



Executive Office of Elder Affairs



THE MASSACHUSETTS EXECUTIVE OFFICE OF ELDER AFFAIRS

Alice F. Bonner, Secretary



Assisted Living Certification

**Program Overview, Enhancement to the Site Visit Process,
Clarifications, Updates – Suggestions - Feedback**

September 2018



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Introduction:

❖ *The Executive Office of Elder Affairs (EOEA)*

Established pursuant to M.G.L. c. 19A § 1 (1973)

❖ *EOEA Mission Statement:*

Promotes independence, empowerment, and well-being of older people, individuals with disabilities, and their families. We ensure access to the resources you need to live healthy in every community in the Commonwealth.



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Introduction:

❖ *Assisted Living Residences (ALRs) in MA*

Regulatory construct established pursuant to M.G.L. c.19D (Chapter 354 of the Acts of 1994)

❖ *Regulations: 651 CMR 12.00:*

- Establish standards by which ALRs are certified, overseen, and monitored by EOEA
- Originally promulgated in 1996
- Updated in 2002, 2006 (SCR units introduced), 2015
- Most recently in January 2017



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Certified ALRs in MA as of September 2018

- ❖ **257** *Certified Assisted Living Residences (ALRs)*

- ❖ *Certified Assisted Living Units*
 - 13,037 Traditional AL Units
 - 4,484 SCR Units
 - 17,521 Total**

- ❖ *Monthly cost for rent and services range:*
\$3,850* to \$8,400 * Shared AL Unit with basic services

- ❖ **Per the 2017 AAD:** Average age of a Resident is 86

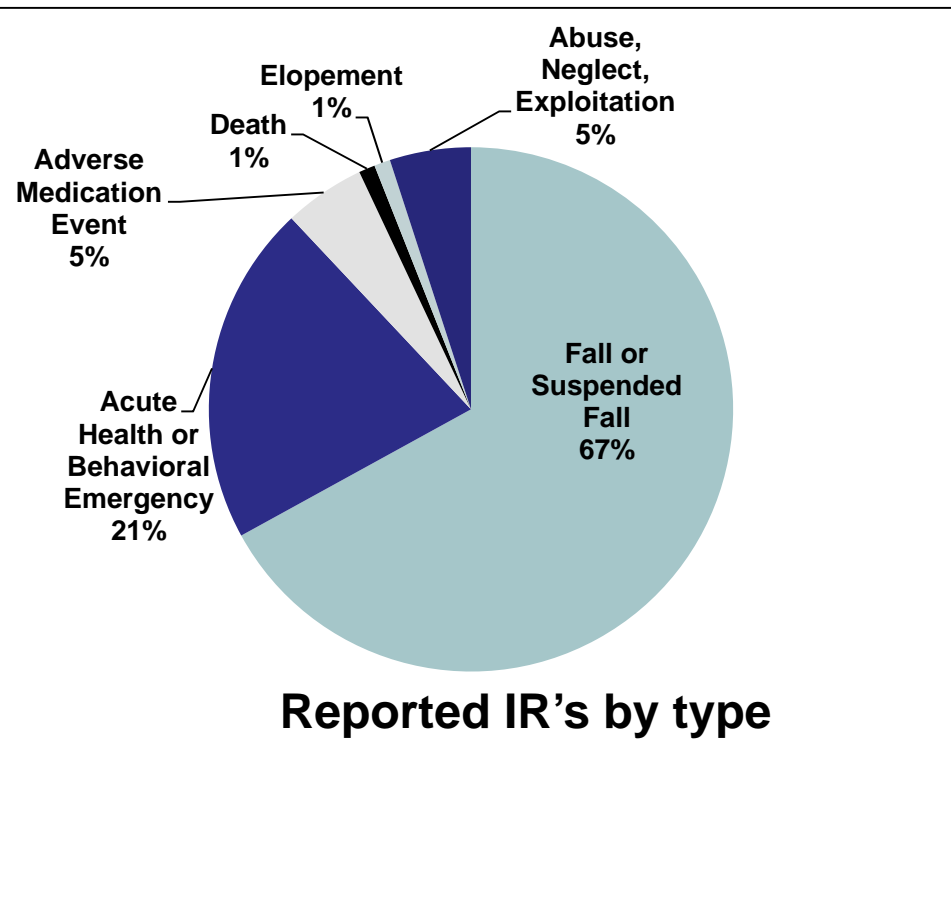


Resident Specific Incident Reports (IR's) Average monthly profile

Monthly Average

July 2017 – July 2018

- 1,442
- ✓ 850 Traditional
- ✓ 592 SCR





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EOEA Assisted Living Certification Unit Staff

❖ Director of Certification and Compliance:

- Patricia Marchetti

❖ Certification Specialists:

