

HOUSE BILL No. 5426

January 30, 1990, Introduced by Reps. DeLange, Gubow, Krause, Stabenow, Bandstra, Strand, Stacey, Allen, Bender, Willis Bullard, Bennane, Munsell, Muxlow, Dunaskiss, Pridnia and Middaugh and referred to the Committee on Public Health.

A bill to amend sections 20102, 20106, 20142, 20156, and 20161 of Act No. 368 of the Public Acts of 1978, entitled as amended

"Public health code,"

section 20102 as amended by Act No. 79 of the Public Acts of 1981, section 20106 as amended by Act No. 311 of the Public Acts of 1984, section 20156 as amended by Act No. 78 of the Public Acts of 1986, and section 20161 as amended by Act No. 332 of the Public Acts of 1988, being sections 333.20102, 333.20106, 333.20142, 333.20156, and 333.20161 of the Michigan Compiled Laws; and to add part 218.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 20102, 20106, 20142, 20156, and 20161
2 of Act No. 368 of the Public Acts of 1978, section 20102 as
3 amended by Act No. 79 of the Public Acts of 1981, section 20106

1 as amended by Act No. 311 of the Public Acts of 1984, section
2 20156 as amended by Act No. 78 of the Public Acts of 1986, and
3 section 20161 as amended by Act No. 332 of the Public Acts of
4 1988, being sections 333.20102, 333.20106, 333.20142, 333.20156,
5 and 333.20161 of the Michigan Compiled Laws, are amended and part
6 218 is added to read as follows:

7 Sec. 20102. (1) "ADULT DAY HEALTH CARE" MEANS AN ORGANIZED
8 DAY PROGRAM OF THERAPEUTIC, SOCIAL, AND HEALTH ACTIVITIES AND
9 SERVICES PROVIDED TO ADULTS WITH FUNCTIONAL IMPAIRMENTS, EITHER
10 PHYSICAL OR MENTAL, FOR THE PURPOSE OF RESTORING OR MAINTAINING
11 OPTIMAL CAPACITY FOR SELF-CARE.

12 (2) "ADULT DAY HEALTH CENTER" MEANS A FACILITY THAT PROVIDES
13 ADULT DAY HEALTH CARE, INCLUDING A DISTINCT PORTION OF A LICENSED
14 HEALTH FACILITY OR AGENCY IN WHICH SUCH CARE IS PROVIDED BY A
15 SPECIALIZED UNIT.

16 (3) ~~---(1)---~~ "Advanced mobile emergency care service" means a
17 person or a governmental entity which provides, for profit or
18 otherwise, the licensed personnel, vehicles, and other equipment
19 required to perform all of the following advanced emergency medi-
20 cal techniques at the scene of an emergency:

- 21 (a) Endotracheal intubation.
- 22 (b) Defibrillation.
- 23 (c) Drug administration and intravenous lifeline.
- 24 (d) Cardiac monitoring.
- 25 (e) Establishment and maintenance of an airway.

1 (f) Other techniques approved by the department and
2 consistent with the department approved criteria for advanced
3 emergency medical technician training.

4 (4) ~~(2)~~ "Advisory commission" means the health facilities
5 and agencies advisory commission created in section 20121.

6 (5) ~~(3)~~ "Ambulance" means a motor vehicle, watercraft, or
7 aircraft which meets standards established by the department and
8 which is primarily used or designated as available to provide
9 transportation and treatment to emergency patients. ~~For pur-~~
10 ~~poses of this definition~~ AS USED IN THIS SUBSECTION, "emergency
11 patient" ~~is~~ MEANS THAT TERM AS defined in section 20704.

12 (6) ~~(4)~~ "Ambulance operation" means a person or governmen-
13 tal entity licensed by the department to provide, for profit or
14 otherwise, the licensed personnel, ambulances, and other equip-
15 ment required to transport and perform emergency medical services
16 for patients. ~~For purposes of this definition~~ AS USED IN THIS
17 SUBSECTION, "patient" ~~is~~ MEANS THAT TERM AS defined in section
18 20706.

19 (7) ~~(5)~~ "Attending physician" means the physician selected
20 by, or assigned to, the patient and who has primary responsibil-
21 ity for the treatment and care of the patient.

22 Sec. 20106. (1) "Health facility or agency", except as pro-
23 vided in section 20115, means:

24 (A) ADULT DAY HEALTH CENTER.

25 (B) ~~(a)~~ Ambulance operation or advanced mobile emergency
26 care service, or limited advanced mobile emergency care service.

