social, recreational or educational program within the past five years, one year of which was full-time employment in a patient activities program in a health care setting, mental health setting or setting for the care of the handicapped.</p> <p>(2) Be an occupational therapist, art therapist, music therapist, dance therapist, recreation therapist, occupational therapy assistant or a qualified social worker.</p> <p>(3) Have completed at least 36 hours of training in a course designed specifically for this position and approved by the Department and shall receive regular consultation from an occupational therapist, occupational therapy assistant, recreation therapist, art therapist, music therapist or dance therapist who has had one year of experience in a health care setting.</p> | <p>§78341 Basic Program Services: Recreation or Planned Social Activities: The attached Position Description for a PACE Recreation Therapist combined with the following 42 CFR regulations meet the requirements of this regulation: §460.92 Required Services (c); §460.104 Participant assessment (a) (1-2) (v), (4) (iv), (c) (iv), and §460.106 Plan of Care (a), (b) (1-2), (c) (1-2), (d), (e), (f) and §460.102 Interdisciplinary team (a) (1-2), (b) (6), (d) (1), (2) (i, ii, iii), (3) (e).</p> | |

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| | | | <p>(c) The activity coordinator's duties shall include at least the following:</p> <p>(1) Participation in initial and continuing assessment of the participant's needs for the development of the individual plan of care by the multidisciplinary team.</p> <p>(2) Maintenance of a signed quarterly progress record and individualized activity plan in the participant's health record.</p> <p>(3) Posting of a schedule of planned activities in a central location readily accessible to participant, family, guardian or authorized representative.</p> <p>(4) Involvement of participants in the planning of the program.</p> <p>(5) Utilization of volunteers as needed to implement the plan.</p> <p>(6) Utilization of adult day health center's transportation to provide activities in the community as indicated by participant's needs and interests.</p> <p>(d) Each participant shall have time to engage in activities of the participant's own choosing.</p> <p>(e) The activity coordinator shall be a full-time employee of the center.</p> <p>(f) Space shall be provided that:</p> <p>(1) Meets independent and group needs of all participants.</p> <p>(2) Is accessible to wheelchair and ambulatory patients.</p> <p>(3) Allows storage of equipment and supplies.</p> <p>(g) Equipment shall be sufficient to meet the group and independent needs of each participant.</p> | | |
| 23 | | | § 78343 Transportation Services | | |
| 23 | X | | <p>(a) Transportation for participants to and from home shall be provided or arranged by the center if necessary.</p> <p>(b) The center shall develop written policies and procedures for the provision of transportation services.</p> | <p>§78343 Transportation Services: 42 CPR §460.76 Transportation services (a), (b) (2), (c), (d) (1-2), (e) meet the requirements of this regulation. Further, pursuant to 42 CPR §460.102 a participant's driver is part of the interdisciplinary team.</p> | |
| 24 | | | § 78345 Basic Program Services- Plan for Discharge | | |

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| 24 | X | | <p>(a) A plan for discharge of each participant shall be based on the assessment of the participant by the multidisciplinary team and shall be reviewed and updated at the time of each reassessment.</p> <p>(b) Each participant's health record shall include documentation of the plan for discharge which shall be completed by the time of the first reassessment.</p> <p>(c) Referral of participants shall be made to outside resources by the multidisciplinary team or by an individual team member. Each referral shall be recorded on the participant's health record.</p> <p>(d) Consultation shall be made available to a participant's family prior to discharge.</p> <p>(e) Home visit shall be made by the appropriate multidisciplinary team member prior to discharge of the participant if recommended by multi disciplinary team and documented in the participant's health record.</p> <p>(f) If a participant decides to terminate participation in an adult day health center program prior to the date recommended by the multidisciplinary team, the center staff shall discuss the consequences of such action with the participant, the participant's physician and authorized representative, if any, and center staff shall document the discussion in the participant's health record.</p> | <p>§78345 Basic Program Services: Plan for Discharge: The intent of discharge planning (§78345; §78303 (d) (11); §74735 (a) (9)) is to ensure continuity of care and provision of appropriate services when a participant transitions from one level of care to another. The PACE Interdisciplinary Team (IDT), under federal PACE regulation, is responsible for the initial assessment, periodic reassessments, Plan of Care, and coordination of 24 hour care delivery. According to 42 CFR §460.104 (c), periodic assessments by the IDT take place (1) on at least a semi-annual basis; (2) with a change in participant status (health or psychosocial status); and (3) at the participant's (or designated representative's) request whenever he/she wants to eliminate, initiate or continue a particular service. Further, the IDT, in collaboration with the participant, must reevaluate and update the Plan of Care (§460.106) on at least a semi-annual basis or at such time as a reassessment takes place. The PACE Model complies with the intent of the California regulations in that the IDT, in accordance with established professional standards and</p> | |
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| | | | | PACE regulations (e.g. §460.164, 460.172), identifies and plans care to meet the ongoing needs of the participant. When necessary, as in the infrequent case of a voluntary or involuntary disenrollment, the IDT creates and implements a plan that ensures a smooth transition from the PACE program. BCSC believes this approach meets the intent of discharge planning regulations. | |
| 25 | | | § 78347 Optional Services | | |
| 25 | X | | (a) Optional services may be provided and may include: (1) Podiatry services provided by a podiatrist. (2) Optometric screening and advice provided for participants with vision problems by an ophthalmologist licensed by the Medical Board of California or an optometrist licensed by the State Board of Optometry. (3) Dental screening provided by a dentist. (4) Other services as approved by the Department. (b) Optional services need not be provided on the premises and the adult day health center shall assist the participant by arranging for an appointment, transportation to and from the provider and escort services if needed. | §78347 Optional Services: 42 CFR §460.92 states that a PACE program must provide all Medicaid covered services and all other services determined necessary by the IDT to maintain the participant's overall health status, which meets the requirements of this regulation. | |

| # | Desk Review | Onsite Review | Article 4 Administration | Federal Regulation that meets requirement | Policy & Procedure that meets requirement |
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| 1 | | | § 78401 Licensee Responsibility | | |
| 1 | X | | (a) Each licensee shall have legal responsibility and administrative authority for operation of the center. (b) The licensee shall exercise general supervision over the affairs of the center and establish policies | §78401 Licensee Responsibility: 42 CFR §460.62 imposes legal responsibility of the PACE organization on the governing | |

