

**INSPECTIONS AND APPEALS DEPARTMENT[481]**

**Notice of Intended Action**

**Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”**

**Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.**

Pursuant to the authority of Iowa Code sections 10A.104(5) and 135C.14, the Department of Inspections and Appeals hereby gives Notice of Intended Action to rescind Chapter 57, “Residential Care Facilities,” Iowa Administrative Code, and to adopt a new Chapter 57 with the same title.

The proposed amendment rescinds the current Chapter 57 and replaces it with a new Chapter 57. A full review of the chapter was conducted, with input from various stakeholder groups during the review process. Outdated provisions in the current chapter were omitted or updated in the new chapter, and the rules were reordered.

The Department does not believe that the proposed amendment poses a financial hardship on any regulated entity or individual.

The State Board of Health initially reviewed the proposed amendment at its September 10, 2014, meeting.

Any interested person may make written suggestions or comments on the proposed amendment on or before October 21, 2014. Such written materials should be addressed to the Director, Department of Inspections and Appeals, Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa 50319-0083; faxed to (515)242-6863; or e-mailed to [david.werning@dia.iowa.gov](mailto:david.werning@dia.iowa.gov).

Additionally, there will be a public hearing on October 21, 2014, at 10 a.m. in Room 320 of the Lucas State Office Building, 321 East 12th Street, Des Moines, Iowa, at which time persons may present their views either orally or in writing. At the hearing, persons will be asked to give their names and addresses for the record and to confine their remarks to the subject of the rules.

Any person who intends to attend the public hearing and has special requirements, such as those relating to hearing or mobility impairments, should contact the Department of Inspections and Appeals and advise of special needs.

After analysis and review of this rule making, no impact on jobs has been found.

These rules are intended to implement Iowa Code section 135C.14.

The following amendment is proposed.

Rescind 481—Chapter 57 and adopt the following **new** chapter in lieu thereof:

**CHAPTER 57  
RESIDENTIAL CARE FACILITIES**

**481—57.1(135C) Definitions.** For the purposes of these rules, the following terms shall have the meanings indicated in this rule. The definitions set out in Iowa Code section 135C.1 shall be considered to be incorporated verbatim in these rules.

“*Accommodation*” means the provision of lodging, including sleeping, dining, and living areas.

“*Activities of daily living*” means the following self-care tasks: bathing, dressing, grooming, eating, transferring, toileting and ambulation.

“*Administrator*” means a person approved by the department who administers, manages, supervises, and is in general administrative charge of a residential care facility, whether or not such person has an ownership interest in the facility, and whether or not the functions and duties are shared with one or more other persons.

“*Ambulatory*” means the condition of a person who immediately and without the aid of another person is physically and mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

“*Basement*” means that part of a building where the finish floor is more than 30 inches below the finish grade of the building.

“*Board*” means the regular provision of meals.

“*Change of ownership*” means the purchase, transfer, assignment, or lease of a licensed residential care facility.

“*Communicable disease*” means a disease caused by the presence within a person’s body of a virus or microbial agent which may be transmitted either directly or indirectly to other persons.

“*Department*” means the department of inspections and appeals.

“*Distinct part*” means a clearly identifiable area or section containing contiguous rooms within a health care facility.

“*Interdisciplinary team*” means the group of persons who develop a single, integrated, individual program plan to meet a resident’s needs for services. The interdisciplinary team consists of, at a minimum, the resident, the resident’s legal guardian if applicable, the resident’s advocate if desired by the resident, a referral agency representative, other appropriate staff members, other providers of services, and other persons relevant to the resident’s needs.

“*Legal representative*” means the resident’s guardian or conservator if one has been appointed.

“*Medication*” means any drug, including over-the-counter substances, ordered and administered under the direction of the physician or physician extender.

“*Nonambulatory*” means the condition of a person who immediately and without the aid of another person is not physically or mentally capable of traveling a normal path to safety, including the ascent and descent of stairs.

“*Personal care*” means assistance with the activities of daily living which the recipient can perform only with difficulty. Examples are help in getting in and out of bed, assistance with personal hygiene and bathing, help with dressing and eating, and supervision over medications which can be self-administered.

“*Physician extender*” means an advanced registered nurse practitioner, clinical nurse specialist or physician assistant who is working in collaboration with the resident’s physician.

“*Program of care*” means all services being provided for a resident in a health care facility.

“*Qualified intellectual disabilities professional*” means a psychologist, physician, registered nurse, educator, social worker, human services professional, physical or occupational therapist, speech therapist or audiologist who meets the educational requirements for the profession, as required in the state of Iowa, and has one year’s experience working with the intellectually disabled.

“*Rate*” means the daily fee that is charged for all residents equally and that includes the cost of all minimum services required in these rules and regulations.

“*Records*” includes electronic records.

“*Renovation*” means the replacement in kind, strengthening, or upgrading of building elements, materials, equipment or fixtures that does not result in a reconfiguration of the building or the spaces within.

“*Responsible party*” means the person who signs or cosigns the residency agreement required in rule 481—57.15(135C) or the resident’s legal representative. In the event that a resident has neither a legal representative nor a person who signed or cosigned the resident’s residency agreement, the term “responsible party” shall include the resident’s sponsoring agency, e.g., the department of human services, the U.S. Department of Veterans Affairs, a religious group, fraternal organization, or foundation that assumes responsibility and advocates for its client patients and pays for their health care.

“*Restraints*” means the measures taken to control a resident’s physical activity for the resident’s own protection or for the protection of others.

“*Self-administration of medications*” means an individual is capable of all aspects of taking medications with no staff supervision. If staff are involved in the process in any way, such as monitoring to ensure that the individual takes the right medications or does not take someone else’s key and

access someone else's medication lock box, then the individual is not capable of self-administering medications.

**481—57.2(135C,17A) Waiver or variance.** A waiver or variance from these rules may be granted by the director of the department in accordance with 481—Chapter 6. A request for waiver or variance will be granted or denied by the director within 120 calendar days of receipt.

**481—57.3(135C) Application for licensure.**

**57.3(1) Application and licensing—new facility or change of ownership.** In order to obtain an initial residential care facility license for a facility not currently licensed as a residential care facility or for a residential care facility when a change of ownership is contemplated, the applicant must:

- a. Make application at least 30 days prior to the proposed opening date of the facility. Application shall be made on forms provided by the department.
- b. Meet all of the rules, regulations, and standards contained in 481—Chapters 50, 57 and 60. Exceptions noted in 481—subrule 60.3(2) shall not apply.
- c. Submit a letter of intent and a written résumé of care. The résumé of care shall meet the requirements of subrule 57.3(2).
- d. Submit a floor plan of each floor of the residential care facility. The floor plan of each floor shall be drawn on 8½" × 11" paper, show room areas in proportion, room dimensions, window and door locations, designation of the use of each room, and the room numbers for all rooms, including bathrooms.
- e. Submit a photograph of the front and side of the residential care facility.
- f. Submit the statutory fee for a residential care facility license.
- g. Comply with all other local statutes and ordinances in existence at the time of licensure.
- h. Submit a certificate signed by the state or local fire inspection authority as to compliance with fire safety rules and regulations.

**57.3(2) Résumé of care.** The résumé of care shall describe the following:

- a. Purpose of the facility;
- b. Criteria for admission to the facility;
- c. Ownership of the facility;
- d. Composition and responsibilities of the governing board;
- e. Qualifications and responsibilities of the administrator;
- f. Medical services provided to residents, to include the availability of emergency medical services in the area and the designation of a physician or physician extender to be responsible for residents in an emergency;
- g. Dental services provided to residents and available in the area;
- h. Nursing services provided to residents, if applicable;
- i. Personal services provided to residents, including supervision of or assistance with activities of daily living;
- j. Activity program;
- k. Dietary services, including qualifications of the person in charge, consultation service (if applicable) and meal service;
- l. Other services available as applicable, including social services, physical therapy, occupational therapy, and recreational therapy;
- m. Housekeeping;
- n. Laundry;
- o. Physical plant; and
- p. Staffing provided to meet residents' needs.

**57.3(3) Renewal application.** In order to obtain a renewal of the residential care facility license, the applicant must submit the following:

- a. The completed application form 30 days prior to the annual license renewal date of the residential care facility license;
- b. The statutory license fee for a residential care facility;

- c. An approved current certificate signed by the state or local fire inspection authority as to compliance with fire safety rules and regulations;
- d. Changes to the résumé of care, if any; and
- e. Changes to the current residency agreement, if any.

**481—57.4(135C) Issuance of license.** Licenses are issued to the person, entity or governmental unit with responsibility for the operation of the facility and for compliance with all applicable statutes, rules and regulations.

**481—57.5(135C) Licenses for distinct parts.**

**57.5(1)** Separate licenses may be issued for distinct parts of a health care facility which are clearly identifiable, contain contiguous rooms, and provide separate categories of care and services.

**57.5(2)** The following requirements shall be met for separate licensing of a distinct part:

- a. The distinct part shall serve only residents who require the category of care and services immediately available to them within that part. (III)
- b. The distinct part shall meet all the standards, rules, and regulations pertaining to the category for which a license is being sought.
- c. The distinct part must be operationally and financially feasible.
- d. Personal care staff with qualifications appropriate to the care and services being rendered must be regularly assigned and working in the distinct part under responsible management. (III)
- e. Separately licensed distinct parts may have certain services such as management, building maintenance, laundry and dietary in common with each other.

This rule is intended to implement Iowa Code sections 135C.6(2) and 135C.14.

**481—57.6(135C) Special classification—memory care.**

**57.6(1) Designation and application.** A residential care facility may choose to care for residents who require memory care in a distinct part of the facility or designate the entire residential care facility as one that provides memory care. Residents in the memory care unit or facility shall meet the level of care requirements for a residential care facility. “Memory care” in a residential care facility means the care of persons with early Alzheimer’s-type dementia or other disorders causing dementia. (I, II, III)

- a. Application for approval to provide this category of care shall be submitted by the licensee on a form provided by the department. (III)
- b. Plans to modify the physical environment shall be submitted to the department for review based on the requirements of 481—Chapter 60. (III)
- c. If the unit or facility is to be a locked unit or facility, all locking devices shall meet the Life Safety Code and any requirements of the state fire marshal. If the unit or facility is to be unlocked, a system of security monitoring is required. (I, II, III)

**57.6(2) Résumé of care.** A résumé of care shall be submitted to the department for approval at least 30 days before a separate memory care unit or facility is opened. For facilities with a memory care unit, this résumé of care is in addition to the résumé of care required by subrule 57.3(2). A new résumé of care shall be submitted when services are substantially changed. The résumé of care shall:

- a. Describe the population to be served;
- b. State the philosophy and objectives;
- c. List criteria for transfer to and from the memory care unit or facility;
- d. Include a copy of the floor plan;
- e. List the titles of policies and procedures developed for the unit or facility;
- f. Propose a staffing pattern;
- g. Set out a plan for specialized staff training;
- h. State visitor, volunteer, and safety policies;
- i. Describe programs for activities, social services and families; and
- j. Describe the interdisciplinary team and the role of each team member.