- 1 (C) ~~(b)~~ Clinical laboratory.
- 2 (D) ~~(c)~~ County medical care facility.
- 3 (E) ~~(d)~~ Freestanding surgical outpatient facility.
- 4 (F) ~~(e)~~ Health maintenance organization.
- 5 (G) ~~(f)~~ Home for the aged.
- 6 (H) ~~(g)~~ Hospital.
- 7 (I) ~~(h)~~ Nursing home.
- 8 (J) ~~(i)~~ Hospice.
- 9 (K) ~~(j)~~ A facility or agency listed in subdivisions (a) to
10 (h) located in a correctional institution or a university, col-
11 lege, or other educational institution.
- 12 (2) "Health maintenance organization" means a health facil-
13 ity or agency that:
- 14 (a) Delivers health maintenance services ~~which~~ THAT are
15 medically indicated to enrollees under the terms of its health
16 maintenance contract, directly or through contracts with affili-
17 ated providers, in exchange for a fixed prepaid sum or per capita
18 prepayment, without regard to the frequency, extent, or kind of
19 health services.
- 20 (b) Is responsible for the availability, accessibility, and
21 quality of the health maintenance services provided.
- 22 (3) "Home for the aged" means a supervised personal care
23 facility, other than a hotel, adult foster care facility, hospi-
24 tal, nursing home, or county medical care facility, that provides
25 room, board, and supervised personal care to 21 or more unrelat-
26 ed, nontransient, individuals 60 years of age or older. Home for
27 the aged includes a supervised personal care facility for 20 or

1 fewer individuals 60 years of age or older if the facility is
2 operated in conjunction with and as a distinct part of a licensed
3 nursing home.

4 (4) "Hospice" means a health care program which provides a
5 coordinated set of services rendered at home or in outpatient or
6 institutional settings for individuals suffering from a disease
7 or condition with a terminal prognosis.

8 (5) "Hospital" means a facility offering inpatient, over-
9 night care, and services for observation, diagnosis, and active
10 treatment of an individual with a medical, surgical, obstetric,
11 chronic, or rehabilitative condition requiring the daily direc-
12 tion or supervision of a physician. The term does not include a
13 hospital licensed or operated by the department of mental
14 health.

15 (6) "Hospital long-term care unit" means a nursing care
16 facility, owned and operated by and as part of a hospital, pro-
17 viding organized nursing care and medical treatment to 7 or more
18 unrelated individuals suffering or recovering from illness,
19 injury, or infirmity.

20 (7) "Limited advance mobile emergency care service" means a
21 person or a governmental entity which provides, for profit or
22 otherwise, the licensed personnel, vehicles, and other equipment
23 required to perform all of the following advanced emergency medi-
24 cal techniques at the scene of an emergency:

25 (a) Endotracheal intubation.

26 (b) Intravenous lifeline.

(c) Establishment and maintenance of an airway.

(d) Other techniques approved by the department and consistent with department approved criteria for emergency medical technician specialist training.

Sec. 20142. (1) A health facility or agency shall apply for licensure or certification on a form authorized and provided by the department. The application shall include attachments, additional data, and information required by the department.

(2) An applicant shall certify the accuracy of information supplied in the application and supplemental statements.

(3) An applicant or a licensee under part 213, ~~or~~ 217, OR 218 shall disclose the names, addresses, principal occupations, and official positions of all persons who have an ownership interest in the health facility or agency. If the health facility or agency is located on or in leased real estate, the applicant or licensee shall disclose the name of the lessor and any direct or indirect interest the applicant or licensee has in the lease other than as lessee. A change in ownership shall be reported to the director not less than 15 days before the change occurs, except that a person purchasing stock of a company registered pursuant to the securities exchange act of 1934, ~~15 U.S.C. 78a to 78k~~ CHAPTER 404, 48 STAT. 881, is exempt from disclosing ownership in the facility. A person required to file a beneficial ownership report pursuant to section 16(a) of the securities exchange act of 1934, 15 U.S.C. 78p, shall file with the department information relating to securities ownership required by the department rule or order. An applicant or

1 licensee proposing a sale of a nursing home to another person
2 shall provide the department with written, advance notice of the
3 proposed sale. The applicant or licensee and the other parties
4 to the sale shall arrange to meet with specified department rep-
5 resentatives and shall obtain before the sale a determination of
6 the items of noncompliance with applicable law and rules which
7 shall be corrected. The department shall notify the respective
8 parties of the items of noncompliance prior to the change of
9 ownership and shall indicate that the items of noncompliance must
10 be corrected as a condition of issuance of a license to the new
11 owner. The department may accept reports filed with the securi-
12 ties and exchange commission relating to the filings. A person
13 who violates this subsection is guilty of a misdemeanor, punish-
14 able by a fine of not more than \$1,000.00 for each violation.