- Alex Brinkert, RN, Clinical Lead
- Alexandra Newcomb
- Pedro Valentin

❖ Administrative Assistant / Quickbase:

- Joe Kaplan



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Enhancements to the Compliance Review Process



Compliance Review process changes

❖ Changes implemented to date:

- ✓ Beginning the day earlier than 9:00A.M.
- ✓ Posting a notice that compliance review is in process and EOEA staff is on site and available
- ✓ Interviewing Residents
- ✓ EOEA staff observing the ALR daily operations
- ✓ Supplemental information submitted with the re-cert application



Compliance Review process changes

❖ Additional Changes intended to be effective 12-1-18:

- ALR staff will prepare information for review by the EOEA team.
 - ✓ Resident Business File Information
 - ✓ Employee Record Information
 - ✓ Employee Training * *Sec. 12.05(3) Personnel Records*
- Interviewing Staff, Residents and Family Members
- Interview with the individual responsible for Quality Assurance process. **Sec. 12.04 (10) Quality Assurance and Improvement (QAI)*
- Site Visits may occur on any day of the week and at any time.



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Assisted Living Residence Recertification Site Visit

Employee Training Review

Employee Name: _____

Date of Hire: _____

Position: _____

<u>TOPICS</u>	<u>Dementia Specific (Y/N)</u>	<u>Date</u>	<u>Length of training</u>	<u>Method of training</u>

Please list all on-going training provided to employee calendar years 20__ and 20__.



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BUSINESS FILE REVIEW:

Resident Name: _____ Move-in _____

Residency Agreement: Date original was signed: _____

Written Addendum: Yes No N/A

If YES, date _____

Disclosure Statement: Date of Signature of Resident _____

Full copy in file: Yes No

Consumer Guide- Was this resident given a copy of the consumer guide? Yes No

If YES, on what date: _____

Acknowledgement to bring a Representative: Was this given to the resident? Yes No If YES, date: _____



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EMPLOYEE Record Review:

DOH _____

Name _____ Position _____

- CORI check completed on- Date: _____
- Applicable Licensure: Lic # _____
- Alternate training: Other: _____
- Current Job Description: Signed and dated: _____

	20____		20____	
	<u>Date</u>	<u>Date</u>	<u>Date</u>	<u>Date</u>
PCA SKILLS evaluation				
SAMM Skills evaluations				

Provide proof of orientation: Date(s): _____ / Facilitated: _____

Hours: _____

SCR Orientation: Date(s): _____ / Hours: _____

1hr SAMM orientation: Date: _____

Extra 2hrs for Managers: Date: _____



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CLARIFICATIONS

Responses to Industry Questions / Concerns



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Interpretation of Regulations:

- Why are the Assisted Living Residence (ALR's) being asked to provide information that seems to be beyond the scope of the regulations ?

EOEA Response:

- ❑ The required components of the compliance review process are listed in 651 CMR12.09. Section three (3) requires the ALR to grant timely access to all books, records and other documents maintained regarding the operations of the Residence. A refusal to provide access to EOEA can constitute valid basis to suspend, revoke or deny an application for an initial or renewal Certification.



Access to Resident Records

- If a Resident has a document on file with the ALR that they do not consent to EOEA's review of their service plan, can EOEA override a Resident's choice?

EOEA Response: *651CMR 12.04(7)(c): Service Plan Development*

- Although the language in the regulation speaks to "consent," it's only in reference to the Service Plan.
- EOEA will assess the need to override the consent on a case by case at the time of the compliance review process.



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Skilled Care in Assisted Living

- Is EOEA deeming oxygen a skilled need?

EOEA Response:

- Skilled care** is defined in the MassHealth regulations 130CMR 456.409
- Assisted Living regulations: 651CMR 12.04(3)(b):**
No Assisted Living Residence shall provide, admit or retain any Resident in need of Skilled Care unless:
 1. The Skilled Nursing Care will be provided by a Certified Provider of Ancillary Health Services or by a licensed hospice; and
 2. The Certified Provider of Ancillary Health Services does not train the Assisted Living Residence staff to provide the Skilled Nursing Care.



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- Is EOEA deeming oxygen a skilled need?

EOEA Response cont.:

If the content of a Resident's Record suggests that a Resident is declining and has surpassed the point where a Resident is unable to safely manage oxygen with SAMM or LMA assistance, EOEA will inquire about plans for addressing the Residents care need in the context of the Assisted Living Residence.

The purpose and scope of ALR regulations as defined in 651CMR 12.00 necessitates EOEA's inquiry and discussion with the ALR staff.



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Vital Signs in Assisted Living

- Is taking vital signs a skilled nursing task ?