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| | | | <p>concerning its operation in conformance with these regulations and the welfare of the participants it serves.</p> <p>(c) Each licensee which is a nonprofit corporation shall be legally organized as follows:</p> <p>(1) The governing board shall be active, functioning and shall have regularly scheduled meetings.</p> <p>(2) Minutes shall be kept of all board meetings and shall be available for review by the Department.</p> <p>(3) The board shall delegate to the administrator the responsibility for administration of the center.</p> <p>(4) A change in the chairman of the governing board shall be reported to the Department in writing within 14 working days following such change. Such notification shall include the name, address and the Social Security number of the new principal officer.</p> <p>(d) Each licensee which is a city or county shall be designated by the appropriate governing body as a city or county agency through which adult day health care shall be offered.</p> <p>(e) When a county or city is planning to make application to provide adult day health care, the city or the county shall file with the Department a letter of intent or resolution signed by the chairman of the Board of Supervisors or appropriate governing body authorizing the chairman to sign the application and to enter into agreements with the Department.</p> <p>(f) Each city or county licensee shall establish a special board according to the specifications in Section 78405(c)(1) and apply to the Director for an exception to the governing body requirement in Section 78405(b).</p> | <p>body</p> <p>42 CFR 460.32(a)(2)(4)</p> <p>42CFR 460.70</p> <p>42 CFR 460.60 (d)</p> | |
| 2 | Yes | No | § 78403 Plan of Operation | | |
| 2 | X | X | (a) Each center shall have a written plan of operation submitted with the license application and which shall be kept current. | §78403 Plan of Operation: 42 CFR §460.98 Service delivery (a), (b), (c) (1-7), (d) (2), (3), (e) | |

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| | | | <p>(b) The plan shall include the following:</p> <p>(1) Hours and days of operation.</p> <p>(2) Number of participants to be served, age and type of participants.</p> <p>(3) Description of basic services and any optional services for which departmental approval is required.</p> <p>(4) Policies and procedures for admission and discharge planning.</p> <p>(5) Policies and procedures for assessment of participants.</p> <p>(6) Staffing pattern which includes a description of multidisciplinary professional staff by discipline.</p> <p>(7) A plan for utilizing community resources.</p> <p>(8) Policies and procedures for in-service training of employees and volunteers.</p> | and §460.92 Required Services (a-c) | |
| 3 | | | § 78405 Composition of Governing Board | | |
| 3 | X | | <p>Composition of Governing Board.</p> <p>(a) The governing board of an adult day health center shall have final authority and responsibility for the conduct of the center.</p> <p>(b) The board shall be comprised of four or more persons, at least one-half of whom shall be:</p> <p>(1) Recipients of the services of the adult day health center.</p> <p>(2) Relatives of such recipients.</p> <p>(3) Representatives of community organizations with particular interest in programs for the elderly.</p> <p>(c) The Department may grant exceptions to Section 78405(b) for an applicant upon written request of the applicant as follows:</p> <p>(1) The applicant may delegate primary responsibility for supervision of its adult day health care program to a special board which meets the compositional requirements of this section, and</p> <p>(2) Such special board reviews and recommends to the governing board the budget, personnel and</p> | <p>§78405 Composition of Governing Board: 42 CFR §460.62 Governing body (a) (1-7), (b), (c)</p> | |

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| | | | subcontractors of the adult day health care program. (d) No member of the governing or special board or any immediate family thereof shall have any direct or indirect interest in any contract for supplying services to the adult day health center. | | |
| 4 | | | § 78407 Requirement for Participant Admission | | |
| 4 | X | | (a) Requirements for admission shall include: (1) Authorization by the Department for Medi-Cal beneficiaries which shall be initiated by the provider and shall include the results of initial assessment by the multidisciplinary team and the individual plan of care, signed by each member of the team. (2) Application by the participant. (3) Referral from community or health agencies, physician, hospital, family, friends or self-referral. (4) Residence within the service area for the adult day health center. (5) Need for the health and rehabilitative and social services provided by adult day health center in order to achieve or maintain personal independence. (b) No center shall accept participants for whom it cannot provide proper care. | §78407 Requirements for Participant Admission: 42 CFR §460.150 Eligibility to enroll in a PACE program, (a), (b) (1- 4), (c) (2), (d) and §460.152 Enrollment process (a) (3-4) | |
| 5 | | | § 78409 Fire Clearance | | |
| 5 | X | | Each center shall secure and maintain a fire clearance from the State Fire Marshal. | §78409 Fire Clearance: 42 CFR §460.72 Physical environment (b) | X |
| 6 | | | § 78411 Admission and Discharge Procedures | | |