**57.6(3) Policies and procedures.** Separate written policies and procedures shall be implemented in the memory care unit or facility and shall address the following:

*a.* Criteria for admission and the preadmission evaluation process. The policy shall require a statement from the attending physician or physician extender approving the placement before a resident may be moved into a memory care unit or facility. (II, III)

*b.* Safety, including a description of the actions required of staff in the event of a fire, natural disaster, or emergency medical event or catastrophic event. Safety procedures shall also explain steps to be taken when a resident is discovered to be missing from the unit or facility, when hazardous cleaning materials or potentially dangerous mechanical equipment is being used in the unit or facility, and the manner in which the effectiveness of the security system will be monitored. (II, III)

*c.* Staffing requirements, including the minimum number, types and qualifications of staff in the unit or facility in accordance with resident needs. (II, III)

*d.* Visitation policies, including suggested times for visitation and ensuring the residents' rights to free access to visitors unless visits are contraindicated by the interdisciplinary team. (II, III)

*e.* The process and criteria which will be used to monitor and to respond to risks specific to the residents, including but not limited to drug use, restraint use, infections, incidents and acute behavioral events. (II, III)

**57.6(4) Assessment prior to transfer or admission.** Prior to the transfer or admission of a resident applicant to the memory care unit or facility, a complete assessment of the resident applicant's physical, mental, social and behavioral status shall be completed to determine whether the applicant meets admission criteria. This assessment shall be completed by facility staff and shall become part of the resident's permanent record upon admission. (II, III)

**57.6(5) Staff training.** All staff working in a memory care unit or facility shall have training appropriate to the needs of the residents. (I, II, III)

*a.* Upon assignment to the unit or facility, all staff working in the unit or facility shall be oriented to the needs of residents requiring memory care. Staff members shall have at least six hours of special training appropriate to their job descriptions within 30 days of assignment to the unit or facility. (I, II, III)

*b.* Training shall include the following topics: (II, III)

(1) An explanation of Alzheimer's disease and related disorders, including symptoms, behavior and disease progression;

(2) Skills for communicating with persons with dementia;

(3) Skills for communicating with family and friends of persons with dementia;

(4) An explanation of family issues such as role reversal, grief and loss, guilt, relinquishing the caregiving role, and family dynamics;

(5) The importance of planned and spontaneous activities;

(6) Skills in providing assistance with activities of daily living;

(7) Skills in working with challenging residents;

(8) Techniques for cueing, simplifying, and redirecting;

(9) Staff support and stress reduction;

(10) Medication management and nonpharmacological interventions.

*c.* Nursing staff, certified medication aides, medication managers, social services personnel, housekeeping and activity personnel shall have a minimum of six hours of in-service training annually. This training shall be related to the needs of memory care residents. The six-hour initial training required in paragraph 57.6(5) "a" shall count toward the required annual in-service training. (II, III)

**57.6(6) Staffing.** There shall be at least one staff person on a memory care unit at all times. (I, II, III)

**57.6(7) Others living in the memory care unit.** A resident not requiring memory care services may live in the memory care unit if the resident's spouse requiring memory care services lives in the unit or if no other beds are available in the facility and the resident or the resident's legal representative consents in writing to the placement. (II, III)

**57.6(8) Revocation, suspension or denial.** The memory care unit license or facility license may be revoked, suspended or denied pursuant to Iowa Code chapter 135C and 481—Chapter 50.

This rule is intended to implement Iowa Code sections 135C.2(3) “b” and 135C.14.

**481—57.7(135C) General requirements.**

**57.7(1)** The license shall be displayed in the facility in a conspicuous place which is accessible to the public. (III)

**57.7(2)** The license shall be valid only in the possession of the licensee to whom it is issued.

**57.7(3)** The posted license shall accurately reflect the current status of the residential care facility. (III)

**57.7(4)** The license shall expire one year after the date of issuance or as indicated on the license.

**57.7(5)** The licensee shall:

- a. Assume the responsibility for the overall operation of the residential care facility. (I, II, III)
- b. Be responsible for compliance with all applicable laws and with the rules of the department. (I, II, III)
- c. Provide an organized continuous 24-hour program of care commensurate with the needs of the residents. (I, II, III)

**57.7(6)** Each citation or a copy of each citation issued by the department for a class I or class II violation shall be prominently posted by the facility in plain view of the residents, visitors, and persons inquiring about placement in the facility. The citation or copy of the citation shall remain posted until the violation is corrected to the satisfaction of the department. (I, II, III)

**481—57.8(135C) Certified volunteer long-term care ombudsman program.** A certified volunteer long-term care ombudsman appointed in accordance with Iowa Code section 231.45 shall operate within the scope of the rules for volunteer ombudsmen promulgated by the office of the long-term care ombudsman and the Iowa department on aging.

**481—57.9(135C) Required notifications to the department.** The department shall be notified:

**57.9(1)** Thirty days before any proposed change in the residential care facility’s functional operation or addition or deletion of required services; (III)

**57.9(2)** Thirty days before the beginning of any renovation, addition, functional alteration, change of space utilization, or conversion in the residential care facility or on the premises; (III)

**57.9(3)** Thirty days before closure of the residential care facility; (III)

**57.9(4)** Within two weeks of any change in administrator; (III)

**57.9(5)** Ninety days before a change in the category of license; (III)

**57.9(6)** Thirty days before a change of ownership, the licensee shall:

- a. Inform the department of the pending change of ownership; (III)
- b. Inform the department of the name and address of the prospective purchaser, transferee, assignee, or lessee; (III)
- c. Submit a written authorization to the department permitting the department to release all information of whatever kind from the department’s files concerning the licensee’s residential care facility to the named prospective purchaser, transferee, assignee, or lessee. (III)

**481—57.10(135C) Administrator.** Each residential care facility shall have one person in charge, duly approved by the department or acting in a provisional capacity in accordance with these rules. (III)

**57.10(1) Qualifications of an administrator.**

a. The administrator shall be at least 21 years of age and shall have a high school diploma or equivalent. (III) In addition, this person shall meet at least one of the following conditions:

- (1) Have a two-year degree in human services, psychology, sociology, nursing, health care administration, public administration, or a related field and have a minimum of two years’ experience in the field; or (III)

(2) Have a four-year degree in human services, psychology, sociology, nursing, health care administration, public administration, or a related field and have a minimum of one year experience in the field; or (III)

(3) Have a master's degree in human services, psychology, sociology, nursing, health care administration, public administration, or a related field and have a minimum of one year experience in the field; or (III)

(4) Be a licensed nursing home administrator; or (III)

(5) Have completed a one-year educational training program approved by the department for residential care facility administrators; or (III)

(6) Have passed the National Association of Long Term Care Administrator Boards (NAB) RC/AL administrator licensure examination; or

(7) Have two years of direct care experience and at least six months of administrative experience in a residential care facility. (III)

b. An individual employed as an administrator on [effective date of these rules] will be deemed to meet the requirements of this subrule.

**57.10(2) Duties of an administrator.** The administrator shall:

a. Select and direct competent personnel who provide services for the residential care program. (III)

b. Arrange for the heads of nursing, social services, dietary and activities to attend a minimum of ten contact hours of educational programs per year to increase skills and knowledge needed for their positions. The ten hours is in addition to the in-service requirements in paragraph 57.10(2) "c." (III)

c. Provide in-service educational programming for all employees with direct resident contact and maintain records of programs and participants. (III) In-service educational programming offered during each calendar year shall include, at minimum, the following topics: (I, II, III)

(1) Infection control.

(2) Emergency preparedness (fire, tornado, flood, 911, etc.).

(3) Meal time procedures/dietary.

(4) Resident activities.

(5) Mental illness/behavior modification/crisis intervention.

(6) Resident safety/supervision.

(7) Resident rights.

(8) Medication education, to include administration, storage and drug interactions.

(9) Resident service plans/programming/goals.

**57.10(3) Administrator serving at more than one residential care facility.** The administrator may be responsible for no more than 150 beds in total if the administrator is an administrator of more than one facility. (II)

a. An administrator of more than one facility shall designate in writing an administrative staff person in each facility who shall be responsible for directing programs in the facility.

b. The administrative staff person designated by the administrator shall:

(1) Have at least one year of experience in a supervisory or direct care position in a residential care facility or in a facility for the intellectually disabled, mentally ill or developmentally disabled; (II, III)

(2) Be knowledgeable of the operation of the facility; (II, III)

(3) Have access to records concerned with the operation of the facility; (II, III)

(4) Be capable of carrying out administrative duties and of assuming administrative responsibilities; (II, III)

(5) Be at least 21 years of age; (III)

(6) Be empowered to act on behalf of the licensee concerning the health, safety and welfare of the residents; and (II, III)

(7) Have training in emergency response, including how to respond to residents' sudden illnesses. (II, III)

c. If an administrator serves more than one facility, the administrator must designate in writing regular and specific times during which the administrator will be available to consult with staff and residents to provide direction and supervision of resident care and services. (II, III)

**57.10(4) Provisional administrator.** A provisional administrator may be appointed on a temporary basis by the residential care facility licensee to assume the administrative responsibilities for a residential care facility for a period not to exceed one year when the facility has lost its administrator and has not been able to replace the administrator, provided that the department has been notified and approved the provisional administrator prior to the date of the provisional administrator's appointment. (III) The provisional administrator must meet the requirements of paragraph 57.10(3) "b."

**57.10(5) Temporary absence of administrator.**

a. In the temporary absence of the administrator, a responsible person shall be designated in writing to the department to be in charge of the facility. (III) The person designated shall:

- (1) Be knowledgeable of the operation of the facility; (III)
- (2) Have access to records concerned with the operation of the facility; (III)
- (3) Be capable of carrying out administrative duties and of assuming administrative responsibilities; (III)
- (4) Be at least 21 years of age; (III)
- (5) Be empowered to act on behalf of the licensee during the administrator's absence concerning the health, safety, and welfare of the residents; (III)
- (6) Have training in emergency response, including how to respond to residents' sudden illnesses. (II, III)

b. If the administrator is absent for more than six weeks, a provisional administrator must be appointed pursuant to subrule 57.10(4).

#### **481—57.11(135C) Personnel.**

**57.11(1) Alcohol and drug use prohibited.** No person under the influence of intoxicating drugs or alcoholic beverages shall be permitted to provide services in a residential care facility. (I, II)

**57.11(2) Job description.** There shall be a written job description developed for each category of worker. The job description shall include the job title, responsibilities and qualifications. (III)

**57.11(3) Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse.** The facility shall comply with the requirements found in Iowa Code section 135C.33 as amended by 2014 Iowa Acts, chapter 1040, and rule 481—50.9(135C) related to completion of criminal record checks, child abuse checks, and dependent adult abuse checks and to employment of individuals who have committed a crime or have a founded abuse. (I, II, III)

**57.11(4) Personnel record.** A personnel record shall be kept for each employee and shall include but not be limited to the following information about the employee: name and address, social security number, date of birth, date of employment, position, experience and education, references, results of criminal record checks, child abuse checks and dependent adult abuse checks, and date of discharge or resignation. (III)

**57.11(5) Supervision and staffing.**

- a. The facility shall provide sufficient staff to meet the needs of the residents served. (I, II, III)
- b. Personnel in a residential care facility shall provide 24-hour coverage for residential care services. Personnel shall be awake at all times while on duty. (I, II, III)
- c. Direct care staff shall be present in the facility unless all residents are involved in activities away from the facility. (I, II, III)
- d. Staff shall be aware of and provide supervision levels based on the present needs of the residents in the staff's care. The facility shall document the supervision of residents who require more than general supervision. (I, II, III)
- e. The facility shall maintain an accurate record of actual hours worked by employees. (III)



**57.11(6) Physical examination and screening.** Employees shall have a physical examination no longer than 12 months prior to beginning employment and every four years thereafter. Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

**481—57.12(135C) General policies.** The licensee shall establish and implement written policies and procedures as set forth in this rule. The policies and procedures shall be available for review by the department, other agencies designated by Iowa Code section 135C.16(3), staff, residents, residents' families or legal representatives, and the public and shall be reviewed by the licensee annually. (II)

**57.12(1) Facility operation.** The licensee shall establish written policies for the operation of the facility, including, but not limited to the following: (III)