15 (4) An applicant or licensee under part 217 shall disclose
16 the names and business addresses of suppliers who furnish goods
17 or services to an individual nursing home or a group of nursing
18 homes under common ownership, the aggregate charges for which
19 exceed \$5,000.00 in a 12-month period which includes a month in a
20 nursing home's current fiscal year. An applicant or licensee
21 shall disclose the names, addresses, principal occupations, and
22 official positions of all persons who have an ownership interest
23 in a business which furnishes goods or services to an individual
24 nursing home or to a group of nursing homes under common owner-
25 ship, if both of the following apply:

1 (a) The person, or the person's spouse, parent, sibling, or
2 child has an ownership interest in the nursing home purchasing
3 the goods or services.

4 (b) The aggregate charges for the goods or services pur-
5 chased exceeds \$5,000.00 in a 12-month period which includes a
6 month in the nursing home's current fiscal year.

7 (5) An applicant or licensee who makes a false statement in
8 an application or statement required by the department pursuant
9 to this article is guilty of a felony, punishable by imprisonment
10 for not more than 4 years, or a fine of not more than \$30,000.00,
11 or both.

12 Sec. 20156. (1) A representative of the department of
13 public health or the state fire marshal division of the depart-
14 ment of state police, upon presentation of proper identification,
15 may enter the premises of an applicant or licensee at any reason-
16 able time to determine whether the applicant or licensee meets
17 the requirements of this article and the rules promulgated under
18 this article. The director; the director of ~~the department of~~
19 social services; the state fire marshal; the director of the
20 office of services to the aging; or the director of a local
21 health department; or an authorized representative of the direc-
22 tor, the director of ~~the department of~~ social services, the
23 state fire marshal, the director of the office of services to the
24 aging, or the director of a local health department may enter on
25 the premises of an applicant or licensee under part 217 OR PART
26 218 at any time in the course of carrying out program
27 responsibilities.

1 (2) The state fire marshal division of the department of
 2 state police shall enforce rules promulgated by the state fire
 3 safety board for health facilities and agencies to assure that
 4 physical facilities owned, maintained, or operated by a health
 5 facility or agency are planned, constructed, and maintained in a
 6 manner to protect the health, safety, and welfare of patients.

7 (3) The department of public health shall not issue a
 8 license or certificate to a health facility or agency until it
 9 receives an appropriate certificate of approval from the state
 10 fire marshal division of the department of state police. For
 11 purposes of this section, a decision of the state fire marshal
 12 division of the department of state police to issue a certificate
 13 controls over that of a local fire department.

14 (4) Subsections (2) and (3) do not apply to a health facil-
 15 ity or an agency licensed under part 205, 207, or 210.

16 Sec. 20161. (1) Fees for health facility and agency
 17 licenses and certificates of need shall be assessed on an annual
 18 basis by the department as provided in this act, in accordance
 19 with the following fee schedule:

20 (A) ADULT DAY HEALTH CENTER.... \$ 150.00 PER FACILITY FOR THE
 21 FIRST YEAR; \$50.00 FOR A
 22 RENEWAL LICENSE.

23 (B) ~~(a)~~ Freestanding surgical
 24 outpatient facilities..... \$ 238.00 per facility.

25 (C) ~~(b)~~ Hospitals..... \$ 8.28 per licensed bed.

1 (D) ~~(c)~~ Nursing homes, county
 2 medical care facilities, and
 3 hospital long-term care units.... \$ 2.20 per licensed bed.
 4 (E) ~~(d)~~ Homes for the aged... \$ 6.27 per licensed bed.
 5 (F) ~~(e)~~ Health maintenance
 6 organizations..... \$1,000.00 for an initial
 7 license; 80 cents per sub-
 8 scriber for a renewal license
 9 (3-year); \$100.00 for a certif-
 10 icate of authority for
 11 planning.
 12 (G) ~~(f)~~ Clinical laboratories \$ 475.00 per laboratory.
 13 (H) ~~(g)~~ Health care delivery
 14 and financing system under sec-
 15 tion 21042..... \$1,000.00 for an initial
 16 license; effective January 1,
 17 1987, \$1,000.00 for 3-year
 18 renewal license for prepaid
 19 institutional programs,
 20 \$5,000.00 for 3-year renewal
 21 license for organizations
 22 determined by the department to
 23 offer a single form of health
 24 care service, and 80 cents per
 25 subscriber for all other 3-year
 26 renewal licenses under
 27 section 21042.