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| 6 | X | | <p>Admission and Discharge Procedures. Each licensee shall develop a written admission and discharge procedure according to the center's individual program, policies and needs.</p> | <p>§78411 Admission and Discharge Procedures: 42 CFR §460.150 Eligibility criteria to enroll in a PACE Program and 42 CFR §460.162, §460.164 and §460.166 define voluntary and involuntary requirements for PACE organizations involuntary disenrollment meet the requirements of this regulation.</p> | |
| 7 | | | <p>§ 78413 Employee Requirements</p> | | |
| 7 | X | | <p>(a) Employees shall be sufficient in numbers and qualified and competent to provide the services for which the center is licensed. The Department may require each center to provide additional employees whenever the Department determines through documentation that the needs of the particular participants in the center, or the extent of the services provided by the center, or the peculiar physical arrangements of the center require such additional employees. (b) Each supervisor shall be at least 18 years of age. (c) Each employee shall have either training or related experience in the job assigned. (d) A planned in-service education program, including orientation, skill training and continuing education shall be provided for employees. (e) All staff members shall receive in-service training in first aid and in cardiopulmonary resuscitation within the first six months of employment. (f) Each employee shall be in good mental and physical health, and capable of performing assigned</p> | <p>§78413 Employee Requirements: 42 CFR §460.64(a), 42 CFR § 460.66 (a) define employment requirements, orientation, competency and training requirements for employees who provide services to participants in the PACE Center</p> | |

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| | | | tasks. (g) No participant shall be used as a substitute for required employees, but may assist employees as part of the participant's program of rehabilitation or training. | | |
| 8 | | | § 78415 Administrator | | |
| 8 | X | | <p>(a) Each center shall have an administrator. The administrator shall have the responsibility and authority to carry out the policies of the licensee. The licensee shall notify the Department in writing within 14 working days following a change of administrator. Notification shall include the new administrator's name, the mailing address, the effective date of office, background, qualifications and Social Security number.</p> <p>(b) An administrator shall have the following qualifications:</p> <p>(1) Knowledge of supervision and care appropriate to the participants receiving services.</p> <p>(2) Ability to conform to the applicable laws, rules and regulations.</p> <p>(3) Ability to maintain or supervise the maintenance of financial and other records.</p> <p>(4) Ability to direct the work of others.</p> <p>(5) Be of good character and reputation of personal integrity.</p> <p>(6) Graduation from an accredited college or university in a field related to the program and either of the following:</p> <p>(A) A master's degree and one year of successful experience in a responsible managerial, administrative or supervisory position in a social or health service program or agency.</p> <p>(B) A bachelor's degree and three years of successful experience in a responsible managerial, administrative or supervisory position in a social or</p> | §78415 Administrator: The Position Description | |

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| | | | <p>health service program or agency.</p> <p>(c) The administrator shall:</p> <p>(1) Administer the center in accordance with these regulations and established policy, program and budget.</p> <p>(2) Report to the licensee concerning the operation of the center and interpret recognized standards of care and supervision to the licensee.</p> <p>(3) Develop an administrative plan and procedure to insure clearly defined lines of responsibility, equitable workloads and adequate supervision.</p> <p>(4) Recruit, employ and train qualified employees and terminate employment of employees who perform in an unsatisfactory manner.</p> <p>(d) Each center shall make provision for continuity of operation and assumption of the administrator's responsibilities during the administrator's absence.</p> <p>(e) Centers with a capacity of 50 and over shall provide both an administrator and a full-time program director.</p> <p>(f) The administrator of two or more licensed centers shall not serve as a program director.</p> <p>(g) The administrator shall not be responsible for more than three centers, without prior written approval by the Department. In this circumstance there shall be one or more assistant administrators for every three additional centers.</p> <p>.</p> | | |
| 9 | | | § 78417 Program Director | | |
| 9 | X | | <p>(a) Each center shall have a full-time program director. The program director shall be on the premises and available to participants, employees and relatives. When the program director is temporarily absent, another adult on the staff shall be designated to serve as the acting program director. When the program director is absent for</p> | <p>§78417 Program Director: The Position Description of Center Manager meets the requirements of this regulation.</p> | |

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| | | | <p>more than one month, the acting program director shall meet the qualifications of the program director.</p> <p>(b) The program director shall be knowledgeable of the physical, mental and social needs of the elderly and be a professional in one of the following:</p> <ol style="list-style-type: none"> (1) Nursing. (2) Social work. (3) Psychology. (4) Recreation. (5) Occupational therapy. (6) Physical therapy. (7) Speech therapy. (8) Dietetics. (9) Gerontology. <p>(c) The duties of the program director shall be as follows:</p> <ol style="list-style-type: none"> (1) Developing the program in accordance with the needs of the participants served. (2) Implementing and coordinating the program. (3) Continuously evaluating the participants' changing needs and making necessary program adjustments. (4) Supervising employees and volunteers. (5) Providing for in-service education. <p>(d) In programs operating within a licensed health facility or clinic, the program director shall have no other duties than those related to adult day health care and during those hours shall not be included in the staffing ratios of the licensed facility.</p> <p>(e) The program director shall have no other duties than those related to adult day health care. During the hours when basic services are being provided in the adult day health center, the program director shall not be employed in any other licensed facility.</p> <p>(f) The program director may serve as a professional person in any one of the basic program services if:</p> <ol style="list-style-type: none"> (1) The average daily attendance is 20 participants or less. | | |
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| | | | <p>(2) The program director and administrator are not the same person.</p> <p>(3) The program director meets the professional qualifications required to provide that service.</p> | | |
| 10 | | | § 78419 Staffing Requirements | | |
| 10 | X | | <p>(a) Program aides shall be employed in a sufficient number to meet the needs of the participants and the staffing requirements of the Department. Program aides shall be qualified by education and training and experience to perform the duties assigned and meet the needs of the program. A program aide shall be qualified when the aide can demonstrate to the program director the ability to successfully perform the tasks assigned.</p> <p>(b) Appropriate professional employees and consultants qualified by education, training or experience shall be employed to meet the needs of the participants in the program and the staffing requirements of the Department.</p> <p>(c) The staffing requirements shall be determined as follows:</p> <p>(1) Centers with an average daily attendance of 10 or less shall have:</p> <p>(A) A total of 40 hours in any combination of physical therapy, speech therapy, occupational therapy, or psychological or psychiatric services per month.</p> <p>(B) Two hours of nutritional services provided by a dietitian per month.</p> <p>(2) Centers with an average daily attendance of 11-20 shall have:</p> <p>(A) A total of 80 hours in any combination of physical therapy, speech therapy, occupational therapy, or psychological or psychiatric services per month.</p> <p>(B) Four hours of nutritional services provided by a dietitian per month.</p> | <p>§78419 Staffing Requirements: 42 CFR §460.98 sets forth service delivery (a), (b) (2-3), (c) (1-7), (d), (2), (3) and (e) requirements of a PACE Center, and the frequency of attendance as determined by the IDT based on the needs and preferences of each participant which meets the requirements of this regulation</p> | |