- a. Personnel; (III)
- b. Admission; (III)
- c. Evaluation services; (II, III)
- d. Programming and individual program plans; (II, III)
- e. Registered sex offender management; (II, III)
- f. Crisis intervention; (II, III)
- g. Discharge or transfer; (III)
- h. Medication management, including self-administration of medications and chemical restraints; (III)
- i. Resident property; (II, III)
- j. Resident finances; (II, III)
- k. Records; (III)
- l. Health and safety; (II, III)
- m. Nutrition; (III)
- n. Physical facilities and maintenance; (III)
- o. Resident rights; (II, III)
- p. Investigation and reporting of alleged dependent adult abuse; (II, III)
- q. Investigation and reporting of accidents or incidents; (II, III)
- r. Transportation of residents; (II, III)
- s. Resident supervision; (II, III)
- t. Smoking; (III)
- u. Visitors; (III)
- v. Disaster/emergency planning; (III) and
- w. Infection control. (III)

**57.12(2) Personnel policies.** Written personnel policies shall include the hours of work and attendance at educational programs. (III)

**57.12(3) Infection control.** The facility shall have a written and implemented infection control program, which shall include policies and procedures based on guidelines issued by the Centers for Disease Control and Prevention, U.S. Department of Health and Human Services. The infection control program shall address the following:

- a. Techniques for hand washing; (I, II, III)
- b. Techniques for handling of blood, body fluids, and body wastes; (I, II, III)
- c. Dressings, soaks or packs; (I, II, III)
- d. Infection identification; (I, II, III)
- e. Resident care procedures to be used when there is an infection present; (I, II, III)
- f. Sanitation techniques for resident care equipment; (I, II, III)
- g. Techniques for sanitary use and reuse of feeding syringes and single-resident use and reuse of urine collection bags; (I, II, III) and
- h. Techniques for use and disposal of needles, syringes, and other sharp instruments. (I, II, III)

**57.12(4) Resident care techniques.** The facility shall have written and implemented procedures to be followed if a resident needs any of the following treatment or devices:

- a. Intravenous or central line catheter; (I, II, III)

- b. Urinary catheter; (I, II, III)
- c. Respiratory suction, oxygen or humidification; (I, II, III)
- d. Decubitus care; (I, II, III)
- e. Tracheostomy; (I, II, III)
- f. Nasogastric or gastrostomy tubes; (I, II, III)
- g. Sanitary use and reuse of feeding syringes and single-resident use and reuse of urine collection bags. (I, II, III)

**57.12(5) Emergency care.** The facility shall establish written policies for the provision of emergency medical care to residents and employees in case of sudden illness or accident. The policies shall include a list of those individuals to be contacted in case of an emergency. (I, II, III)

**481—57.13(135C) Admission, transfer and discharge.**

**57.13(1) General admission policies.**

a. Residents shall be admitted to a residential care facility only on a written order signed by a physician or physician extender, specifying the level of care, and certifying that the individual being admitted requires no more than personal care and supervision and does not require routine nursing care. (II, III)

b. No residential care facility shall admit or retain a resident who is in need of greater services than the facility can provide. (I, II, III)

c. No residential care facility shall admit more residents than the number of beds for which the facility is licensed. (II, III)

d. A residential care facility is not required to admit an individual through court order, referral or other means without the express prior approval of the administrator. (III)

e. The admission of a resident shall not grant the residential care facility the authority or responsibility to manage the personal affairs of the resident except as may be necessary for the safety of the resident and the safe and orderly management of the residential care facility as required by these rules. (III)

f. Individuals under the age of 18 shall not be admitted to a residential care facility without prior written approval by the department. A distinct part of a residential care facility, segregated from the adult section, may be established based on a résumé of care that is submitted by the licensee or applicant and is commensurate with the needs of the residents of the residential care facility and that has received the department’s review and approval. (III)

g. No health care facility and no owner, administrator, employee or representative thereof shall act as guardian, trustee, or conservator for any resident’s property unless such resident is related within the third degree of consanguinity to the person acting as guardian. (III)

**57.13(2) Discharge or transfer.**

a. Notification shall be made to the legal representative, attending physician or physician extender, and sponsoring agency, if any, prior to the transfer or discharge of any resident. (III)

b. The licensee shall not refuse to discharge or transfer a resident when the physician, physician extender, family, resident, or legal representative requests such transfer or discharge. (II, III)

c. Advance notification will be made to the receiving facility prior to the transfer of any resident. (III)

d. When a resident is transferred or discharged, the appropriate record will accompany the resident to ensure continuity of care. “Appropriate record” includes the resident’s face sheet, service plan, most recent orders of the physician or physician extender and any notifications of upcoming scheduled appointments. (II, III)

e. When a resident is transferred or discharged, the resident’s unused prescriptions shall be sent with the resident or with a legal representative only upon the written order of a physician or physician extender. (II, III)

**481—57.14(135C) Involuntary discharge or transfer.**

**57.14(1) *Involuntary discharge or transfer permitted.*** A facility may involuntarily discharge or transfer a resident for only one of the following reasons:

- a. Medical reasons;
- b. The resident's welfare or that of other residents;
- c. Repeated refusal by the resident to participate in the resident's service plan;
- d. Due to action pursuant to Iowa Code chapter 229; or
- e. Nonpayment for the resident's stay, as described in the residency agreement for the resident's stay.

**57.14(2) *Medical reasons.*** Medical reasons for transfer or discharge shall be based on the resident's needs and shall be determined and documented in the resident's record by the attending physician or physician extender. Transfer or discharge may be required in order to provide a different level of care to the resident. (II)

**57.14(3) *Welfare of a resident.*** Welfare of a resident or that of other residents refers to a resident's social, emotional, or physical well-being. A resident may be transferred or discharged because the resident's behavior poses a continuing threat to the resident (e.g., suicidal) or to the well-being of other residents or staff (e.g., the resident's behavior is incompatible with other residents' needs and rights). Written documentation that the resident's continued presence in the facility would adversely affect the resident's own welfare or that of other residents shall be made by the administrator or designee and shall include specific information to support this determination. (II)

**57.14(4) *Notice.*** Involuntary transfer or discharge of a resident from a facility shall be preceded by a written notice to the resident and the responsible party. (II, III)

- a. The notice shall contain all of the following information:
  - (1) The stated reason for the proposed transfer or discharge. (II)
  - (2) The effective date of the proposed transfer or discharge. (II)
  - (3) A statement, in not less than 12-point type, that reads as follows:

You have a right to appeal the facility's decision to transfer or discharge you. If you think you should not have to leave this facility, you may request a hearing, in writing or verbally, with the Iowa department of inspections and appeals (hereinafter referred to as "department") within seven days after receiving this notice. You have a right to be represented at the hearing by an attorney or any other individual of your choice. If you request a hearing, it will be held no later than 14 days after receipt of your request by the department and you will not be transferred prior to a final decision. In emergency circumstances, extension of the 14-day requirement may be permitted upon request to the department's designee. If you lose the hearing, you will not be transferred before the expiration of (1) 30 days following receipt of the original notice of the discharge or transfer, or (2) 5 days following final decision of such hearing, including exhaustion of all appeals, whichever occurs later. To request a hearing or receive further information, call the department at (515)281-4115, or write to the department to the attention of: Administrator, Division of Health Facilities, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083. (II)

- b. The notice shall be personally delivered to the resident and a copy placed in the resident's record. A copy shall also be transmitted to the department; the resident's responsible party; the resident's physician or physician extender; the person or agency responsible for the resident's placement, maintenance, and care in the facility; and the department on aging's long-term care ombudsman. The notice shall indicate that a copy has been transmitted to the required parties by using the abbreviation "cc:" and listing the names of all parties to whom copies were sent. (II)

- c. The notice required by paragraph 57.14(4) "a" shall be provided at least 30 days in advance of the proposed transfer or discharge unless one of the following occurs: (II)

- (1) An emergency transfer or discharge is mandated by the resident's health care needs and is in accordance with the written orders and medical justification of the attending physician or physician

extender. Emergency transfers or discharges may also be mandated in order to protect the health, safety, or well-being of other residents and staff from the resident being transferred. (II)

(2) The transfer or discharge is subsequently agreed to by the resident or the resident's responsible party, and notification is given to the responsible party, the resident's physician or physician extender, and the person or agency responsible for the resident's placement, maintenance, and care in the facility.

*d.* A hearing requested pursuant to this subrule shall be held in accordance with subrule 57.14(6).

**57.14(5) Emergency transfer or discharge.** In the case of an emergency transfer or discharge, the resident must be given a written notice prior to or within 48 hours following transfer or discharge. (II, III)

*a.* A copy of this notice must be placed in the resident's file. The notice must contain all of the following information:

- (1) The stated reason for the transfer or discharge. (II)
- (2) The effective date of the transfer or discharge. (II)
- (3) A statement, in not less than 12-point type, that reads:

You have a right to appeal the facility's decision to transfer or discharge you on an emergency basis. If you think you should not have to leave this facility, you may request a hearing in writing or verbally with the Iowa state department of inspections and appeals within 7 days after receiving this notice. You have the right to be represented at the hearing by an attorney or any other individual of your choice. If you request a hearing, it will be held no later than 14 days after receipt of your request by the department. You may be transferred or discharged before the hearing is held or before a final decision is rendered. If you win the hearing, you have the right to be transferred back into the facility. To request a hearing or receive further information, call the department at (515)281-4115, or write to the department to the attention of: Administrator, Division of Health Facilities, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319-0083. (II)

*b.* The notice shall be personally delivered to the resident and a copy placed in the resident's record. A copy shall also be transmitted to the department; the resident's responsible party; the resident's physician or physician extender; the person or agency responsible for the resident's placement, maintenance, and care in the facility; and the department on aging's long-term care ombudsman. The notice shall indicate that a copy has been transmitted to the required parties by using the abbreviation "cc:" and listing the names of all parties to whom copies were sent. (II)

*c.* A hearing requested pursuant to this subrule shall be held in accordance with subrule 57.14(6).

**57.14(6) Hearing.**

*a.* Request for hearing.

- (1) The resident must request a hearing within 7 days of receiving the written notice.
- (2) The request must be made to the department, either in writing or verbally.

*b.* The hearing shall be held no later than 14 days after receipt of the request by the department unless the resident requests an extension due to emergency circumstances.

*c.* Except in the case of an emergency discharge or transfer, a request for a hearing shall stay a transfer or discharge pending a final decision, including the exhaustion of all appeals. (II)

*d.* The hearing shall be heard by a department of inspections and appeals administrative law judge pursuant to Iowa Code chapter 17A and 481—Chapter 10. The hearing shall be public unless the resident or the resident's legal representative requests in writing that the hearing be closed. In a determination as to whether a transfer or discharge is authorized, the burden of proof by a preponderance of evidence rests on the party requesting the transfer or discharge.

*e.* Notice of the date, time, and place of the hearing shall be sent by certified mail or delivered in person to the facility, the resident, the responsible party, and the office of the long-term care ombudsman not later than 5 full business days after receipt of the request. The notice shall also inform the facility and the resident or the responsible party that they have a right to appear at the hearing in person or be represented by an attorney or other individual. The appeal shall be dismissed if neither party is present or represented at the hearing. If only one party appears or is represented, the hearing shall proceed with

one party present. A representative of the office of the long-term care ombudsman shall have the right to appear at the hearing.

*f.* The administrative law judge's written decision shall be mailed by certified mail to the licensee, resident, responsible party, and the office of the long-term care ombudsman within 10 working days after the hearing has been concluded.