1 (2) The base fee for a certificate of need shall be \$750.00
2 for each application. For a project requiring a projected capi-
3 tal expenditure of more than \$150,000.00 but less than
4 \$1,500,000.00, an additional fee of \$2,000.00 shall be added to
5 the base fee. For a project requiring a projected capital expen-
6 diture of \$1,500,000.00 or more, an additional fee of \$3,500.00
7 shall be added to the base fee.

8 (3) With the exception of health maintenance organizations,
9 when licensure is for more than 1 year, the fees described in
10 subsection (1) shall be multiplied by the number of years for
11 which the license is issued, and the total amount of the fees
12 shall be collected in the year in which the license is issued.

13 (4) Fees described in this section shall be payable to the
14 department at the time an application for a license, permit, or
15 certificate is submitted. If an application for a license,
16 permit, or certificate is denied or if a license, permit, or cer-
17 tificate is revoked before its expiration date, the fees paid to
18 the department shall not be refunded.

19 (5) The fee for a provisional license or temporary permit
20 shall be the same as for a license. A license may be issued at
21 the expiration date of a temporary permit without an additional
22 fee for the balance of the period for which the fee was paid if
23 the requirements for licensure are met.

24 (6) The department may charge a fee to recover the cost of
25 purchase or production and distribution of proficiency evaluation
26 samples which are supplied to clinical laboratories pursuant to
27 section 20521(3).

1 (7) In addition to the fees imposed under subsection (1), a
2 fee of \$25.00 shall be submitted to the department for each reissuance during the licensure period of a clinical laboratory
3 license.
4

5 (8) Except for the licensure of clinical laboratories, not
6 more than half the annual cost of licensure activities as determined by the department shall be provided by license fees.
7

8 (9) Effective with the fiscal year beginning October 1,
9 1982, the fees collected under this section shall be deposited in
10 the state treasury, to the credit of the general fund.

11 PART 218. ADULT DAY HEALTH CENTERS

12 SEC. 21801. (1) FOR PURPOSES OF THIS PART, THE WORDS AND
13 PHRASES DEFINED IN SECTION 21803 HAVE THE MEANINGS ASCRIBED TO
14 THEM IN THAT SECTION.

15 (2) IN ADDITION, ARTICLE 1 CONTAINS GENERAL DEFINITIONS AND
16 PRINCIPLES OF CONSTRUCTION APPLICABLE TO ALL ARTICLES IN THIS
17 CODE AND PART 201 CONTAINS DEFINITIONS AND GENERAL PROVISIONS
18 APPLICABLE TO THIS PART.

19 SEC. 21803. (1) "CAREGIVER" MEANS THE FAMILY MEMBER OR
20 OTHER PERSON WHO IS RESPONSIBLE FOR CARING FOR THE RECIPIENT
21 DURING THE TIME THE RECIPIENT IS NOT AT THE ADULT DAY HEALTH
22 CENTER.

23 (2) "ELIGIBLE ADULT" MEANS AN ADULT WHO MEETS THE ELIGIBILITY
24 CRITERIA DEVELOPED BY THE DEPARTMENT PURSUANT TO SECTION
25 21817.

26 (3) "MAINTENANCE PROGRAM" MEANS THE PROGRAM OF ADULT DAY
27 HEALTH CARE DESCRIBED IN SECTION 21813.

1 (4) "RECIPIENT" MEANS AN INDIVIDUAL RECEIVING ADULT DAY
2 HEALTH CARE.

3 (5) "REHABILITATIVE PROGRAM" MEANS THE PROGRAM OF ADULT DAY
4 HEALTH CARE DESCRIBED IN SECTION 21815.

5 SEC. 21805. (1) AN ADULT DAY HEALTH CENTER SHALL BE
6 LICENSED UNDER THIS ARTICLE.

7 (2) "ADULT DAY HEALTH CENTER", "ADULT DAY CARE CENTER", OR A
8 SIMILAR TERM OR ABBREVIATION SHALL NOT BE USED TO DESCRIBE OR
9 REFER TO AN INSTITUTION OR AGENCY UNLESS THE INSTITUTION OR
10 AGENCY IS LICENSED AS AN ADULT DAY HEALTH CENTER BY THE DEPART-
11 MENT UNDER THIS ARTICLE.