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| | | | <p>(3) Centers with an average daily attendance of 21-30 shall have:</p> <p>(A) A total of 120 hours in any combination of physical therapy, speech therapy, occupational therapy, or psychological or psychiatric services per month.</p> <p>(B) Six hours of nutritional services provided by a dietitian per month.</p> <p>(4) Centers with an average daily attendance of 31-40 shall have:</p> <p>(A) A total of 160 hours in any combination of physical therapy, speech therapy, occupational therapy, or psychological or psychiatric services per month.</p> <p>(B) Seven hours of nutritional services provided by a dietitian per month.</p> <p>(5) Centers with an average daily attendance of 41-50 shall have:</p> <p>(A) A total of 200 hours in any combination of physical therapy, speech therapy, occupational therapy, or psychological or psychiatric services per month.</p> <p>(B) Eight hours of nutritional services provided by a dietitian per month.</p> <p>(6) Centers with an average daily attendance of 51-60 shall have:</p> <p>(A) A total of 240 hours in any combination of physical therapy, speech therapy, occupational therapy, or psychological or psychiatric services per month.</p> <p>(B) Ten hours of nutritional services provided by a dietitian per month.</p> <p>(7) An additional half-time licensed vocational nurse for each increment of 10 in licensed capacity exceeding 40.</p> <p>(8) An additional half-time social work assistant for each increment of 10 in licensed capacity exceeding 40.</p> | | |
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| | | | <p>(9) Program aides in a ratio of one-half aide for every increment of eight in licensed capacity.</p> <p>(d) Support employees shall include maintenance, food service and clerical employees sufficient in number to perform the necessary duties.</p> <p>(e) Volunteers may be utilized in centers, but shall not be used to replace required employees. Each volunteer shall receive orientation, training and supervision.</p> <p>(f) When regular employees are absent, there shall be coverage by employees with suitable qualifications.</p> <p>(g) A dated weekly employee time schedule shall be displayed in a convenient place where employees may refer to it. The schedule shall contain employee's name, job title, hours of work and days off.</p> <p>(h) The licensee shall provide for and encourage each employee to report observations or evidence of abuse.</p> | | |
| 11 | | | § 78421 Finances | | |
| 11 | X | | No adult day health center shall assume responsibility for the funds of its participants. | §78421 Finances: The PACE Center does not handle participant finances which is in accordance with this regulation. | |
| 12 | | | § 78423 Disaster Plan | | |
| 12 | X | X | <p>(a) Each center shall have a plan for a disaster occurring within the center, or a local disaster occurring in the community.</p> <p>(b) The plan shall be in writing and shall include:</p> <p>(1) Designation of administrative authority and employee assignments.</p> <p>(2) Plan for evacuation or relocation of participants, including:</p> | §78423 Disaster Plan: 42 CFR §460.72 Physical environment (c) (2) (i, ii, iii, iv), (3), (4), (5) | |

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| | | | <p>(A) Means of evacuation.</p> <p>(B) Transportation of participants when necessary.</p> <p>(C) Supervision of participants after evacuation or relocation.</p> <p>(D) Means for contacting local service agencies, such as fire department, law enforcement agencies and other disaster authorities of local government.</p> <p>(3) Plan for reception of nonparticipants dislocated by disaster and emergencies occurring outside the center.</p> <p>(c) Each employee shall be instructed in assigned duties. Instruction shall include employee and participant practice sessions. New employees shall be informed immediately of their disaster duties, as required in the plan.</p> <p>(d) The disaster plan shall be conspicuously posted in the center and kept up to date, and shall be subject to annual review by the appropriate fire safety and disaster authorities of local government.</p> | | |
| 13 | | | § 78425 Transportation Safety | | |
| 13 | X | | <p>(a) An adult day health center which provides direct transportation services for participants shall meet specific operational standards. The motor vehicle shall:</p> <p>(1) Be operated only by drivers who have a current license from the California State Department of Motor Vehicles and who meet the provisions of Section 12804 of the California Vehicle Code.</p> <p>(2) Be equipped with safety devices to protect participants during transportation.</p> <p>(3) Be equipped to accommodate participants with physical disabilities and participants' special equipment.</p> <p>(4) Be maintained in a safe and reliable condition and shall meet the provisions of Section 233 of the California Vehicle Code.</p> | <p>§78425 Transportation Safety: 42 CFR §460.76 Transportation services (a), (b) (1-2), (c), (d) (1-2), (e)</p> | |