**57.14(7) *Nonpayment.*** If nonpayment is the basis for involuntary transfer or discharge, the resident shall have the right to make full payment up to the date that the discharge or transfer is to be made and then shall have the right to remain in the facility. (II)

**57.14(8) *Discussion of involuntary transfer or discharge.*** Within 48 hours after notice of involuntary transfer or discharge has been received by the resident, the facility shall discuss the involuntary transfer or discharge with the resident, the resident's responsible party, and the person or agency responsible for the resident's placement, maintenance, and care in the facility. (II)

*a.* The facility administrator or other appropriate facility representative serving as the administrator's designee shall provide an explanation and discussion of the reasons for the resident's involuntary transfer or discharge. (II)

*b.* The content of the explanation and discussion shall be summarized in writing, shall include the names of the individuals involved in the discussion, and shall be made part of the resident's record. (II)

*c.* The provisions of this subrule do not apply if the involuntary transfer or discharge has already occurred pursuant to subrule 57.14(5) and emergency notice is provided within 48 hours.

**57.14(9) *Transfer or discharge planning.***

*a.* The facility shall develop a plan to provide for the orderly and safe transfer or discharge of each resident to be transferred or discharged. (II)

*b.* To minimize the possible adverse effects of the involuntary transfer, the resident shall receive counseling services by the sending facility before the involuntary transfer and by the receiving facility after the involuntary transfer. Counseling shall be documented in the resident's record. (II)

*c.* The counseling requirement in paragraph 57.14(9) "b" does not apply if the discharge has already occurred pursuant to subrule 57.14(5) and emergency notice is provided within 48 hours.

*d.* Counseling, if required, shall be provided by a qualified individual who meets one of the following criteria:

(1) Has a bachelor's or master's degree in social work from an accredited college. (II)

(2) Is a graduate of an accredited four-year college and has had at least one year of full-time paid employment in a social work capacity with a public or private agency. (II)

(3) Has been employed in a social work capacity for a minimum of four years in a public or private agency. (II)

(4) Is a licensed psychologist or psychiatrist. (II)

(5) Is any other person of the resident's choice. (II)

*e.* The receiving health care facility of a resident involuntarily transferred shall immediately formulate and implement a plan of care which takes into account possible adverse effects the transfer may cause. (II)

**57.14(10) *Transfer upon revocation of license or voluntary closure.*** Residents shall not have the right to a hearing to contest an involuntary discharge or transfer resulting from the revocation of the facility's license by the department of inspections and appeals. In the case of the voluntary closure of a facility, a period of 30 days must be allowed for an orderly transfer of residents to other facilities.

**57.14(11) *Intrafacility transfer.***

*a.* Residents shall not be arbitrarily relocated from room to room within a licensed health care facility. (I, II) Involuntary relocation may occur only in the following situations, which shall be documented in the resident's record: (II)

(1) Incompatibility with or disturbing to other roommates.

(2) For the welfare of the resident or other residents of the facility.

(3) To allow a new admission to the facility that would otherwise not be possible due to separation of roommates by sex.

(4) In the case of a resident whose source of payment was previously private, but who now is eligible for Title XIX (Medicaid) assistance, the resident may be transferred from a private room to a semiprivate room or from one semiprivate room to another.

(5) Reasonable and necessary administrative decisions regarding the use and functioning of the building.

*b.* Unreasonable and unjustified reasons for changing a resident's room without the concurrence of the resident or responsible party include:

(1) Change from private pay status to Title XIX, except as outlined in subparagraph 57.14(11)“a”(4). (II)

(2) As punishment or behavior modification, except as specified in subparagraph 57.14(11)“a”(1). (II)

(3) Discrimination on the basis of race or religion. (II)

*c.* If intrafacility relocation is necessary for reasons outlined in paragraph 57.14(11)“a,” the resident shall be notified at least 48 hours prior to the transfer and the reason therefor shall be explained. The responsible party shall be notified as soon as possible. The notification shall be documented in the resident's record and signed by the resident or responsible party. (II, III)

*d.* If emergency relocation is required in order to protect the safety or health of the resident or other residents, the notification requirements may be waived. The conditions of the emergency shall be documented. The family or responsible party shall be notified immediately or as soon as possible of the condition that necessitates emergency relocation, and such notification shall be documented. (II, III)

*e.* A transfer to a part of a facility that has a different license must be handled the same way as a transfer to another facility, and not as an intrafacility transfer. (II, III)

#### **481—57.15(135C) Residency agreement.**

**57.15(1)** Each residency agreement shall:

*a.* State the base rate or scale per day or per month, the services included, and the method of payment. (III)

*b.* Contain a complete schedule of all offered services for which a fee may be charged in addition to the base rate. (III) Furthermore, the agreement shall:

(1) Stipulate that no further additional fees shall be charged for items not contained in the complete schedule of services; (III)

(2) State the method of payment for additional charges; (III)

(3) Contain an explanation of the method of assessment of such additional charges and an explanation of the method of periodic reassessment, if any, resulting in changing such additional charges; (III)

(4) State that additional fees may be charged to the resident for nonprescription drugs, other personal supplies, and services provided by a barber, beautician, and such. (III)

*c.* Contain an itemized list of services to be provided to the resident based on an assessment at the time of the resident's admission and in consultation with the administrator and including the specific fee the resident will be charged for each service and the method of payment. (III)

*d.* Include the total fee to be charged initially to the resident. (III)

*e.* State the conditions whereby the facility may make adjustments to its overall fees for resident care as a result of changing costs. (II, III) Furthermore, the agreement shall provide that the facility shall give:

(1) Written notification to the resident, or the responsible party when appropriate, of changes in the overall rates of both base and additional charges at least 30 days prior to the effective date of such changes; (II, III)

(2) Notification to the resident, or the responsible party when appropriate, of changes in additional charges, based on a change in the resident's condition. Notification must occur prior to the date such revised additional charges begin. If notification is given orally, subsequent written notification must also be given within a reasonable time, not to exceed one week, listing specifically the adjustments made. (II, III)

*f.* State the terms of agreement in regard to a refund of all advance payments in the event of the transfer, death, or voluntary or involuntary discharge of the resident. (II, III)

*g.* State the terms of agreement concerning the holding of and charging for a bed when a resident is hospitalized or leaves the facility temporarily for recreational or therapeutic reasons. The terms shall contain a provision that the bed will be held at the request of the resident or the resident's responsible party. (II, III)

(1) The facility shall ask the resident or responsible party whether the resident's bed should be held. This request shall be made before the resident leaves or within 48 hours after the resident leaves. The inquiry and the response shall be documented. (II, III)

(2) The facility shall inform the resident or responsible party that, when requested, the bed may be held beyond the number of days designated by the funding source, as long as payments are made in accordance with the agreement. (II, III)

*h.* State the conditions under which the involuntary discharge or transfer of a resident would be effected. (II, III)

*i.* Set forth any other matters deemed appropriate by the parties to the agreement. No agreement or any provision thereof shall be drawn or construed so as to relieve any health care facility of any requirement or obligation imposed upon it by this chapter or any standards or rules in force pursuant to this chapter. (II, III)

**57.15(2)** Each party to the residency agreement shall receive a copy of the signed agreement. (II, III)

#### **481—57.16(135C) Medical examinations.**

**57.16(1)** Each resident in a residential care facility shall have a designated licensed physician or physician extender who may be contacted when needed. (II, III)

**57.16(2)** Each resident admitted to a residential care facility shall have a physical examination prior to admission. (II, III)

*a.* If the resident is admitted directly from a hospital, a copy of the hospital admission physical and discharge summary may be a part of the record in lieu of an additional physical examination. A record of the examination, signed by the physician or physician extender, shall be a part of the resident's record. (II, III)

*b.* The record of the admission physical examination and medical history shall portray the current medical status of the resident and shall include the resident's name, sex, age, medical history, physical examination, diagnosis, statement of medical concerns, diet, and results of any diagnostic procedures. (II, III)

*c.* Screening and testing for tuberculosis shall be conducted pursuant to 481—Chapter 59. (I, II, III)

**57.16(3)** The person in charge shall immediately notify the physician or physician extender of any accident, injury or adverse change in the resident's condition that has the potential for requiring physician intervention. (I, II, III)

**57.16(4)** Each resident shall be visited by or shall visit the resident's physician or physician extender at least once each year. The one-year period shall be measured from the date of admission and does not include the resident's preadmission physical. (III)

#### **481—57.17(135C) Records.**

**57.17(1)** *Resident record.* The licensee shall keep a permanent record on every resident admitted to the residential care facility, and all entries in the permanent record shall be current, dated, and signed. (III) The record shall include:

*a.* Name and previous address of resident; (III)

*b.* Birth date, sex, and marital status of resident; (III)

*c.* Church affiliation, if designated; (III)

*d.* Physician's or physician extender's name, telephone number, and address; (III)

*e.* Dentist's name, telephone number, and address; (III)

- f. Name, address, and telephone number of next of kin or legal representative; (III)
- g. Name, address, and telephone number of person to be notified in case of emergency; (III)
- h. Pharmacy name, telephone number, and address; (III)
- i. Mortuary name, telephone number, and address, if designated; (III)
- j. Physical examination and medical history; (III)
- k. Physician's or physician extender's orders for the resident's level of care, medication, treatments, and diet. The orders shall be in writing and signed by the physician or physician extender quarterly; (III)
  - l. A notation of visits to physician or physician extender and other professional services; (III)
  - m. Documentation regarding services provided by other providers, including but not limited to home health agencies, hospice, day treatment and those providing medical, mental health and Medicaid waiver services; (III)
  - n. Documentation of any adverse change in the resident's condition; (II, III)
  - o. A notation describing the resident's condition on admission, transfer and discharge; (III)
  - p. A copy of instructions given to the resident, legal representative or facility in the event of discharge or transfer; (III)
  - q. In the event of a resident's death, notations of the date and time of the resident's death, the circumstances of the resident's death, the disposition of the resident's body, and the date and time the resident's family and physician or physician extender were notified of the resident's death; and (III)
  - r. A notation of disposition of personal property and medications upon the resident's transfer, discharge or death. (III)

**57.17(2) Confidentiality of resident records.** Each resident shall be ensured confidential treatment of all information contained in the resident's records. The resident's written consent shall be required for the release of information to persons not otherwise authorized under law to receive the information. (II)

- a. The facility shall limit access to any medical records to staff and professionals providing services to the resident. (II)
- b. The facility shall limit access to the resident's personal records, e.g., financial records and social services records, to staff and professionals providing the service to the resident. Only those personnel concerned with the financial affairs of the resident may have access to the financial records. (II)
- c. The resident, or the resident's responsible party, shall be entitled to examine all information contained in the resident's record and shall have the right to secure full copies of the record at reasonable cost upon request, unless the physician or physician extender determines that the disclosure of the record or section thereof is contraindicated, in which case this information will be deleted prior to making the record available to the resident or responsible party. This determination and the reasons for it must be documented in the resident's record. (II)
- d. This subrule is not meant to preclude access to resident records by representatives of state and federal regulatory agencies.

