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Circular Letter: EOEA 13-4

TO: Assisted Living Residences
FROM: Ann L. Hartstein *alb*
DATE: March 14, 2013
RE: Compliance Standards for Individual Urgent and Emergency Needs Response

Purpose: The purpose of this letter is to clarify compliance standards for responding to residents' urgent and emergency needs in Assisted Living Residences ("ALRs") and Special Care Residences ("SCRs"). This Circular Letter (CL) supersedes CL12-4.

Background and Program Implications

Under Executive Office of Elder Affairs ("EOEA") regulations governing ALRs, all ALRs are required to "provide timely assistance to Residents and prompt response to urgent or emergency needs."¹ Accordingly, the ALR must have sufficient staffing at all times to respond promptly and effectively to individual resident emergencies.²

Policy

As part of meeting its obligation to provide timely assistance to residents, all ALRs are required to have in place a working response system to provide timely assistance to residents and prompt

¹ 651 CMR § 12.04(3)(b)3, which sets forth Service and Service Coordination Requirements, is available at <http://www.mass.gov/elders/docs/651cmr-1.doc>.

² 651 CMR § 12.06(3) requires, with respect to ALRs and SCRs, "sufficient staffing at all times to meet the 24-hour per day scheduled and reasonably foreseeable unscheduled needs of all Residents based upon the Residents' assessments and service plans" and that the staffing be sufficient to "respond promptly and effectively to individual Resident emergencies." 651 CMR § 12.06(3) is available at <http://www.mass.gov/elders/docs/651cmr-1.doc>.

response to meet the resident's urgent or emergency needs. To ensure that the response system is effective on an ongoing basis, the ALR shall have an established policy and practice for monitoring and testing its response system so as to assess the system's capacity to effectively and appropriately meet resident urgent or emergency needs. In addition, all response system monitoring activities and/or test results shall be documented, and readily available for review by an authorized employee or agent of EOEA to verify the system's effectiveness.

Procedure: Traditional ALR Units

Traditional ALRs shall have in place a working system to ensure reasonable and timely response to a resident's urgent or emergency needs. For quality assurance purposes, the ALR must oversee and monitor its response system to ensure functionality and effectiveness, including quarterly monitoring of all shifts.

All quality assurance activities and reviews shall be accurately documented to demonstrate reasonable staff response times to the resident's urgent or emergency needs.

To the extent that an ALR has in place an electronic tracking system that can provide computerized tracking capable of printing out related reports for management to review staff response, then the required quarterly quality assurance monitoring and documentation would be met. E-call system reports shall be readily available for review by an authorized employee or agent of EOEA.

Procedure: Special Care Residences (SCR's)

ALR's with designated SCRs shall satisfy the requirement for the provision of timely resident assistance by having in place a general system for responding to emergency needs. There are a wide range of technological options to address this need, including the use of emergency call systems. ALRs need not make alternative accommodations for SCR residents capable of using the ALR's emergency call system. In the absence of such an effective system, or a resident's ability to understand its use, the minimally allowable system shall be hourly visual resident safety checks between 7:00pm and 7:00am. ALRs may employ the use of visual monitors as an alternative to hourly checks with resident and/or legal guardian consent.

If a resident's circumstances, as documented in the person's individualized assessment³ and by the resident's primary care provider in the resident's individual service plan⁴, are such that hourly checks would be inappropriate to a resident's particularized needs, an alternative appropriate and effective system may be used instead. An example of an appropriate alternative system for these residents would be the use of visual monitors.

All records maintained for and by staff shall accurately document the frequency of visual resident safety checks in the SCR throughout assigned shift hours. If an alternative system is being employed, a detailed system description and related system activities shall be accurately

³ 651 CMR § 12.04(8), which sets forth Service Plan Requirements, can be found at <http://www.mass.gov/elders/docs/651cmr-1.doc>.

⁴ 651 CMR § 12.04(7), which sets forth Screening and Assessment, can be found at <http://www.mass.gov/elders/docs/651cmr-1.doc>.

documented to demonstrate effective and prompt response to the resident's scheduled and unscheduled needs in accordance with his or her individualized service plan and assessment.

Required Actions

ALRs should establish a Policy and Procedure for the requirements set forth in this Circular Letter, including Policies and Procedures providing for sufficient staffing to meet individual urgent and emergency resident needs.

Implementation

ALRs must provide revised Disclosure Statements to all new residents admitted to the ALR following receipt of this Circular Letter. ALRs have up to 90 days from the effective date of this Circular Letter to provide current residents with a copy of those provisions of the Disclosure Statement that have been modified in response to the requirements set forth in this Circular Letter. ALRs shall offer residents the option of receiving a copy of the full Disclosure Statement with the amended provisions. All other requirements set forth in this Circular Letter are effective immediately.

Effective Date

March 14, 2013

Contact

If you have any questions regarding this letter, please contact EOEAs Director of Housing and Assisted Living.