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| | | | (b) The center shall develop policies regarding transportation safety and maintenance of vehicles. | | |
| 14 | | | § 78427 Reports | | |
| 14 | X | | <p>(a) Each licensee shall furnish to the Department such reports as the Department may require, including, but not limited to, the following:</p> <p>(1) Death, injury and unusual incidents shall be reported within 48 hours by telephone or telegraph shall be made to the Department and to the person or persons responsible for the participant concerning the death of any participant from any cause, any serious injury as determined by the attending physician and any unusual incident which threatens the welfare, safety or health of any participant, such as physical or psychological abuse of a participant by employees or other participants, or unexplained absence of any participant. The telephone or telegraph report shall be followed with a written report to the Department within seven days following any such event. This report shall include the name, age, sex and date of admission of the participant, date of event, nature of event, physician's findings and treatment, if any, name of attending physician and disposition of the case.</p> <p>(2) Unusual occurrences, such as epidemic outbreaks, poisonings, catastrophes or major accidents, which threaten the welfare, safety or health of participants, employees or visitors, shall be reported within 24 hours either by telephone or telegraph to the local health officer and the Department.</p> <p>(3) Fires or explosions which occur in or on the premises shall be reported immediately to the local</p> | §78427 Reports: PACE organizations are required to report Level I and Level II incidents to CMS and DHCS | |

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| | | | <p>fire authority, or in areas not having organized fire services, within 24 hours to the State Fire Marshal and the Department.</p> <p>(4) Statistical summary of services given on forms developed and provided by the Department.</p> <p>(5) Other reports as required by Department.</p> | | |
| 15 | | | § 78429 Employee Records | | |
| 15 | X | X | <p>(a) Each center shall maintain an employee record which shall be available for review by the Department or licensing agency.</p> <p>(b) Each employee record shall contain at least the following:</p> <p>(1) An employment application with:</p> <p>(A) Full name.</p> <p>(B) Social Security number.</p> <p>(C) Date of employment.</p> <p>(D) Date of birth.</p> <p>(E) Home address.</p> <p>(F) Educational background.</p> <p>(G) Previous employment experience, indicating dates employed.</p> <p>(2) A health record containing a report of the following:</p> <p>(A) Chest X-ray or test for tuberculosis infection that is recommended by the federal Centers for Disease Control and Prevention (CDC) and licensed by the federal Food and Drug Administration (FDA) performed not more than 12 months prior to employment or within 7 days of employment.</p> <p>(B) Health examination signed by the examining physician or person lawfully authorized to perform such examination which indicates:</p> <ol style="list-style-type: none"> 1. Employee is physically qualified to perform duties. 2. Employee is free from any condition that would create a hazard to self or others. <p>(c) The center shall have a written policy providing</p> | §78429 Employee Records: 42 CFR §460.64 sets forth personnel requirements for employees of PACE organizations | |

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| | | | for the health screening of volunteers, including screening for tuberculosis. (d) All records shall be retained for at least three years following termination of employment. | | |
| 17 | | | § 78431 Participant Health Records | | |
| 17 | X | X | <p>(a) Each adult day health center shall maintain a standard health record for each participant which includes, but is not limited to:</p> <p>(1) Identifying information including:</p> <p>(A) Name, address, telephone number, birth date, Social Security and Medi-Cal numbers.</p> <p>(B) Directions between home and adult day health center.</p> <p>(C) Name, address and telephone number of personal physician; name, address and telephone number of responsible person.</p> <p>(2) Admission data including:</p> <p>(A) Referral source.</p> <p>(B) Reason for application as given by referral source, participant and family or others.</p> <p>(C) Number of days scheduled for attendance, method of transportation and fee.</p> <p>(3) Daily records of participant's attendance and services utilized, including transportation.</p> <p>(4) Records of:</p> <p>(A) Referrals to other providers.</p> <p>(B) Dates and substance of communication with the participant's physician, family members and other persons providing assistance.</p> <p>(5) Medication records.</p> <p>(6) Progress notes by providers of basic services.</p> <p>(7) Assessment of the participant by the multidisciplinary team.</p> <p>(8) Record of physician's health examination of participant.</p> | <p>§78431 Participant Records, and §78433 Confidentiality of Information: 42 CFR §460.210 Medical Records (a) (1), 42 CFR §460.92 Required Services and §460.98 Service Delivery meets the requirements of this regulation. PACE organizations are required to provide and therefore document the full range of services provided to each participant. With respect to maintaining confidentiality of participant's records and integrity of health information, HIPAA and PACE regulations, §42 CFR 460.112; and §460.200 meet the requirements of this regulation.</p> | |

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| | | | (9) Individual plan of care. (10) A written clearance by a physician for participants who have been absent for 30 days due to illness. | | |
| 18 | | | § 78433 Confidentiality of Information | | |
| 18 | X | | Participant health records, including all information taken from such records, shall be confidential and protected from unauthorized disclosure. Information shall be released only on the written request of the participant or the participant's authorized representative. | | |
| 19 | | | § 78435 Retention of Records | | |
| 19 | X | | (a) The adult day health center shall maintain and make readily available to authorized personnel of the Department for review and evaluation such records as the Director deems necessary. Such records shall include, but are not limited to, all physical records originated or prepared pursuant to the performance under the contract including working papers, reports, financial records, charts, all participant records, participant charts and other documentation pertaining to medical and nonmedical services for participants. Such health records shall be kept for a minimum of 7 years, except for minors whose health records shall be kept as least until 1 year after the minor has reached the age of 18 years, but in no case less than 7 years. (b) Upon request by the Department, the adult day health center shall furnish any such record, or copy thereof, to the Department. (c) Participants' health records shall be stored so as to be protected against loss, destruction or unauthorized use. | §78435 Retention of Records: \$460.200 | |