**57.17(3) Incident record.**

- a. Each residential care facility shall maintain an incident record report and shall have available incident report forms. (II, III)
- b. Report of incidents shall be in detail on a printed incident report form. (III)
- c. The person in charge at the time of the incident shall oversee the preparation of and sign the incident report. The administrator or designee shall review, sign and date the incident report within 72 hours of the accident, incident or unusual occurrence. (II, III)
- d. An incident report shall be completed for every accident or incident where there is apparent injury or where an injury of unknown origin may have occurred. (II)
- e. An incident report shall be completed for every accident, incident or unusual occurrence within the facility or on the premises that affects a resident, visitor, or employee. (II, III)
- f. A copy of the incident report shall be kept on file in the facility. (II, III)

**57.17(4) Retention of records.**

- a. Records shall be retained in the facility for five years following the termination of services to a resident. (III)



- b. Records shall be retained within the facility upon change of ownership. (III)
- c. When the facility ceases to operate, a copy of the resident's record shall be released to the facility to which the resident is transferred. (III)
- d. When the facility ceases to operate, records shall be maintained for five years in a clean, dry secured storage area. (III)

**57.17(5) *Electronic records.*** In addition to the access provided in 481—subrule 50.10(2), an authorized representative of the department shall be provided unrestricted access to electronic records pertaining to the care provided to the residents of the facility. (II, III)

a. If access to an electronic record is requested by the authorized representative of the department, the facility may provide a tutorial on how to use its particular electronic system or may designate an individual who will, when requested, access the system, respond to any questions or assist the authorized representative as needed in accessing electronic information in a timely fashion. (II, III)

b. The facility shall provide a terminal where the authorized representative may access records. (II, III)

c. If the facility is unable to provide direct print capability to the authorized representative, the facility shall make available a printout of any record or part of a record on request in a time frame that does not intentionally prevent or interfere with the department's survey or investigation. (II, III)

**481—57.18(135C) Resident care and personal services.**

**57.18(1)** A complete change of bed linen shall be provided at least once a week and more often if necessary. (III)

**57.18(2)** Residents shall receive sufficient supervision to promote personal cleanliness. (II, III)

**57.18(3)** Residents shall have clean clothing as needed. Clothing shall be appropriate to residents' activities and to the weather. (III)

**57.18(4)** Residents shall be encouraged to bathe at least twice a week. (II, III)

**57.18(5)** All nonambulatory residents shall be housed on the grade level floor unless the facility has a suitably sized elevator. (II)

**481—57.19(135C) Drugs.**

**57.19(1) *Drug storage.***

a. Residents who have been certified in writing by their physician or physician extender as capable of taking their own medications may retain these medications in their bedroom, but locked storage must be provided, with staff and the resident having access. Monitoring of the storage, administration and documentation by the resident shall be carried out by a person who meets the requirements of subrule 57.19(3) and is responsible for administering medications. (II, III)

b. Drug storage for residents who are unable to take their own medications and require supervision shall meet the following requirements:

- (1) Locked storage for drugs, solutions, and prescriptions shall be provided. (III)
- (2) A bathroom shall not be used for drug storage. (III)
- (3) The drug storage shall be kept locked when not in use. (III)
- (4) The drug storage key shall be secured and available only to those employees charged with the responsibility of administering medications. (II, III)
- (5) Schedule II drugs, as defined by Iowa Code chapter 124, shall be kept in a locked box within the locked drug storage. (II, III)
- (6) Medications requiring refrigeration shall be kept locked in a refrigerator and separated from food and other items. (II, III)
- (7) Drugs for external use shall be stored separately from drugs for internal use. (II, III)
- (8) All potent, poisonous, or caustic materials shall be stored separately from drugs, shall be plainly labeled and stored in a specific, well-illuminated cabinet, closet, or storeroom, and shall be made accessible only to authorized persons. (I, II)
- (9) Inspection of drug storage shall be made by the administrator or designee and a registered pharmacist not less than once every three months. The inspection shall be verified by a report signed

by the administrator and the pharmacist and filed with the administrator. The report shall include, but not be limited to, certification of the absence of the following: expired drugs, deteriorated drugs, improper labeling, drugs for which there is no current physician's or physician extender's order, and drugs improperly stored. (III)

(10) Bulk supplies of prescription drugs for multiresident use shall not be kept in a residential care facility. (III)

**57.19(2) Drug safeguards.**

a. All prescribed medications shall be clearly labeled indicating the resident's full name, physician's or physician extender's name, prescription number, name and strength of drug, dosage, directions for use, date of issue, and name and address and telephone number of pharmacy, physician or physician extender issuing the drug. Where unit dose is used, prescribed medications shall, at a minimum, indicate the resident's full name, physician's or physician extender's name, name and strength of drug, and directions for use. Standard containers shall be utilized for dispensing drugs. (III)

b. Sample medications provided by the resident's physician or physician extender shall clearly identify to whom the medications belong. (III)

c. Medication containers having soiled, damaged, illegible, or makeshift labels shall be returned to the issuing pharmacist, pharmacy, physician or physician extender for relabeling or disposal. (III)

d. The medication for each resident shall be kept or stored in the original containers unless the resident is participating in an individualized medication program. (II, III)

e. Unused prescription drugs shall be destroyed by the person in charge, in the presence of a witness, and with a notation made on the resident's record or shall be returned to the supplying pharmacist. (III)

f. Prescriptions shall be refilled only with the permission of the resident's physician or physician extender. (II, III)

g. No medications prescribed for one resident may be administered to or allowed in the possession of another resident. (I, II)

h. Instructions shall be requested from the Iowa board of pharmacy concerning disposal of unused Schedule II drugs prescribed for a resident who has died or for whom the Schedule II drug was discontinued. (III)

i. Discontinued medications shall be destroyed within a specified time by a responsible person, in the presence of a witness, and with a notation made to that effect or shall be returned to the pharmacist for destruction. Drugs listed under the Schedule II drugs shall be destroyed in accordance with the requirements established by the Iowa board of pharmacy. (II, III)

j. All medication orders which do not specifically indicate the number of doses to be administered or the length of time the drug is to be administered shall be stopped automatically after a given time period. The automatic-stop order may vary for different types of drugs. The resident's physician or physician extender, in conjunction with the pharmacist, shall institute these policies and provide procedures for review and endorsement. (II, III)

k. No resident shall be allowed to possess any medications unless the physician or physician extender has certified in writing on the resident's medical record that the resident is mentally and physically capable of doing so. (II)

l. No medications or prescription drugs shall be administered to a resident without a written order signed by the physician or physician extender. (II)

m. The facility shall establish a policy to govern the distribution of prescribed medications to residents who are on leave from the facility. (II, III)

(1) Medications may be issued to residents who will be on leave from a facility for less than 24 hours. Only those medications needed for the time period the resident will be on leave from the facility may be issued. Non-child-resistant containers may be used. Instructions shall be provided and include the date, the resident's name, the name of the facility, and the name of the medication, its strength, dose and time of administration. (II, III)

(2) Medication for residents on leave from a facility for longer than 24 hours shall be obtained in accordance with requirements established by the Iowa board of pharmacy. (II, III)

(3) Medication for residents on leave from a facility may be issued only by facility personnel responsible for administering medication. (II, III)

**57.19(3) Drug administration—authorized personnel.**

*a.* A properly trained person shall be charged with the responsibility of administering medications as ordered by a physician or physician extender. (II, III)

*b.* The person shall have knowledge of the purpose of the drugs and their dangers and contraindications. (II, III)

*c.* The person shall be a licensed nurse, physician or physician extender or shall have successfully completed a department-approved medication aide course or passed a department-approved medication aide challenge examination administered by an area community college. (II, III)

*d.* Prior to taking a department-approved medication aide course, the person shall:

(1) Successfully complete an approved residential aide course, nurse aide course, nurse aide training and testing program or nurse aide competency examination; (III)

(2) Have a letter of recommendation for admission to the medication aide course from the employing facility. (III)

*e.* A person who is a nursing student or a graduate nurse may take the challenge examination in place of taking a medication aide course. The person shall do all of the following before taking the medication aide challenge examination:

(1) Complete a clinical or nursing theory course within six months before taking the challenge examination; (III)

(2) Successfully complete a nursing program pharmacology course within one year before taking the challenge examination; (III)

(3) Provide to the community college a written statement from the nursing program's pharmacology or clinical instructor indicating that the person is competent in medication administration. (III)

*f.* A person who has written documentation of certification as a medication aide in another state may become a medication aide in Iowa by successfully completing a department-approved nurse aide competency examination and a medication aide challenge examination. The requirements of paragraph 57.19(3)“d” do not apply to this person. (III)

*g.* In a freestanding residential care facility licensed for 15 or fewer beds, a person who has successfully completed a state-approved medication manager course may administer medications.

**57.19(4) Drug administration.**

*a.* Unless the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by personally preparing the dose, observing the actual act of swallowing the oral medication, and charting the medication. In facilities where the unit dose system is used, the person assigned the responsibility of medication administration must complete the procedure by observing the actual act of swallowing the oral medication and by charting the medication. Medications shall be prepared on the same shift of the same day that they are administered unless the unit dose system is used. (II)

*b.* Injectable medications shall be administered as permitted by Iowa law by a registered nurse, licensed practical nurse, advanced registered nurse practitioner, physician, physician extender, physician assistant or pharmacist. For purposes of this subrule, “injectable medications” does not include an epinephrine autoinjector, e.g., an EpiPen. (II, III)

*c.* A resident certified by the resident's physician or physician extender as capable of injecting the resident's own insulin may do so. Insulin may be administered pursuant to paragraph 57.19(4)“b” or as otherwise authorized by the resident's physician or physician extender. (II, III) Authorization shall:

(1) Be in writing,

(2) Be maintained in the resident's record,

(3) Be renewed quarterly,

(4) Include the name of the person authorized to administer the insulin,

(5) Include documentation by the physician or physician extender that the authorized person is qualified to administer insulin to that resident. (II, III)

- d.* An individual inventory record shall be maintained for each Schedule II drug prescribed for each resident, with an accurate count and authorized signatures at every shift. (II)
- e.* The facility may use a unit dose system.
- f.* Medication aides and medication managers may administer PRN medications without contacting a licensed nurse, physician, or physician extender if all of the following apply: (I, II, III)
  - (1) A written order from the resident's physician or physician extender specifies the purpose of the PRN medication and the frequency, dosage and strength of the PRN medication.
  - (2) The resident's physician or physician extender provides in writing specific criteria for administering PRN medications.
  - (3) The pharmacist assesses the resident's use of PRN medications when conducting the inspection of drug storage as required by subparagraph 57.19(1) "b"(9).
- g.* If the physician or physician extender has certified in writing that the resident is capable of self-administering medications and determining the need for PRN medications, the physician or physician extender shall provide in writing specific criteria for the self-administration of the PRN medications. The pharmacist shall assess the resident's use of PRN medications when conducting the inspection of drug storage as required by subparagraph 57.19(1) "b"(9). (I, II, III)
- h.* If the physician or physician extender has certified that the resident is not capable of taking prescribed medication, the medication must be administered by a qualified person of the facility. A "qualified person," for purposes of this subrule, means a registered or licensed practical nurse or an individual who has completed the state-approved training course in medication administration. (I, II, III)
- i.* Medications administered by an employee of the facility shall be recorded on a medication record by the individual who administers the medication. (I, II, III)

**481—57.20(135C) Dental services.**

- 57.20(1)** The residential care facility personnel shall assist residents in obtaining annual and emergency dental services and shall arrange transportation for such services. (III)
- 57.20(2)** Dental services shall be performed only on the request of the resident, responsible party, legal representative, physician, or physician extender. The resident's physician or physician extender shall be advised of the resident's dental problems. (III)
- 57.20(3)** All dental reports or progress notes shall be included in the resident record as available. The facility shall make reasonable efforts to obtain the records following the provision of services. (III)
- 57.20(4)** Personal care staff shall assist the resident in carrying out the dentist's recommendations. (III)

**481—57.21(135C) Dietary.**

- 57.21(1) Dietary staffing.**
  - a.* A minimum of one person directly responsible for food preparation shall successfully complete a course meeting the requirements for a food protection program included in the Food Code adopted pursuant to Iowa Code chapter 137F. Another course may be substituted if the course's curriculum includes substantially similar competencies to a course that meets the requirements of the Food Code and the provider of the course files with the department a statement indicating that the course provides substantially similar instruction as it relates to sanitation and safe food handling. (III)
  - b.* If the person is in the process of completing the food protection program in paragraph 57.21(1) "a," the requirement relating to the completion of a state-approved food protection program shall be considered to have been met.
  - c.* In addition to the requirement of paragraph 57.21(1) "a," personnel who are responsible for food preparation or service, or both food preparation and service, shall have an orientation on sanitation and safe food handling prior to handling food and shall have annual in-service training on food protection. (III)