EOEA Response:

No, taking vital signs is not a skilled task, the skill lies in the interpretation of the readings and the frequency of the need.

What is the ALR doing with the information?



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Elopement Drills

- If there is no specific regulation for elopement drills to be conducted, why are annual elopement drills required for all shifts?

EOEA Response:

The interpretation of two sections of the regulations supports the expectation:

- 651 CMR 12.04 (11)(a)(4) - Disaster & Emergency Planning
- 651CMR 12.07 - Training



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Reporting Medication Incidents

- If medication is missed and there is no negative effect on the Resident, MD is called, no medication treatment rendered why are we expected to report as a Resident Specific Incident to EOEA?

EOEA Response: Two sections of the regulations supports the expectation of an incident report of missed medication.

- ❑ 651 CMR 12.02: Significant Negative Effect “medication error requiring medical attention”.
- ❑ 651CMR 12.04(11)(d) a Residence shall report to EOEA the occurrence of an incident or accident that arises within a Residence or its property, that has or may have a Significant Negative Effect on a resident's health, safety or welfare.



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Reporting Medication Incidents

EOEA Response cont.:

- An incident report is expected if the ALR notifies the Resident's physician of the missed medication.
- An incident report is expected when a Resident doesn't receive medication due to a diversion.
- An incident report is expected when the ALR finds that a Resident has missed a prescribed medication for an extended period of time.
- Err on the side of caution when you're unsure of the potential effect; ALR's are not operated with full-time, on-site clinical staff with complete medical histories of each Resident is know. When in doubt report the incident.



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Assessment tools

- Why are we being asked to expand the depth of the Resident's Medication Assessment?

EOEA Response:

- Without an in-depth assessment of a Resident's ability to safely participate in the SAMM or LMA program for all medication types (i.e. oral, Oxygen, insulin) compromises a Resident's health safety and welfare.
- In conducting a thorough medication assessment; the ALR will identify if medication the assistance needed is allowable under the certification.



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Assessment tools

- Why are we being asked to expand the depth of the Personal Care (PC) Skills Evaluation Assessment of the care staff?

EOEA Response:

- The profile of Resident's living in Assisted Living is varied; as are their care needs.
- Without observation of the PC staff providing personal care and medication assistance to the Residents the ALR cannot be assured that the Residents are receiving the care required.
- A comprehensive PC skills evaluation will highlight the staffs competency or the need for additional training particularly for those Residents with care needed including but not limited to catheters, ostomies, MS, Parkinson's and ALS/



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Incident Reporting Details

- How much information should be included when submitting an Incident Report?

EOEA Response:

- In accordance with 651CMR 12.04(11)(e); the information submitted in the incident report must be accurate and include all details associated with the incident.



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Inquiry #10: Compliance Review Letters

- When will the “Findings Letters” be posted on the EOEA website for the public?

EOEA Response:

- We intend to post the most recent compliance review letter issued to an ALR by **January 1, 2019**



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Circular Letters

- Are Circular letters part of the Assisted Living regulations?

EOEA Response:

- ❑ Circular letters and the release of any other form of sub-regulatory material has no legal effect. However, compliance with the recommendations included therein make it substantially more likely that ALRs will achieve regulatory compliance.



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SAMM in Memory CARE

- Is SAMM allowed in a Special Care Residence ?
- Does SAMM have to be offered in Memory Care ?

EOEA Response:

Yes to both:

- If a Resident in a SCR has to be able to participate in SAMM, they can receive SAMM services in a SCR.
- SAMM is an operational requirement defined in the regulations (651CMR 12.03(2)(f)(5)) as part of the services to assist Residents with ADL's. In the absence of a statement that says SAMM can be replaced with LMA, SAMM has to be offered.



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Site Visit Reviews

- Why is the process changing?
- What aspects of AL is EOEA responding to differently than in the past?

EOEA Response:

- The care needs of Residents living in Assisted Living are higher.
- Repeat citations of the same issues from one compliance review to the next.
- Lack of communication between staff which has an effect of the Residents health, safety and welfare.



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SCR Staffing Waiver Request

- What criteria is being used to grant a waiver and how is the criteria being measured?

EOEA Response:

- A waiver is granted at the discretion of the Secretary as a result of a comprehensive review of the totality of circumstances including but not limited to the following factors which effect Resident safety and welfare.
 - The physical design of the Special Care Residence
 - The timeliness of the communication system
 - The occupancy patterns
- The Secretary visits all ALR's considered for exemption and confers with the entire ALR team prior to making a decision.



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What is “Modified Certification” ?

EOEA Response:

- The regulations define Modification of Certification to be “a change to or limitation on the scope of a Sponsor’s authority to operate an Assisted Living Residence.

- Action taken by EOEA to impose a modification is a temporary measure effecting the certification status of an ALR to correct deficiencies identified at the time of the compliance review process.