12 (3) A HOSPITAL, NURSING HOME, HOME FOR THE AGED, COUNTY MED-
13 ICAL CARE FACILITY, OR ANY OTHER HEALTH FACILITY OR AGENCY THAT
14 OPERATES AN ADULT DAY HEALTH CENTER SHALL ALSO BE LICENSED AS AN
15 ADULT DAY HEALTH CENTER UNDER THIS ARTICLE.

16 (4) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), THIS
17 PART DOES NOT RESTRICT ANY ACTIVITY OF A HEALTH FACILITY OR
18 AGENCY IF THE ACTIVITY IS PERMITTED UNDER THE LICENSE HELD BY
19 THAT HEALTH FACILITY OR AGENCY.

20 SEC. 21807. AN ADULT DAY HEALTH CENTER LICENSE SHALL SPEC-
21 IFY THAT THE LICENSEE IS AUTHORIZED TO OPERATE 1 OR BOTH OF THE
22 ADULT DAY HEALTH CARE PROGRAMS DESCRIBED IN SECTION 21813 OR
23 21815. A LICENSEE SHALL OPERATE ONLY THE ADULT DAY HEALTH CARE
24 PROGRAM OR PROGRAMS SPECIFIED IN THE LICENSE.

25 SEC. 21809. IN ADDITION TO THE GROUNDS SET FORTH IN SECTION
26 20165, THE DEPARTMENT MAY DENY, SUSPEND, OR REVOKE A LICENSE TO
27 AN APPLICANT TO ESTABLISH OR MAINTAIN AND OPERATE AN ADULT DAY

1 HEALTH CENTER UNDER EITHER OR BOTH OF THE FOLLOWING
2 CIRCUMSTANCES:

3 (A) THE APPLICANT'S OCCUPATIONAL, PROFESSIONAL, OR HEALTH
4 AGENCY LICENSE HAS BEEN REVOKED OR SUSPENDED DURING THE 5 YEARS
5 IMMEDIATELY PRECEDING THE DATE OF APPLICATION.

6 (B) THE DEPARTMENT FINDS THAT THE APPLICANT IS NOT QUALIFIED
7 TO OPERATE AN ADULT DAY HEALTH CENTER BECAUSE OF A LACK OF GOOD
8 MORAL CHARACTER. AS USED IN THIS SUBDIVISION, "GOOD MORAL
9 CHARACTER" MEANS THAT TERM AS DEFINED IN ACT NO. 381 OF THE
10 PUBLIC ACTS OF 1974, BEING SECTIONS 338.41 TO 338.47 OF THE
11 MICHIGAN COMPILED LAWS.

12 SEC. 21811. THE OWNER, OPERATOR, AND GOVERNING BODY OF AN
13 ADULT DAY HEALTH CENTER LICENSED UNDER THIS ARTICLE:

14 (A) ARE RESPONSIBLE FOR ALL PHASES OF THE OPERATION OF AN
15 ADULT DAY HEALTH CENTER AND FOR THE QUALITY OF CARE AND SERVICES
16 RENDERED BY THE ADULT DAY HEALTH CENTER.

17 (B) SHALL COOPERATE WITH THE DEPARTMENT IN THE ENFORCEMENT
18 OF THIS PART, AND REQUIRE THAT ALL PERSONNEL WORKING IN THE ADULT
19 DAY HEALTH CENTER FOR WHOM A LICENSE OR REGISTRATION IS REQUIRED
20 BE CURRENTLY LICENSED OR REGISTERED.

21 SEC. 21813. (1) AN ADULT DAY HEALTH CENTER LICENSED TO
22 OPERATE A MAINTENANCE PROGRAM SHALL PROVIDE ADULT DAY HEALTH CARE
23 TO ELIGIBLE ADULTS WHO HAVE CHRONIC HEALTH PROBLEMS REQUIRING
24 MEDICAL MONITORING AND ADULTS WHO HAVE DISABILITIES THAT PREVENT
25 THEM FROM LIVING AN INDEPENDENT LIFESTYLE.

26 (2) AN ADULT DAY HEALTH CENTER LICENSED TO OPERATE A
27 MAINTENANCE PROGRAM SHALL DO ALL OF THE FOLLOWING:

1 (A) MONITOR THE HEALTH STATUS OF RECIPIENTS AND PROVIDE
2 TREATMENT ORDERED BY A PHYSICIAN AS INDICATED.