**57.21(2) Nutrition and menu planning.**

- a. Menus shall be planned and followed to meet the nutritional needs of residents in accordance with the physician's or physician extender's orders. Diet orders should be reviewed as necessary, but at least quarterly, by the physician or physician extender. (II, III)
- b. Menus shall be planned and served to include foods and amounts necessary to meet federal dietary guidelines. (II, III)
- c. At least three meals or their equivalent shall be served daily, at regular hours. (II, III)
  - (1) There shall be no more than a 14-hour span between offering a substantial evening meal and breakfast. (II, III)
  - (2) Unless contraindicated, evening snacks shall be offered routinely to all residents. Special nourishments shall be available when ordered by the physician or physician extender. (II, III)
- d. Menus shall include a variety of foods prepared in various ways. (III)
- e. Menus shall be written at least one week in advance. The current menu shall be located in an accessible place for easy use by persons purchasing, preparing, and serving food. (III)
- f. Records of menus as served shall be filed and maintained for 30 days and shall be available for review by departmental personnel. When substitutions are necessary or requested, they shall be of similar nutritive value and recorded on the menu or in a notebook. (III)
- g. The facility shall provide an alternative choice at scheduled meal times. (III)

**57.21(3) Dietary storage, food preparation, and service.**

- a. All food shall be handled, prepared, served and stored in compliance with the Food Code adopted pursuant to Iowa Code section 137F.2. (I, II, III)
- b. Supplies of staple foods for a minimum of a one-week period and of perishable foods for a minimum of a two-day period shall be maintained on the premises. Minimum food portion requirements for a low-cost plan shall conform to information supplied by the bureau of nutrition and health promotion of the department of public health. (II, III)
- c. Dishes shall be free of cracks, chips, and stains. (III)
- d. If family-style service is used, all leftover prepared food that has been on the table shall be properly handled. (III)

**57.21(4) Sanitation in food preparation area.**

- a. In facilities licensed for more than 15 beds, the kitchen shall not be used for serving meals to residents, food service personnel, or other staff. (III)
- b. There shall be written procedures established for cleaning all work and serving areas in facilities with more than 15 beds. (III)
- c. A schedule for duties to be performed daily shall be posted in each food area. (III)
- d. All cooking equipment in facilities of 15 or more beds shall be provided with a properly sized exhaust system and hood to eliminate excess heat, moisture, and odors from the kitchen. (II, III)
- e. The food service area shall be located so it will not be used as a passageway by residents, guests, or non-food service staff. (III)
- f. There shall be no washing, ironing, sorting or folding of laundry in the food service area. Dirty linen shall not be carried through the food service area unless the linen is in sealed, leakproof containers. (III)
- g. In facilities with more than 15 beds, a mechanical dishwasher is required. (III)
- h. A three-compartment pot and pan sink with 110°F (43°C) to 115°F (46°C) water for washing, a compartment for rinsing with water at 170°F (76°C) to 180°F (82°C) for sanitizing with space for air drying, or a two-compartment sink with access to a mechanical dishwasher for sanitizing all utensils shall be provided. (III)

**481—57.22(135C) Orientation and service plan.**

**57.22(1) Orientation.** Within 24 hours of admission, each resident shall receive orientation to the facility. The orientation program shall be documented in the resident's file and shall include, but shall not be limited to, a review of the resident's rights, the daily schedule, house rules and the facility's evacuation plan. (II, III)

**57.22(2) Initial service plan.** Within 48 hours of admission, the administrator or the administrator's designee shall develop an initial service plan to address any immediate health and safety needs. The plan shall be based on information gathered from the resident, family, referring party, physician or physician extender, and other significant persons. The plan shall be followed until the service plan required in subrule 57.22(3) is complete. (I, II, III)

**57.22(3) Service plan.** Within 30 days of admission, the administrator or the administrator's designee, in conjunction with the resident, the resident's responsible party, the interdisciplinary team, and any organization that works with or serves the resident, shall develop a written, individualized, and integrated service plan for the resident. The service plan shall be developed and implemented to address the resident's priorities and assessed needs, such as activities of daily living, rehabilitation, activity, and social, behavioral, emotional, physical and mental health. (I, II, III)

*a.* The service plan shall include measurable goals and objectives and the specific service(s) to be provided to achieve the goals. Each goal shall include the date of initiation and anticipated duration of service(s). Any restriction of rights shall be included in the service plan. (I, II, III)

*b.* The service plan shall include the documentation procedure for each goal and objective. (II, III)

*c.* The service plan should be modified to add or delete goals and objectives as the resident's needs change. Communications related to service plan changes or changes in the resident's condition shall occur within five working days of the change and shall be conveyed to all individuals inside and outside the residential care facility who work with the resident, as well as to the resident's responsible party. (I, II, III)

*d.* The service plan shall be reviewed at least quarterly by relevant staff, the resident and appropriate others, such as the resident's family, case manager and responsible party. The review shall include a written report which addresses a summary of the resident's progress toward goals and objectives and the need for continued services. (I, II, III)

#### **481—57.23(135C) Resident activities program.**

**57.23(1)** Each residential care facility shall provide an organized resident activities program for the group and for the individual resident which shall include suitable activities. The facility shall offer at least two organized evening group activities per week and two organized weekend group activities per month. (III)

*a.* The activities program shall be designed to meet the needs and interests of each resident and to assist residents in continuing normal activities within limitations set by the resident's physician or physician extender. This shall include helping residents continue in their individual interests or hobbies. (III)

*b.* The activities program shall include measureable goals for each resident. (III)

*c.* The activities program shall include both group and individual activities. (III)

*d.* Residents shall be encouraged, but not required, to participate in activities. (III)

**57.23(2) Coordination of activities program.**

*a.* Each residential care facility with 15 or fewer beds shall designate a person to oversee the activities program, develop goals and monitor progress. (III)

*b.* Each residential care facility with more than 15 beds shall employ a person to direct the activities program. (III)

*c.* Staffing for the activities program shall be provided on the minimum basis of 45 minutes per resident per week. (II, III)

*d.* The activities coordinator shall have completed the activities coordinator orientation course approved by the department within six months of employment or have comparable training and experience as approved by the department. (III)

*e.* There shall be a written plan for personnel coverage when the activities coordinator is absent during scheduled working hours. (III)

**57.23(3) Duties of activities coordinator.** The activities coordinator shall:

*a.* Have access to all residents' records. (III)

- b. Coordinate all activities, including volunteer or auxiliary activities and religious services. (III)
  - c. Keep all necessary records including:
    - (1) Attendance records; (III)
    - (2) Individual resident progress notes, recorded at least every three months; (III)
    - (3) Monthly calendars, prepared in advance, updated as necessary and maintained for one year. (III)
  - d. Coordinate the activities program with all other services in the facility. (III)
- 57.23(4) Supplies, equipment, and storage.**
- a. Each facility shall provide a variety of supplies and equipment of a nature calculated to fit the needs and interests of the residents. (III)
  - b. Storage shall be provided for recreational equipment and supplies. (III)

**481—57.24(135C) Residents’ rights.**

**57.24(1)** Each facility shall ensure that policies and procedures are written and implemented which include, at a minimum, the provisions of this rule and which govern all areas of service provided by the facility. These policies and procedures shall be available to staff, residents, residents’ families or legal representatives and the public and shall be reviewed annually. (II, III)

**57.24(2)** Policies and procedures shall include a method for submitting complaints and recommendations by residents or their responsible parties and for ensuring a response and disposition by the facility. (II, III) The written procedures shall:

- a. Ensure the provision of assistance to residents as necessary to complete and submit complaints and recommendations; (II, III)
- b. Ensure protection of the resident from any form of reprisal or intimidation; (II, III)
- c. Include designation of an employee responsible for handling grievances and recommendations; (II, III)
- d. Include a method of investigating and assessing the validity of a grievance or recommendation; (II, III) and
- e. Include methods of recording grievances and actions taken. (II, III)

**57.24(3)** Policies and procedures shall include provisions governing access to, duplication of, and dissemination of information from the residents’ records. (II, III)

**57.24(4)** Policies and procedures shall include a provision that each resident shall be fully informed of the resident’s rights and responsibilities as a resident and of all rules governing resident conduct and responsibilities. This information must be provided upon the resident’s admission, or in the case of residents already in the facility, upon the facility’s adoption or amendment of residents’ rights policies. (II, III)

a. The facility shall communicate to residents prior to or within five days after admission what residents may expect from the facility and its staff, and what is expected from residents. The communication shall be in writing, e.g., in a separate handout or brochure describing the facility, and interpreted verbally, e.g., as part of a preadmission interview, resident counseling, or in individual or group orientation sessions following the resident’s admission. (II, III)

b. Residents’ rights and responsibilities shall be presented in language understandable to the resident. If the facility serves residents who are non-English-speaking or deaf, steps shall be taken to translate the information into a foreign or sign language. In the case of blind residents, either Braille or a recording shall be provided. Residents shall be encouraged to ask questions about their rights and responsibilities and these questions shall be answered. (II, III)

c. A statement shall be signed by the resident, or the resident’s responsible party, if applicable, indicating an understanding of these rights and responsibilities and shall be maintained in the resident’s record. The statement shall be signed no later than five days after admission, and a copy of the signed statement shall be given to the resident or responsible party. (II, III)

d. In order to ensure that residents continue to be aware of these rights and responsibilities during their stay, a written copy shall be prominently posted in a location that is available to all residents. (II, III)

*e.* All residents shall be advised within 30 days following changes made in the statement of residents' rights and responsibilities. Appropriate means shall be utilized to inform non-English-speaking, deaf or blind residents of changes. (II, III)

**57.24(5)** Choice of physician or physician extender. Each resident shall be permitted free choice of a physician or physician extender, and pharmacy, if accessible. The facility may require the selected pharmacy to utilize a drug distribution system compatible with the system currently used by the facility. (II)

**57.24(6)** Each resident shall be afforded the opportunity to participate in the planning of the resident's total care and treatment, which may include, but shall not be limited to, medical care, nutritional needs, activities, and social work services. Each resident has the right to refuse treatment except as provided by Iowa Code chapter 229. In the case of a resident with impaired decision-making skills, the responsible party shall be afforded the opportunity to participate in the planning of the resident's total care and medical treatment and to be informed of the resident's medical condition. (II, III)

**57.24(7)** Each resident shall be encouraged and assisted throughout the resident's period of stay to exercise the resident's rights as a resident and as a citizen and may voice grievances and recommend changes in policies and services to administrative staff or to outside representatives of the resident's choice, free from interference, coercion, discrimination, or reprisal. (II)

**57.24(8)** The facility shall provide ongoing opportunities for residents to be aware of and to exercise their rights as residents. Residents shall be kept informed of changes in policies and services that are more restrictive, and their views shall be solicited prior to action. (II)

**57.24(9)** The facility shall post in a prominent area the text of Iowa Code section 135C.46 (Retaliation Prohibited) and the name, telephone number, and address of the long-term care ombudsman, the department, and the local law enforcement agency to provide residents a further course of redress. (II)

**57.24(10)** All rights and responsibilities of the resident devolve to the resident's responsible party or any legal surrogate designated in accordance with state law, to the extent permitted by state law. This subrule is not intended to limit the authority of any individual acting pursuant to Iowa Code chapter 144A. (II, III)

**481—57.25(135C) Dignity preserved.** The resident shall be treated with consideration, respect, and full recognition of dignity and individuality, including privacy in treatment and in care for personal needs. (I, II)

**57.25(1)** Staff shall display respect for residents when speaking with, caring for, or talking about them, as constant affirmation of their individuality and dignity as human beings. (I, II)