| 20 | | | § 78437 Participant Rights | |
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| 20 | X | | <p>(a) Each participant shall have rights which include, but are not limited to, the following:</p> <p>(1) To be fully informed by the multidisciplinary team of health and functional status unless medically contraindicated, as documented by a physician in the participant's health record.</p> <p>(2) To participate in development and implementation of the participant's individual plan of care.</p> <p>(3) To be fully informed regarding the services to be provided, including frequency of services and treatment objectives, as evidenced by the participant's written acknowledgement.</p> <p>(4) To be fully informed in writing prior to or at the time of admission and during participation, of the services available at the center and of related charges including any charges for services not covered under the Medi-Cal program or not covered by the center's basic per diem rate.</p> <p>(5) To be fully informed of rights and responsibilities as a participant and of all rules and regulations governing participant conduct and responsibilities. Information shall be provided prior to or at the time of admission or, in the case of participants already in the center, when the center adopts or amends participant rights policies. The receipt of this information shall be acknowledged by the participant or the participant's authorized representative in writing.</p> <p>(6) To treatment and rehabilitative services designed to promote the participant's functional ability to the optimal level and to encourage independence.</p> <p>(7) To have reasonable access to telephones, both to make and receive confidential calls, or to have such calls made for the participant, if necessary.</p> <p>(8) To be encouraged and assisted throughout the</p> | <p>§78437 Participant Rights: 42 CFR §460.110, Bill of rights, §460.112 Specific rights to which a participant is entitled, §460.116 explanation of rights, and §460.118 violation of rights</p> |

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| | | <p>period of participation to exercise rights as a participant and civil and legal rights, and to this end to voice grievances and recommend changes in policies and services to center staff and to outside representatives of participant's choice, free from restraint, interference, coercion, discrimination or reprisal.</p> <p>(9) To have a fair hearing.</p> <p>(10) To end participation at the adult day health center at any time.</p> <p>(11) To refuse treatment and be informed of the consequences of such refusal.</p> <p>(12) To be discharged only for medical reasons, or for the participant's welfare or that of other participants or for nonpayment for his or her services and to be given reasonable advance notice to ensure orderly discharge. Such actions shall be documented in the participant's health record.</p> <p>(13) To be insured of the confidential treatment of all information contained in participant records, including information contained in an automated data bank. The participant's written consent shall be required for the release of information to persons not otherwise authorized under law to receive it. Persons representing the news media shall not be given any information that identifies or leads to the identification of the participant, including photographs, unless the participant has given written consent. A participant may provide written consent which limits the degree of information and the persons to whom information may be given.</p> <p>(14) To not be required to perform services for the facility that are not included for therapeutic purposes in the participant's individual plan of care.</p> <p>(15) To dignity, privacy and humane care, including privacy in treatment and in care for personal needs.</p> <p>(16) To be free from harm, including unnecessary physical restraint, or isolation, excessive medication,</p> | | |
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| | | | <p>physical or mental abuse or neglect.</p> <p>(17) To be free from discrimination based on sex, race, color, religion, ancestry, national origin, sexual orientation, disability, medical condition, marital status, or registered domestic partner status.</p> <p>(18) To be free from hazardous procedures.</p> <p>(b) Each adult day health center shall post in a prominent place in the center a list of participant rights in English and any other predominant language of the community.</p> <p>(c) Participant rights shall be orally explained to each participant in a language understood by the participant.</p> | | |
| 21 | | | § 78439 Equipment and Supplies | | |
| 21 | X | X | <p>(a) Medical equipment and supplies in each center shall be of the quality and in the quantity necessary for care of participants as ordered or indicated. These shall be provided and properly maintained at all times and shall include at least the following:</p> <p>(1) Airways.</p> <p>(2) Emergency oxygen supply and equipment for administration.</p> <p>(3) Examination light.</p> <p>(4) First aid and emergency equipment available as needed, as determined by the registered nurse and staff or attending physician.</p> <p>(5) Flashlights.</p> <p>(6) Medicine glasses, cups or other small containers which are accurately calibrated.</p> <p>(7) Refrigerator with thermometer.</p> <p>(8) Scales for weighing participants.</p> <p>(9) Commode chairs, wheelchairs, walkers, canes and crutches.</p> <p>(10) Soap for bathing.</p> <p>(11) Sphygmomanometer.</p> <p>(12) Sterile dressings.</p> | <p>§78439 Equipment and Supplies: 42 CFR §460.72</p> <p>Physical environment (a) (i-ii) (c)</p> | |



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| | | | <p>(13) Stethoscopes. (14) Syringes and needles. (15) Test supplies necessary to perform urine sugar and acetone testing. (16) Thermometers. (17) Tongue depressors. (18) Current drug reference which lists, for each drug administered in the center, indications for use, dosage range and side effects.</p> | | |
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| # | Desk Review | Onsite Review | Article 5 Physical Plant | Federal Regulation that meets requirement | Policy & Procedure that meets requirement |
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| 1 | | | § 78501 Physical Accommodations | | |
| 1 | X | | <p>(a) Each center shall be designed, equipped and maintained to provide for a safe and healthful environment and shall meet the following requirements: (1) Each center shall comply with state and local building requirements. (2) Each center shall be maintained in conformity with the regulations adopted by the State Fire Marshal for the prevention of fire and for the protection of life and property against fire and panic. (3) Each center shall have a working, listed telephone service on the premises unless otherwise approved by the Department. (b) Alterations to existing buildings licensed as adult day health centers or new construction shall be in conformance with all applicable state and local building codes and regulations. (c) Adult day health centers funded as of December 31, 1977 to provide adult day health care services pursuant to Section 14124.7 of the Welfare and Institutions Code and in operation prior to the effective date of construction regulations shall not be required to institute corrective alterations or construction to comply with such regulations except</p> | <p>42 CFR §460.72 requires PACE organizations to comply with physical environmental standards 460.112(a) 1</p> | |