3 (B) PROVIDE EDUCATIONAL SERVICES TO RECIPIENTS AND THEIR
4 FAMILIES REGARDING HEALTH RISKS THAT COULD WORSEN THE RECIPIENT'S
5 HEALTH STATUS.

6 (C) PROVIDE INDIVIDUAL, FAMILY, AND GROUP COUNSELING
7 DESIGNED TO IMPROVE SELF-ESTEEM, SELF-AWARENESS, AND COPING
8 SKILLS.

9 (D) PROVIDE PROGRAMS DESIGNED TO IMPROVE THE RECIPIENT'S
10 ABILITY TO PERFORM INDEPENDENTLY THE BASIC ACTIVITIES OF DAILY
11 LIVING.

12 (E) PROVIDE ACTIVITIES TO MAINTAIN OR ENHANCE THE
13 RECIPIENT'S PHYSICAL, EMOTIONAL, SOCIAL, AND COGNITIVE
14 FUNCTIONING.

15 (F) PROVIDE OPPORTUNITIES FOR SOCIALIZATION AND PEER
16 SUPPORT.

17 (G) SUPERVISE OR ASSIST RECIPIENTS WITH BASIC ACTIVITIES OF
18 DAILY LIVING, IF NEEDED.

19 SEC. 21815. (1) AN ADULT DAY HEALTH CENTER LICENSED TO
20 OPERATE A REHABILITATIVE PROGRAM SHALL PROVIDE ADULT DAY HEALTH
21 CARE TO ELIGIBLE ADULTS WHO ARE RECOVERING FROM MAJOR ILLNESSES
22 AND INJURIES AND WHO NEED A STRUCTURED, SUPERVISED ENVIRONMENT OR
23 SKILLED NURSING CARE DURING THE REHABILITATIVE PROCESS.

24 (2) AN ADULT DAY HEALTH CENTER LICENSED TO OPERATE A REHA-
25 BILITATIVE PROGRAM SHALL DO ALL OF THE FOLLOWING:

26 (A) MONITOR RECIPIENTS' HEALTH STATUS AND PROVIDE TREATMENTS
27 DIRECTED BY A PHYSICIAN, AS INDICATED.

1 (B) PROVIDE THERAPY SERVICES NEEDED TO RESTORE THE RECIPIENT
2 TO AN OPTIMAL LEVEL OF FUNCTIONING.

3 (C) PROVIDE EDUCATIONAL SERVICES TO RECIPIENTS AND THEIR
4 FAMILIES WITH RESPECT TO HEALTH RISKS AND ADJUSTMENTS TO
5 DISABILITY.

6 (D) PROVIDE A COMPREHENSIVE, COORDINATED REHABILITATIVE PRO-
7 GRAM FOR EACH RECIPIENT.

8 (E) PROVIDE INDIVIDUAL AND FAMILY COUNSELING TO ENHANCE
9 SELF-ESTEEM, SELF-AWARENESS, COPING STRATEGIES, AND ADJUSTMENT TO
10 DISABILITY.

11 (F) PROVIDE ACTIVITIES THAT PROMOTE PHYSICAL, EMOTIONAL,
12 COGNITIVE, AND SOCIAL FUNCTIONING AS WELL AS OPPORTUNITIES FOR
13 THE RECIPIENT TO PRACTICE THE SKILLS LEARNED IN THERAPY.

14 (G) PROVIDE PROGRAMS DESIGNED TO IMPROVE THE RECIPIENT'S
15 ABILITY TO PERFORM INDEPENDENTLY THE BASIC ACTIVITIES OF DAILY
16 LIVING.

17 (H) SUPERVISE OR ASSIST RECIPIENTS WITH BASIC ACTIVITIES OF
18 DAILY LIVING, IF NEEDED.

19 (I) PROVIDE OPPORTUNITIES FOR SOCIALIZATION, PEER SUPPORT,
20 AND COMMUNITY REINTEGRATION.

21 SEC. 21817. (1) THE DEPARTMENT, AFTER SEEKING ADVICE AND
22 CONSULTATION FROM APPROPRIATE CONSUMER AND PROFESSIONAL ORGANI-
23 ZATIONS AND CONCERNED AGENCIES, SHALL PROMULGATE RULES TO IMPE-
24 MENT AND ADMINISTER THIS PART.