**57.25(2)** Schedules of daily activities shall allow maximum flexibility for residents to exercise choice about what they will do and when they will do it. Residents' individual preferences regarding such things as menus, clothing, religious activities, friendships, activity programs, entertainment, sleeping and eating, also times to retire at night and arise in the morning shall be elicited and considered by the facility. (II)

**57.25(3)** Residents shall be examined and treated in a manner that maintains the privacy of their bodies. A closed door or a drawn curtain shall shield the resident from passersby. People not involved in the care of the residents shall not be present without the resident's consent while the resident is being examined or treated. (II)

**57.25(4)** Privacy of a resident's body also shall be maintained during toileting, bathing, and other activities of personal hygiene, except as needed for resident safety or assistance. (II)

**57.25(5)** Staff shall knock and be acknowledged before entering a resident's room unless the resident is not capable of a response. This shall not apply under emergency conditions. (II)

**481—57.26(135C) Communications.** Each resident may communicate, associate, and meet privately with persons of the resident's choice, unless to do so would infringe upon the rights of other residents, and may send and receive personal mail unopened. (II)



**57.26(1)** Subject to reasonable scheduling restrictions, visiting policies and procedures shall permit residents to receive visits from anyone they wish. Visiting hours shall be posted. (II)

**57.26(2)** Reasonable, regular visiting hours shall not be less than 12 hours per day and shall take into consideration the special circumstances of each visitor. A particular visitor(s) may be restricted by the facility for one of the following reasons:

*a.* The resident refuses to see the visitor(s). (II)

*b.* The resident's physician or physician extender documents specific reasons why such a visit would be harmful to the resident's health. (II)

*c.* The visitor's behavior is unreasonably disruptive to the functioning of the facility. This judgment must be made by the administrator, and the reasons shall be documented and kept on file. (II)

**57.26(3)** Decisions to restrict a visitor are reviewed and reevaluated:

*a.* Each time the medical orders are reviewed by the physician or physician extender;

*b.* At least quarterly by the facility's staff; or

*c.* At the resident's request. (II)

**57.26(4)** Space shall be provided for residents to receive visitors in reasonable comfort and privacy. (II)

**57.26(5)** Telephones shall be available and accessible for residents to make and receive calls with privacy. Residents who need help shall be assisted in using the telephone. (II)

**57.26(6)** Arrangements shall be made to provide assistance to residents who require help in reading or sending mail. (II)

**57.26(7)** Residents, including residents court-ordered to the facility, shall be permitted to leave the facility at reasonable times unless there are justifiable reasons established in writing by court order, the attending physician or physician extender, the interdisciplinary team, or facility administrator for refusing permission. (II)

**57.26(8)** Residents shall not have their personal lives regulated beyond reasonable adherence to meal schedules, bedtime hours, and other written policies which may be necessary for the orderly management of the facility and as required by these rules. However, residents shall be encouraged to participate in recreational programs. (II)

#### **481—57.27(135C) Resident activities.**

**57.27(1)** Each resident may participate in activities of social, religious, and community groups at the resident's discretion unless contraindicated for reasons documented by the attending physician or physician extender or interdisciplinary team as appropriate in the resident's record. (II)

**57.27(2)** Residents who wish to meet with or participate in activities of social, religious, or other community groups in or outside of the facility shall be informed, encouraged, and assisted to do so. (II)

#### **481—57.28(135C) Resident property.**

**57.28(1)** Residents shall be permitted to keep reasonable amounts of personal clothing and possessions for their use while in the facility. The facility shall offer the resident the opportunity to have personal property itemized and documented on an inventory sheet upon the resident's admission. The inventory sheet shall be kept in a safe location which is convenient to the resident and shall be updated at least annually. At discharge, residents may sign off on a list of the personal property they are taking with them. (II, III)

**57.28(2)** The facility shall provide for the safekeeping of personal effects, funds and other property of its residents. The facility may require that items of exceptional value or that would convey unreasonable responsibilities to the licensee be removed from the premises of the facility for safekeeping. (III)

**57.28(3)** Funds or properties received by the facility, belonging or due a resident, expendable for the resident's account, shall be trust funds. (III)

**481—57.29(135C) Financial affairs—management.** Each resident who has not been assigned a guardian or conservator by the court may manage the resident's own personal financial affairs. To the

extent the facility assists in management, under written authorization by the resident, the management shall be carried out in accordance with Iowa Code section 135C.24. (II)

**57.29(1)** The facility shall maintain a written account of all residents' funds received by or deposited with the facility. (II)

**57.29(2)** An employee shall be designated in writing to be responsible for resident accounts. (II)

**57.29(3)** The facility shall keep on deposit personal funds over which the resident has control in accordance with Iowa Code section 135C.24. Should the resident request these funds, they shall be given to the resident on request with receipts maintained by the facility and a copy to the resident. In the case of a resident with impaired decision-making skills, the resident's legal representative shall designate a method of disbursing the resident's funds. (II)

**57.29(4)** If the facility makes financial transactions on a resident's behalf, the facility must document that it has prepared and sent an itemized accounting of disbursements and current balances at least quarterly. A copy of this statement shall be maintained in the resident's financial or business record. (II)

**57.29(5)** A resident's personal funds shall not be used without the written consent of the resident or the resident's legal representative. (I, II)

**57.29(6)** A resident's personal funds shall be returned to the resident when the funds have been used without the written consent of the resident or the resident's legal representative. The department may report findings that resident funds have been used without written consent to the department's investigations division or the local law enforcement agency, as appropriate. (II)

**481—57.30(135C) Resident work.** No resident may be required to perform services for the facility, except as provided by Iowa Code section 347B.5. (II)

**57.30(1)** Residents may not be used to provide a source of labor for the facility against their will. Approval by the physician or physician extender is required for all work programs. (I, II)

**57.30(2)** Residents who perform work for the facility must receive compensation unless the work is part of their approved training program. Persons on the resident census who perform work shall not be used to replace paid employees in fulfilling staffing requirements. (II)

**481—57.31(135C) Family—shared rooms.** Family members or spouses shall be permitted to share a room, if available, if requested by both parties, unless the attending physician or physician extender of one of the parties documents in the medical record specific reasons why such an agreement would have an adverse effect on the health of the resident. (II)

**481—57.32(135C) Resident abuse prohibited.** Each resident shall receive kind and considerate care at all times and shall be free from mental, physical, sexual, and verbal abuse, exploitation, neglect, and physical injury. (I, II)

**57.32(1)** Mental abuse includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation. (I, II)

**57.32(2)** Physical abuse includes, but is not limited to, corporal punishment and the use of restraints as punishment. (I, II)

**57.32(3)** Drugs such as tranquilizers shall only be used in accordance with orders of the physician or physician extender. (I, II)

**57.32(4)** Allegations of dependent adult abuse. Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481—Chapter 52. (I, II, III)

**481—57.33(135C) Crisis intervention.** If a facility utilizes physical restraints, there shall be written policies that define the uses of physical restraints, designate the administrator or designee as the person who may authorize their use, and establish a mechanism for monitoring and controlling their use. (I, II)

**57.33(1)** Temporary physical restraint of residents shall be used only under the following conditions: (I, II)

*a.* An emergency to prevent injury to the resident or to others; or (I, II)

b. For crisis intervention, but shall not be used for punishment, for the convenience of staff or as a substitution for supervision or programming; (I, II) and

c. No staff person shall use any restraint that obstructs the airway of the resident. (I, II)

**57.33(2)** Authorization for the use of physical restraints must be prior to or immediately after application of the restraint. (I, II)

**57.33(3)** Prone restraint is prohibited. Staff persons who find themselves involved in the use of a prone restraint when responding to an emergency must take immediate steps to end the prone restraint. (I, II)

**57.33(4)** The rationale and authorization for the use of physical restraint and staff action and procedures carried out to protect the resident's rights and to ensure safety shall be clearly set forth in the resident's record by the responsible staff persons. (I, II)

**57.33(5)** The physician or physician extender, the interdisciplinary team and the resident's responsible party shall be notified of any restraints administered. (I, II, III)

**57.33(6)** The facility shall provide to the staff a department-approved training program by qualified professionals on physical restraint techniques. (I, II)

a. The facility shall keep a record of training for review by the department and shall include attendance. (II, III)

b. Only staff with documented training in physical restraint and techniques shall be authorized to assist with physical restraint of a resident. (I, II)

c. Under no circumstances shall a resident be allowed to actively or passively assist in the restraint of another resident. (I, II)

**57.33(7)** Residents shall not be kept behind locked doors. (I, II)

**481—57.34(135C) Safety.** The licensee of a residential care facility shall be responsible for the provision and maintenance of a safe environment for residents and personnel. (I, II, III)

**57.34(1)** *Fire safety.*

a. All residential care facilities shall meet the fire safety rules and regulations as promulgated by the state fire marshal. (I, II)

b. The size of the facility and needs of the residents shall be taken into consideration in evaluating safety precautions and practices.

**57.34(2)** *Safety duties of administrator.* The administrator shall have a written emergency plan to be followed in the event of fire, tornado, explosion, or other emergency. (III)

a. The plan shall be prominently posted in a common area of the building. (III)

b. In-service shall be provided to ensure that all employees are knowledgeable of the emergency plan. (II, III)

**57.34(3)** *Resident safety.*

a. Smoking shall be prohibited, except as allowed by Iowa Code chapter 142D, the smokefree air Act. (II, III)

b. Whenever full or empty tanks of oxygen are being used or stored, they shall be securely supported in an upright position. (II, III)

c. Residents shall receive adequate supervision to ensure against hazard from themselves, others, or elements in the environment. (I, II, III)

d. Storage areas for cleaning agents, bleaches, insecticides, or any other poisonous, dangerous, or flammable materials shall be locked. Residents permitted to access these materials shall be supervised by staff as identified in the resident's service plan. (I, II, III)

e. Sufficient numbers of noncombustible trash containers with covers shall be available. (III)

f. Residents' personal possessions that may constitute a hazard to residents or others shall be removed and stored. (III)

**57.34(4)** *First-aid kit.* A first-aid emergency kit shall be available on each floor in every facility. (II, III)

**481—57.35(135C) Housekeeping.**

**57.35(1)** Written procedures shall be established and implemented for daily and weekly cleaning schedules. (III)

**57.35(2)** Each resident room shall be cleaned on a routine schedule. (III)

**57.35(3)** All rooms, corridors, storage areas, linen closets, attics, and basements shall be kept in a clean, orderly condition, free of unserviceable furniture and equipment and accumulations of refuse. (II, III)

**57.35(4)** A hallway or corridor shall not be used for storage of equipment. (II, III)

**57.35(5)** All odors shall be kept under control by cleanliness and proper ventilation. (III)

**57.35(6)** Clothing worn by personnel shall be clean and washable. (III)

**57.35(7)** Housekeeping and maintenance personnel shall be provided with well-constructed and properly maintained equipment appropriate to the function for which it is to be used. (III)

**57.35(8)** All furniture, bedding, linens, and equipment shall be cleaned periodically and before use by another resident. (II, III)

**57.35(9)** Polishes used on floors shall provide a nonslip finish. (II, III)

**57.35(10)** Throw or scatter rugs shall have nonskid backing. (II, III)

**57.35(11)** Entrances, exits, steps, and outside walkways shall be kept free from ice, snow, and other hazards. (II, III)

**481—57.36(135C) Maintenance.**

**57.36(1)** Each facility shall establish a maintenance program to ensure the continued maintenance of the facility, to promote good housekeeping procedures, and to ensure sanitary practices throughout the facility. In facilities with more than 15 beds, the maintenance program shall be established in writing and available for review by the department. (II, III)