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Updates – Suggestions - Feedback



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❖ Updates

- ❑ Website <https://www.mass.gov/assisted-living>
- ❑ Intend to publish a Newsletter by 12-1-18
- ❑ Initiating the required use of a Resident Agreement cover sheet in accordance with 651CMR 12.08(4): Disclosure of Rights & Services
Intended date of implementation 1-1-19
- ❑ Publishing Compliance Review “Finding’s Letters”
- ❑ Staff Changes: Effective April, 2018, the Assisted Living Certification Unit has a Registered Nurse on staff.



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https://www.mass.gov/assisted-living

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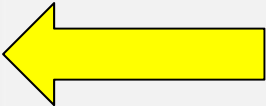
Page Safety Tools

What would you like to do?

Top tasks

Learn about Assisted Living →

Operate an Assisted Living Residence →



100%

1:41 PM 9/14/2018



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https://www.mass.gov/assisted-living-residence-search

Assisted Living Residence se...

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What would you like to do?

Top tasks

Search Assisted Living Residences by city, town, or zip code →

Learn about other housing options for older adults →

Locations

100%

9:39 AM
9/14/2018



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https://www.mass.gov/learn-about-assisted-living

Learn about Assisted Living | ... x

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Page Safety Tools

Top tasks

- [Find an Assisted Living Residence →](#)
- [Operate an Assisted Living Residence →](#)

All other tasks

- [File an Assisted Living Residence \(ALR\) complaint form →](#)

100%

9:56 AM
9/14/2018



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Webpage showing ALR location in MA

The screenshot displays a web browser window with the address bar showing <https://www.mass.gov/assisted-living-residence-search>. The page content features a map of Massachusetts with a high density of red location pins, primarily concentrated in the eastern and central parts of the state. A blue rectangular box on the left side of the map area contains the text "LOCATION DETAILS". The browser's address bar includes navigation icons and a search bar. The Windows taskbar at the bottom shows the system tray with the date and time set to 9:36 AM on 9/14/2018, and several application icons including Internet Explorer, File Explorer, and Microsoft Office applications.



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Browser window showing the URL: https://www.mass.gov/assisted-living-residence-search/locations?_page=

Search input: Wheelchair accessible

SUBMIT

SHOWING 1 - 8 OF 253 RESULTS

All American Assisted Living at Hanson →

1074 West Washington St, Hanson, MA 02341 [Directions](#) →

Total Number of Units: 48

Number of Traditional Units: 40

Number of Special Care Units: 8

Low Income Options: Yes

Phone
(781) 447-4100

Taskbar: Windows 7, Internet Explorer, Outlook, Word, PowerPoint, System tray: 8:54 AM, 9/14/2018



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❖ *Suggestions*

- ❑ Get to know the Assisted Living regulations.
- ❑ Consider using a more prescriptive assessment tool to enhance the medication assessment of the Residents capability to safely participate in the SAMM or LMA medication assistance programs i.e. insulin and oxygen use.
- ❑ Assess as many factors as possible in considering whether or not a resident may need to transition from traditional AL to SCR.
- ❑ Don't just train on Falls Prevention; implement it and expect from your staff that it be daily operational focus and practice.
- ❑ Annual Training needs assessment; review the events of the past year to identify the training needed to enhance you operation.



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□ Incident Report submissions:

- If in doubt of whether to report an incident; report it. EOEA will not cite for over-reporting.
- Consider holding off submitting an incident report immediately after its occurrence; you have 24 hours to submit. Allow for gathering the facts so that a more comprehensive report can be submitted.
- Reports must be made within 24 hours of the incident; if the investigation is not complete identify what's outstanding and the expected timeframe for submission.
- Review the circumstances of an Elopement before submitting one. Is it more of a behavioral Event?



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□ Initial Screening and Assessment

- Where is it taking place?
- Ask the prospective Resident the assessment questions (not the family or caretaker). Doing so helps in identifying cognitive status, behavioral, physical issues present.
- Observe how they take their medications; do they need assistance? What type? Does it fit into the SAMM and LMA program in your ALR?
- Assess their walking and bathroom capabilities
- Take a tour of their living environment: what devices are they using, how do they navigate the area, how long have they lived there?



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❖ Feedback: What would be helpful to EOEA

- Prepare your staff for the EOEA site visit.
- Help your staff understand their job in the context of the regulations.
- Be available to the Residents and families and Staff to hear their concerns, complaints ideas. Follow through after the discussion.
- Train staff on how to submit an Incident Reports.
 - Under-reporting details is a major issue in all incident reporting categories.
- Ensure your medication policies are clear, comprehensive and known by all staff to ensure Resident's safety.



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QUESTIONS

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