25 (2) INITIAL RULES PROPOSED UNDER THIS PART SHALL BE SUBMIT-
26 TED FOR A PUBLIC HEARING NOT LATER THAN 6 MONTHS AFTER THE
27 EFFECTIVE DATE OF THIS PART.

1 (3) IN ADDITION TO THE RULES PRESCRIBED IN SECTION 20171,
2 RULES FOR ADULT DAY HEALTH CENTERS SHALL INCLUDE THE ESTABLISH-
3 MENT OF STANDARDS RELATING TO ALL OF THE FOLLOWING:

4 (A) RECIPIENT ELIGIBILITY CRITERIA FOR THE ADULT DAY HEALTH
5 CARE PROGRAMS DESCRIBED IN SECTIONS 21813 AND 21815.

6 (B) COMPLAINT PROCEDURES.

7 (C) EMERGENCY PROCEDURES.

8 (D) STAFFING REQUIREMENTS FOR BOTH OF THE ADULT DAY HEALTH
9 CARE PROGRAMS, INCLUDING, AT A MINIMUM, ALL OF THE FOLLOWING:

10 (i) A PROGRAM DIRECTOR, WHO SHALL BE A PROFESSIONAL WITH AT
11 LEAST A BACHELOR'S DEGREE IN HEALTH OR HUMAN SERVICES.

12 (ii) AN ACTIVITIES DIRECTOR, WHO SHALL HAVE AT LEAST AN
13 ASSOCIATE'S DEGREE AND EXPERIENCE IN THERAPEUTIC RECREATION FOR
14 THE AGED OR HANDICAPPED.

15 (iii) A REGISTERED PROFESSIONAL NURSE OR LICENSED PRACTICAL
16 NURSE UNDER SUPERVISION OF A REGISTERED PROFESSIONAL NURSE, WHO
17 SHALL HAVE EXPERIENCE IN WORKING WITH AGING AND CHRONICALLY
18 IMPAIRED ADULTS.

19 (iv) FOR A REHABILITATIVE PROGRAM, A PHYSICIAN.

20 (v) A SOCIAL WORKER, FOR AT LEAST 4 HOURS PER WEEK IN THE
21 MAINTENANCE PROGRAM AND 8 HOURS PER WEEK IN THE REHABILITATIVE
22 PROGRAM.

23 (vi) PHYSICAL, OCCUPATIONAL, AND SPEECH THERAPISTS. FOR THE
24 MAINTENANCE PROGRAM, THESE PROFESSIONALS MAY BE AVAILABLE ON AN
25 AS-NEEDED BASIS.

26 (vii) OTHER STAFF, AS NEEDED.

1 (E) FACILITIES, INCLUDING PROGRAM SPACE, FURNITURE AND
2 EQUIPMENT, AND SAFETY CONSIDERATIONS.

3 (F) TRAINING, EDUCATIONAL, AND COMPETENCY REQUIREMENTS OF
4 PERSONNEL OTHER THAN REGISTERED OR LICENSED PERSONNEL.

5 (G) PROGRAM EVALUATION PROCEDURES.

6 (H) RECIPIENT TERMINATION CRITERIA AND PROCEDURES.

7 SEC. 21819. AN ADULT DAY HEALTH CENTER SHALL DO ALL OF THE
8 FOLLOWING:

9 (A) UPON ADMISSION OF A RECIPIENT TO THE PROGRAM, OBTAIN FOR
10 THE RECIPIENT A MEDICAL EXAMINATION PERFORMED DURING THE 6 MONTHS
11 PRIOR TO ADMISSION, INCLUDING THE PHYSICIAN'S ORDERS FOR DIET,
12 PARTICIPATION IN ACTIVITIES, MEDICATION, AND OTHER
13 RECOMMENDATIONS.

14 (B) WITHIN 30 DAYS AFTER A RECIPIENT IS ADMITTED TO A PRO-
15 GRAM, COMPLETE A COMPREHENSIVE WRITTEN ASSESSMENT FOR THE RECIPI-
16 ENT, INCLUDING, AT A MINIMUM, ALL OF THE FOLLOWING:

17 (i) THE RECIPIENT'S HEALTH PROFILE, INCLUDING HIS OR HER
18 HOSPITALIZATION HISTORY, HISTORY OF CHRONIC AND ACUTE ILLNESSES,
19 MEDICATIONS BEING TAKEN, SUBSTANCE ABUSE PROBLEMS, DIETARY HIS-
20 TORY AND DIETARY NEEDS, PROSTHESES USED, CONDITION OF HEARING,
21 VISION, AND SPEECH, PHYSICIAN'S NAME, ADDRESS AND TELEPHONE
22 NUMBER, AND HEALTH INSURANCE INFORMATION.