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| | | | where specifically required or where the Department determines that a definite hazard to health and safety exists. Any adult day health center for which preliminary or working drawings and specifications have been approved by the Department prior to the effective date of construction regulations shall not be required to comply with such regulations provided substantial actual construction is commenced within one year after the effective date of such new construction regulations. | | |
| 2 | | | § 78503 General Building Requirements | | |
| 2 | X | | <p>(a) All adult day health centers shall be on the first floor.</p> <p>(b) Heating and cooling equipment shall be maintained in normal operating condition to provide a comfortable temperature.</p> <p>(c) Adequate natural or artificial lighting shall be provided to ensure the comfort and safety of each participant.</p> <p>(d) Water supply and plumbing shall meet the following:</p> <p>(1) Drinking water from a private source shall be approved by the local health department at least yearly. A copy of the most recent health department laboratory report shall be available for inspection by the Department.</p> <p>(2) Plumbing and drainage facilities and required backflow preventers (vacuum breakers) shall be maintained in operating condition.</p> <p>(3) Hot water temperature controls shall be maintained to automatically regulate temperature of hot water delivered to plumbing fixtures used by participants to attain a hot water temperature not less than 40.5 degrees C (105 degrees F) and not more than 48.8 degrees C (120 degrees F).</p> <p>(4) Taps not accessible to participants delivering water at 51.6 degrees C (125 degrees F) or above shall be prominently identified by warning signs in letters at least 5 centimeters (2 inches) high.</p> <p>(e) Auxiliary lighting facilities, where appropriate, shall be readily available. Flashlights shall be in readiness for use at all times. Open-flame types of light shall not be used.</p> | 42 CFR §460.72 requires PACE organizations to comply with physical environmental standards | |

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| 3 | | | § 78405 Space Requirements | | |
| 3 | X | X | <p>(a) Space shall be available to accommodate both indoor and outdoor activities and for storage of equipment and supplies.</p> <p>(b) There shall be a multipurpose room large enough for all participants to get together for large group activities and meals.</p> <p>(c) A secluded area shall be set aside for participants who require bed rest during the day. The secluded area shall have at least the following:</p> <p>(1) Chaise lounges or beds in the number necessary to meet the needs of the participants and upon the written order of the staff or attending physician.</p> <p>(2) Rubber or plastic sheeting.</p> <p>(d) Double-deck beds shall not be permitted.</p> <p>(e) Space around sleeping accommodations shall permit easy passage.</p> <p>(f) Separate space shall be provided for isolation of a participant whose illness requires temporary separation from others.</p> <p>(g) Appropriate office or other space shall be provided for administrative and admission activities, for a reception area and for a telephone, desk and file cabinets.</p> <p>(h) General and specialized storage space shall be maintained to meet the needs of participants and for efficient operation of the center. Storage shall not be permitted in air distribution chambers of heating, air conditioning or ventilating systems.</p> <p>(i) Space for outdoor activities shall be easily accessible to ambulatory and non-ambulatory participants and shall be protected from traffic.</p> | 42 CFR §460.72 requires PACE organizations to comply with physical environmental standards | |
| 4 | | | § 78407 Maintenance and Housekeeping | | |
| 4 | X | X | <p>(a) Each center shall be clean, safe and in good repair at all times. Maintenance shall include provisions for cleaning and repair services which include, but are not limited to:</p> <p>(1) Cleaning of hard surfaces, such as counters, tables, windows, walls and floors to keep them free</p> | §78507 Maintenance and Housekeeping: Pursuant to 42 CPR §460.74 | |

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| | | | <p>from accumulation of dirt.</p> <p>(2) Cleaning of soft surfaces, such as rugs, upholstered furniture and drapes to keep them free from an accumulation of dirt, stains or odor.</p> <p>(3) Maintenance of all interior and exterior surfaces.</p> <p>(4) Maintenance of all buildings, fixtures and equipment in operable condition.</p> <p>(5) Maintenance of toilet, handwashing and bathing facilities in operating condition and free of dirt.</p> <p>(6) Maintenance of heating, air conditioning and ventilating systems in normal operating condition.</p> <p>(7) Maintenance of all furnishings in good repair.</p> <p>(8) Maintenance of grounds in a safe and attractive condition.</p> <p>(b) Maintenance employees shall be employed to carry out preventive maintenance unless satisfactory evidence of a contract with a maintenance company is presented to the Department.</p> <p>(c) Maintenance services provided by a maintenance company under contract shall comply with these regulations.</p> | | |
| 5 | | | § 78409 Safety | | |
| 5 | X | X | <p>(a) The licensee shall, by means of supervision, instruction and the installation of appropriate protective devices protect participants against hazards. Protection shall include but not be limited to:</p> <p>(1) Fencing around pools and other hazardous areas.</p> <p>(2) Nonslip material for use as rugs.</p> <p>(3) Hand railings and adequate illumination of stairways, inclines, ramps and open porches.</p> <p>(4) Sturdy and safe furniture.</p> <p>(5) Passageways and stairways kept free of obstruction.</p> <p>(6) Screened fireplaces and open-faced heaters.</p> <p>(7) Provisions for the safety and guidance of participants with visual problems.</p> | §78509 Safety: 42 CFR §460.72 requires PACE organizations to meet applicable Life, Fire, and Safety Codes. | |
| 6 | | | § 78511 Supplies | | |