**57.36(2)** The building, grounds, and other buildings shall be maintained in a clean, orderly condition and in good repair. (II, III)

**57.36(3)** Window treatments and furniture shall be clean and in good repair. (II, III)

**57.36(4)** Cracks in plaster, peeling wallpaper or paint, and tears or splits in floor coverings shall be promptly repaired or replaced in a professional manner. (II, III)

**57.36(5)** The electrical systems, including appliances, cords, and switches, shall be maintained to guarantee safe functioning and comply with the National Electric Code. (II, III)

**57.36(6)** All plumbing fixtures shall function properly and comply with the state plumbing code. (II, III)

**57.36(7)** Yearly inspections of the heating and cooling systems shall be made to guarantee safe operation. (II, III)

**57.36(8)** The building, grounds, and other buildings shall be kept free of breeding areas for flies, other insects, and rodents. (II, III)

**57.36(9)** The facility shall be kept free of flies, other insects, and rodents. (II, III)

**57.36(10)** Janitor's closet.

*a.* Facilities shall be provided with storage for cleaning equipment and supplies. (III)

*b.* Mops, scrub pails, and other cleaning equipment used in the resident areas shall not be stored or used in the dietary area. (III)

*c.* In facilities licensed for more than 15 beds, a janitor's closet shall be provided. It shall be equipped with water for filling scrub pails and a janitor's sink for emptying scrub pails. (III)

**481—57.37(135C) Laundry.**

**57.37(1)** All soiled linens shall be collected and transported to the laundry room in closed, leakproof laundry bags or covered, impermeable containers. (III)

**57.37(2)** Except for related activities, the laundry room shall not be used for other purposes. (III)

**57.37(3)** Procedures shall be written for the proper handling of wet, soiled, and contaminated linens. (III)

**57.37(4)** Residents' personal laundry shall be marked with an identification if comingled with other residents' personal laundry. (III)

**57.37(5)** Bed linens, towels, and washcloths shall be clean and stain-free. (III)

**57.37(6)** If laundry is done in the facility, the following shall be provided:

*a.* A clean, dry, well-lit area to accommodate a washer and dryer of adequate size to serve the needs of the facility. (III)

*b.* In facilities with more than 15 beds, the laundry room shall be divided into separate areas, one for sorting soiled linen and one for sorting and folding clean linen. (III)

**481—57.38(135C) Garbage and waste disposal.**

**57.38(1)** All garbage shall be gathered, stored, and disposed of in a manner that will not permit transmission of disease, create a nuisance, or provide a breeding or feeding place for vermin or insects. (III)

**57.38(2)** All containers for refuse shall be watertight and rodent-proof and have tight-fitting covers. (III)

**57.38(3)** All unlined containers shall be thoroughly cleaned each time the containers are emptied. (III)

**57.38(4)** All waste shall be properly disposed of in compliance with local ordinances and state codes. (III)

**481—57.39(135C) Supplies.**

**57.39(1)** *Linen supplies.*

*a.* There shall be an adequate supply of linen so that each resident shall have at least three washcloths, hand towels, and bath towels per week. (III)

*b.* A complete change of bed linens shall be available in the linen storage area for each bed. (III)

*c.* Sufficient lightweight, clean, serviceable blankets shall be available. All blankets shall be laundered as often as necessary for cleanliness and freedom from odors. (III)

*d.* Each bed shall be provided with clean, washable bedspreads. There shall be a supply available when changes are necessary. (III)

*e.* Adequate storage shall be provided for linens, pillows, and bedding. (III)

**57.39(2)** *Supplies, equipment and storage.*

*a.* All equipment shall be properly cleaned and sanitized before use by another resident. (III)

*b.* Clean and sanitary storage shall be provided for equipment and supplies. (III)

*c.* Each facility shall provide a variety of supplies and equipment of a nature calculated to fit the needs and interests of the residents. (III)

*d.* Locked storage should be available for potentially dangerous items such as scissors, knives, and toxic materials. (III)

**481—57.40(135C) Buildings, furnishings, and equipment.**

**57.40(1)** *Buildings—general requirements.*

*a.* All windows shall be supplied with window treatments that are kept clean and in good repair. (III)

*b.* Whenever glass sliding doors or transparent panels are used, they shall be marked conspicuously. (III)

*c.* The facility shall meet the equivalent requirements of the appropriate group occupancy of the state building code. (III)

**57.40(2)** *Furnishings and equipment.*

*a.* All furnishings and equipment shall be durable, cleanable, and appropriate to their function. (III)

*b.* All resident areas shall be decorated, painted, and furnished to provide a homelike atmosphere. (III)

c. Upholstery materials shall be moisture- and soil-resistant as needed, except on furniture provided by the resident and the property of the resident. (III)

**57.40(3) Dining and living rooms.**

a. Every facility shall have a dining room and a living room easily accessible to all residents. (III)

b. Living rooms shall be maintained for the use of residents and their visitors and may be used for recreational activities. Living rooms shall be suitably furnished. (III)

c. Dining rooms shall be furnished with dining tables and chairs appropriate to the size and function of the facility. Dining rooms and furnishings shall be kept clean and sanitary. (III)

**57.40(4) Bedrooms.**

a. Each resident shall be provided with a standard, single, or twin bed, substantially constructed and in good repair. Rollaway beds, metal cots, or folding beds are not acceptable. (III)

b. Each bed shall be equipped with the following: casters or glides; clean springs in good repair; a clean, comfortable, well-constructed mattress approximately five inches thick and standard in size for the bed; and clean, comfortable pillows of average bed size. (III)

c. Each resident shall have a bedside table with a drawer to accommodate personal possessions. (III)

d. There shall be a comfortable chair, either a rocking chair or armchair, per resident bed. The resident's personal wishes shall be considered. (III)

e. There shall be drawer space for each resident's clothing. In a bedroom in which more than one resident resides, drawer space shall be assigned to each resident. (III)

f. Beds and other furnishings shall not obstruct free passage to and through doorways. (III)

g. Beds shall not be placed in such a manner that the side of the bed is against the radiator or in close proximity to it unless the radiator is covered so as to protect the resident from contact with it or from excessive heat. (III)

h. There shall be no more than four residents per room. (III)

**57.40(5) Bath and toilet facilities.**

a. All sinks shall have paper towel dispensers and an available supply of soap. (III)

b. Toilet paper shall be readily available to residents. (III)

**57.40(6) Heating.** A centralized heating system shall be maintained in good working order and capable of maintaining a comfortable temperature for residents of the facility. Portable units or space heaters are prohibited from being used in the facility except in an emergency. (II, III)

**57.40(7) Water supply.**

a. Private sources of water supply shall be tested annually and the report made available for review by the department upon request. (III)

b. A bacterially unsafe source of water supply shall be grounds for denial, suspension, or revocation of license. (III)

c. The department may require testing of private sources of water supply at its discretion in addition to the annual test. The facility shall supply reports of such tests as directed by the department. (III)

d. Hot and cold running water under pressure shall be available in the facility. (II, III)

e. Prior to construction of a new facility or new water source, private sources of water supply shall be surveyed and shall comply with the requirements of the department. (III)

**481—57.41(135C) Family and employee accommodations.**

**57.41(1)** In facilities where the total occupancy of family, employees, and residents is more than five, separate bathing and toilet facilities shall be required for the family or employees distinct from such areas provided for the residents. (III)

**57.41(2)** In all facilities, if the family or employees live within the facility, separate living quarters and recreation facilities shall be required for the family or employees distinct from such areas provided for the residents. (III)

**481—57.42(135C) Animals.** No animals shall be allowed to reside in the facility except with written approval of the department and under controlled conditions. (II, III)

**481—57.43(135C) Another business or activity in a facility.** A facility is allowed to have another business or activity in a health care facility or in the same physical structure of the facility, if the other business or activity is under the control of and is directly related to and incidental to the operation of the health care facility, or the business or activity is approved by the department and the state fire marshal. (I, II, III)

**57.43(1)** To obtain the approval of the department and the state fire marshal, the facility must submit to the department a written request for approval which identifies the service(s) to be offered by the business and addresses the factors outlined in paragraphs 57.43(2) “a” through “j.” (I, II, III)

**57.43(2)** The following factors will be considered by the department in determining whether a business or activity will interfere with the use of the facility by residents, interfere with services provided to residents, or be disturbing to residents:

- a. Health and safety risks for residents;
- b. Compatibility of the proposed business or activity with the facility program;
- c. Noise created by the proposed business or activity;
- d. Odors created by the proposed business or activity;
- e. Use of entrances and exits for the business or activity in regard to safety and disturbance of residents and interference with delivery of services;
- f. Use of the facility’s corridors or rooms as thoroughfares to the business or activity in regard to safety and disturbance of residents and interference with delivery of services;
- g. Proposed staffing for the business or activity;
- h. Sharing of services and staff between the proposed business or activity and the facility;
- i. Facility layout and design; and
- j. Parking area utilized by the business or activity.

**57.43(3)** Approval of the state fire marshal shall be obtained before approval of the department will be considered.

**57.43(4)** A business or activity conducted in a health care facility or in the same physical structure as a health care facility shall not reduce space, services or staff available to residents below minimums required in these rules and 481—Chapter 60. (I, II, III)

**481—57.44(135C) Respite care services.** “Respite care services” means an organized program of temporary supportive care provided for 24 hours or more to a person in order to relieve the usual caregiver of the person from providing continual care to the person. “Respite care services” does not include crisis stabilization services provided pursuant to 2014 Iowa Acts, chapter 1044 (to be codified at Iowa Code section 225C.19A). “Respite care individual” means a person receiving respite care services. A residential care facility which chooses to provide respite care services must meet the following requirements related to respite services and must be licensed as a residential care facility. (II, III)

**57.44(1) Length of stay.** Respite care may be provided for no more than 30 consecutive days and for a total of no more than 60 days in a consecutive 12-month period. The 12-month period begins on the first day of the respite care individual’s stay at the facility. (II, III)

**57.44(2) No separate license.** A residential care facility which chooses to provide respite care services is not required to obtain a separate license or pay a license fee.

**57.44(3) Involuntary termination of respite services.** The facility may terminate the respite services for a respite care individual. Rule 481—57.14(135C) shall not apply. The facility shall make proper arrangements for the welfare of the respite care individual prior to involuntary termination of respite services, including notification of the respite care individual’s family or legal representative. (II, III)

**57.44(4) Contract.** Pursuant to rule 481—57.15(135C), the facility shall have a contract with each resident in the facility. When an individual is there for respite care services, the contract shall specify the time period during which the individual will be considered to be receiving respite care services. At the end of that period, the contract may be amended to extend that period of time. The contract shall

specifically state that respite care services may be involuntarily terminated. The contract shall meet other requirements under rule 481—57.15(135C), except the requirements under subrule 57.15(7). (II, III)

**57.44(5) Admission as a resident.**

*a.* An individual being cared for under a respite care contract shall not be considered an admission to the facility.

*b.* A respite care individual shall be included in the facility's census.

*c.* The facility shall not enter into multiple 30-day contracts with an individual being cared for under a respite care contract in order to lengthen the individual's stay at the facility. (II, III)

*d.* If an individual being cared for under a respite care contract remains in the facility beyond 30 consecutive days and is eligible for admission, the department shall consider the individual a resident in the facility. The facility shall follow all requirements for the individual's admission to the facility. (II, III)

**57.44(6) Level of care.** Respite care services shall not be provided by a health care facility to persons requiring a level of care which is higher than the level of care the facility is licensed to provide. (I, II, III)

**57.44(7) Reporting requirements.** The reporting requirements of rule 481—50.7(135C) shall apply to residents being cared for under a respite care contract. (I, II, III)

These rules are intended to implement Iowa Code section 135C.14.