23 (ii) THE RECIPIENT'S FUNCTIONAL PROFILE, INCLUDING HIS OR
24 HER MENTAL OR EMOTIONAL STATUS AND LEVEL OF PSYCHOSOCIAL FUNC-
25 TIONING, AND HIS OR HER DIFFICULTIES IN PERFORMING ACTIVITIES OF
26 DAILY LIVING.

1 (iii) THE RECIPIENT'S SOCIAL PROFILE, INCLUDING HIS OR HER
2 FAMILY AND SOCIAL SUPPORT NETWORK, COMMUNITY RESOURCES, AND
3 FORMAL AND INFORMAL SUPPORT SYSTEMS.

4 (iv) THE RECIPIENT'S PERSONAL PROFILE, INCLUDING HIS OR HER
5 MARITAL STATUS AND LIVING ARRANGEMENTS, FINANCIAL RESOURCES, CON-
6 DITION OF ENVIRONMENT, AND LEISURE AND INTEREST HISTORY.

7 (C) PROVIDE A CASE MANAGER TO COORDINATE EACH RECIPIENT'S
8 CARE. THE CASE MANAGER MAY BE A STAFF MEMBER ACTING SOLELY AS
9 CASE MANAGER, OR IT MAY BE THE PROGRAM DIRECTOR, SOCIAL WORKER,
10 OR NURSE. CASE MANAGEMENT SHALL INCLUDE, AT A MINIMUM, ALL OF
11 THE FOLLOWING:

12 (i) ARRANGING FOR ADMISSION INTO THE PROGRAM.

13 (ii) SECURING INSURANCE REIMBURSEMENT APPROVALS IF
14 APPROPRIATE.

15 (iii) COORDINATING A SCHEDULE FOR RECIPIENTS RECEIVING REHA-
16 BILITATION TREATMENTS OF PHYSICAL, OCCUPATIONAL, AND SPEECH
17 THERAPY.

18 (iv) ATTENDING AND DOCUMENTING MEETINGS AT REGULAR INTERVALS
19 TO DISCUSS THE RECIPIENT'S GOALS AND PROGRESS.

20 (v) MAKING ARRANGEMENTS FOR FAMILY CONFERENCES AS NEEDED.

21 (vi) PREPARING AND SUBMITTING REPORTS AT REGULAR INTERVALS
22 TO INSURANCE PROVIDERS AND PHYSICIANS TO DOCUMENT THE RECIPIENT'S
23 PROGRESS.

24 (D) IN CONJUNCTION WITH THE RECIPIENT AND HIS OR HER CARE-
25 GIVER AND OTHER CONCERNED PERSONS, DEVELOP A CARE PLAN FOR EACH
26 RECIPIENT. THE CARE PLAN SHALL BE REVIEWED EVERY 3 MONTHS, AND
27 SHALL INCLUDE, AT A MINIMUM, ALL OF THE FOLLOWING:

1 (i) THE RECIPIENT'S STRENGTHS AND NEEDS BASED ON THE
2 ASSESSMENT DESCRIBED IN SUBDIVISION (B).

3 (ii) THE GOALS AND OBJECTIVES OF CARE.

4 (iii) THE ACTIVITIES AND SERVICES TO BE USED TO ACHIEVE THE
5 GOALS.

6 (iv) THE BASIC AND OPTIONAL SERVICES TO BE PROVIDED TO THE
7 RECIPIENT.

8 (v) RECOMMENDATIONS FOR THERAPY AND REFERRALS TO OTHER SERV-
9 ICE PROVIDERS.

10 (vi) TIME FRAMES, WITH PROVISIONS FOR REVIEW AND RENEWAL.

11 (vii) TREATMENT ORDERS OF LICENSED HEALTH PROFESSIONALS, IF
12 APPLICABLE.

13 (E) PROVIDE EACH RECIPIENT WITH AT LEAST 1 MEAL PER DAY,
14 MEETING A MINIMUM OF 1/3 OF AN ADULT'S DAILY NUTRITIONAL REQUIRE-
15 MENTS AS ESTABLISHED BY THE DEPARTMENT. THE ADULT DAY HEALTH
16 CENTER SHALL PROVIDE ADDITIONAL FOOD IN THE WAY OF SNACKS AS
17 NEEDED TO COMPLETE NUTRITIONAL REQUIREMENTS.