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| 6 | X | X | <p>(a) Each center shall provide sufficient supplies for functional operation and for meeting the needs of the participants, including but not limited to:</p> <p>(1) Soap for washing and bathing and toilet tissue.</p> <p>(2) Supplies for maintenance of the center and for housekeeping.</p> <p>(b) The center shall have a supply of clean linens of various kinds to meet the needs of participants.</p> <p>(c) Office supplies necessary for efficient business management of the center shall be provided.</p> | §78511 Supplies: | |
| 7 | | | § 78513 Solid Waste | | |
| 7 | X | X | <p>(a) Storage and disposal of solid waste shall meet the following requirements:</p> <p>(1) Solid waste shall be stored, located and disposed of in a manner that will not permit the transmission of communicable disease or odors, create a nuisance, provide a breeding place or food source for insects, rodents or vermin.</p> <p>(2) Syringes and needles, before being discarded into waste containers, shall be rendered unusable.</p> <p>(b) Each waste container, except movable bins, used for storage of solid waste shall have tight-fitting covers in good repair and external handles, and shall be leakproof and rodent-proof.</p> <p>(c) Movable bins when used for storing or transporting solid waste from the premises shall have tight-fitting covers in good repair and be rodent-proof unless stored in a room or screened enclosure.</p> <p>(d) Solid waste containers, including movable bins, receiving putrescible waste shall be emptied at least once per week or more often if necessary. Such containers shall be maintained in a clean and sanitary condition.</p> <p>(e) Each movable bin shall provide for suitable access and a drainage device to allow complete cleaning at the storage area.</p> | §78513 Solid Waste 460.78b(3) | |

| # | Desk Review | Onsite Review | Article 6 Violations | Federal Regulation that meets requirement | Policy & Procedure that meets requirement |
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| 1 | | | § 78601 Inspection | | |
| 1 | X | | (a) Each adult day health center shall be inspected by the Department at least annually. (b) Each adult day health center shall be subject to inspection at any time by the Department. (c) Reports on results of each inspection shall be retained by the Department and open to public inspection. (d) The Department shall make available to interested persons a list of all licensed adult day health centers including: (1) Compliance with Department regulations. (2) Conformity to participant and community needs. (3) Compliance with fire and safety laws. (e) The method of evaluation of quality of care shall be published and distributed to the public and adult day health centers. | §78601 Inspections: 42 CFR §460.190 Monitoring during trial period, §460.192 Ongoing monitoring after trial period, §460.194 Corrective action, and §460.196 Disclosure of review results, meet the requirements of this regulation. | |
| 2 | | | § 78603 Deficiencies in Compliance | | |
| 2 | X | | Upon inspection of a center, the Department shall notify the licensee in writing of all noncompliances with the provisions of the Adult Day Health Care Act and these regulations, and shall set a time for making corrections necessary for compliance. | §78603 Deficiencies in Compliance: 42 CFR §460.190 Monitoring during trial period, §460.192 Ongoing monitoring after trial period, §460.194 Corrective action, and §460.196 Disclosure of review results, meet the requirements of this regulation . | |
| 3 | | | § 78605 Complaints | | |
| 3 | X | | (a) Any person may request an inspection of any adult day health center by submitting a written request and a statement of alleged violations. (b) The licensee shall be notified of the substance of the complaint no earlier than the time of the inspection. (c) Neither the name of the individual complainant nor other person mentioned in the complaint shall be disclosed by the Department, unless the complainant | §78605 Complaints: | |

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| | | | <p>specifically requests the release of such name or names.</p> <p>(d) A licensee shall not retaliate against any participant or employee who has initiated or participated in an inspection.</p> <p>(e) The Department shall conduct an on-site inspection of the adult day health center within 10 days after receipt of a complaint.</p> | | |
| 4 | | | § 78607 Deficiencies | | |
| 4 | X | | <p>(a) The Department may issue a deficiency to a center if:</p> <p>(1) It fails to comply with any provisions of the Adult Day Health Care Act or of regulations issued pursuant to the Act, or</p> <p>(2) It is repeatedly in noncompliance of regulations of the Adult Day Health Care Act even though the center may temporarily correct any noncompliance for a period of time.</p> <p>(b) The deficiency shall:</p> <p>(1) Be in writing.</p> <p>(2) State what regulations or statutes have been violated.</p> <p>(3) State the time allowed for correction if noncompliance still exists.</p> <p>(4) State the amount of civil penalty to be levied, if any. If a civil penalty is to be assessed, a notice shall be served upon the licensee in a manner prescribed by subdivision (c) of Section 11505 of the Government Code.</p> <p>(c) Each noncompliance may carry a civil penalty not to exceed \$50 a day for duration of noncompliance beyond the date set for correction. If the violation is not corrected within such time, the penalty shall accrue from the date of receipt of the notice.</p> <p>(1) If the violation continues beyond the date fixed for correction, the Department may initiate action against the licensee in accordance with the provisions of Article 7 (commencing with Section 1595) of Chapter 3.5 of Division 2 of the Health and Safety Code.</p> <p>(d) The Department shall verify, by a follow-up visit, that noncompliances have been corrected.</p> <p>(e) The Department may refer to appropriate</p> | <p>§78607 Deficiencies: 42 CFR §460.190 monitoring during trial period, §460.192and ongoing monitoring after trial period by CMS and DHCS and pursuant to §460.194 Corrective action, and §460.196 Disclosure of review results, if applicable, meet the requirements of this regulation.</p> | |

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| | | | prosecuting authorities, for a misdemeanor prosecution, the name of any person who negligently, repeatedly or willfully violates regulations of the Adult Day Health Care Act or these regulations | | |
| 5 | | | § 78609 Inspection Authority | | |
| 5 | X | | <p>Inspection Authority.</p> <p>(a) Any duly authorized officer, employee or agent or representative of the Department may, upon proper identification:</p> <p>(1) Enter and inspect any adult day health center at any time, with or without advance notice.</p> <p>(2) Interview in private any participant receiving services or any employee.</p> <p>(3) Examine all records relating to the operation of the center.</p> | <p>§78609 Inspection Authority: Pursuant to 42 CFR §460.190 monitoring by CMS and DHCS during trial period,</p> <p>§460.192 and ongoing monitoring after the trial period, §460.194 Corrective action, and §460.196 Disclosure of review results, meet the requirements of this regulation.</p> | |