

**481—67.1(231B,231C,231D) Definitions.** The following definitions apply to this chapter and to 481—Chapters 68, 69, and 70.

“*Accredited*” means that the program has received accreditation from an accreditation entity.

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

“*Ambulatory*” or “*ambulation*” means physically and cognitively able to walk without aid of another person.

“*Applicable requirements*” means the requirements in Iowa Code chapters 135C, 231B, 231C, 231D, 235B, 235E, and 562A, this chapter, and 481—Chapters 68, 69, and 70, as applicable, and includes any other applicable administrative rules and provisions of the Iowa Code.

“*Assistance*” means aid to a tenant who self-directs or participates in a task or activity or who retains the mental or physical ability, or both, to participate in a task or activity. Cueing of the tenant regarding a particular task or activity means the tenant has participated in the task or activity.

“*Certified staff*” means certified nursing assistants (CNAs) and certified medication assistants (CMAs) employed by the program.

“*Change of ownership*” means the purchase, transfer, assignment or lease of a program and includes a change in the management company responsible for the day-to-day operation of the program, if the management company is ultimately responsible for any enforcement action taken by the department.

“*Dementia*” means an illness characterized by multiple cognitive deficits that represent a decline from previous levels of functioning and includes memory impairment and one or more of the following cognitive disturbances: aphasia, apraxia, agnosia and disturbance in executive functioning.

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

“*Director*” means the director of the department.

“*Direct supervision*” means the provision of guidance and oversight of a delegated nursing task through the physical presence of the licensed nurse to observe and direct certified and noncertified staff.

“*Elope*” means that a tenant who has impaired decision-making ability leaves the program without the knowledge or authorization of staff.

“*Global Deterioration Scale*” or “*GDS*” means the seven-stage scale for assessment of primary degenerative dementia developed by Dr. Barry Reisberg.

“*Health care professional*” means a physician, physician assistant, registered nurse, licensed practical nurse via RN delegation or advanced registered nurse practitioner licensed in Iowa by the respective licensing board or eligible to practice in Iowa through compact licensure agreements.

“*Health-related care*” means the same as defined in Iowa Code section 231B.1(5) and includes nurse-delegated assistance.

“*Human service professional*” means an individual with a bachelor’s degree in a human service field, including but not limited to human services, gerontology, social work, sociology, psychology, or family science. Two years of experience in a human service field may be substituted for up to two years of the required education.

“*Impaired decision-making ability*” means a lack of capacity to make safe and prudent decisions regarding one’s own routine safety as determined by the program manager or nurse or means having a GDS score of five or above.

“*Independent reviewer*” means an attorney licensed in the state of Iowa who is not currently and has not been employed by the department in the past eight years, or has not appeared in front of the department on behalf of a health care facility in the past eight years. Preference shall be given to an attorney with background knowledge, experience or training in long-term care.

“*Indirect supervision*” means the provision of guidance and oversight of a delegated nursing task through means other than direct supervision, including written and verbal communication.

“*Instrumental activities of daily living*” means those activities that reflect the tenant’s ability to perform household and other tasks necessary to meet the tenant’s needs within the community, which may include but are not limited to shopping, housekeeping, chores, and traveling within the community.

“*In the proximate area*” means an area located within a five-minute or less response time.

“*Medication setup*” means the same as defined in Iowa Code section 231B.1(6).

*“Modification”* means any addition to or change in physical dimensions or structure, except as incidental to the customary maintenance of the physical structure of the program’s facility.

*“Monitoring”* means an on-site evaluation of a program, a complaint investigation, or a program-reported incident investigation performed by the department to determine compliance with applicable requirements. A monitor who performs a monitoring for the department shall be a registered nurse, human service professional, or another person with program-related expertise.

*“Nonaccredited”* means that the program has been certified but has not received accreditation from an accreditation entity.

*“Noncertified staff”* means unlicensed and uncertified personnel employed by the program.

*“Nurse delegation”* means the action of a registered nurse, advanced registered nurse practitioner, or licensed practical nurse to direct competent certified and noncertified staff to perform selected nursing tasks in selected situations. The decision of a nurse to delegate is based on the delegation process, including assessment, planning, implementation, supervision, and evaluation of the tenant, nursing tasks, personnel, and the situation. The nurse, as a licensed professional, retains accountability for the delegation process and the decision to delegate. Licensed practical nurses may delegate within the scope of their license with the supervision of a registered nurse.

*“Occupancy agreement”* or *“contractual agreement”* means the same as defined in Iowa Code sections 231B.1(7) and 231C.2(9).

*“Part-time or intermittent care”* means licensed nursing services and professional therapies that are provided in combination with nurse-delegated assistance with medications or activities of daily living and do not exceed 28 hours per week or, for adult day services, 4 hours per day.

*“Personal care”* means the same as defined in Iowa Code section 231B.1(8).

*“Preponderance of the evidence”* means that the evidence, considered and compared with the evidence opposed to it, produces the belief in a reasonable mind that the allegations are more likely true than not true.

*“Program”* means one or more of the following, as applicable: an elder group home as defined in Iowa Code section 231B.1 and 481—Chapter 68, an assisted living program as defined in Iowa Code section 231C.1 and 481—Chapter 69, or adult day services as defined in Iowa Code section 231D.1 and 481—Chapter 70.

*“Program staff”* means all employees of the program, regardless of certification or licensure status.

*“Qualified professional”* means a facility plant engineer familiar with the type of program being provided, or a licensed plumbing, heating, cooling, or electrical contractor who furnishes regular service to such equipment.

*“Recognized accrediting entity”* means the same as defined in Iowa Code sections 231C.2(11) and 231D.1(11).

*“Regulatory insufficiency”* means a violation of an applicable requirement.

*“Restraints”* means any chemical or manual method that restricts freedom of movement or normal access to one’s body or any physical or mechanical device, material or equipment that is attached or adjacent to the tenant’s body that the tenant cannot remove easily and that restricts freedom of movement or normal access to one’s body.

*“Routine”* means more often than not or on a regular customary basis.

*“Self-administration”* means a tenant’s taking personal responsibility for all phases of medication except for any component assigned to the program under medication setup, and may include the tenant’s use of an automatic pill dispenser.

*“Service plan”* means the document that defines all services necessary to meet the needs and preferences of a tenant, whether or not the services are provided by the program or other service providers.

*“Significant change”* means the same as defined in Iowa Code section 231C.2(12).

*“Substantial compliance”* means the same as defined in Iowa Code section 231C.2(13) regarding a level of compliance with applicable requirements.

*“Tenant”* means the same as defined in Iowa Code sections 231B.1(9) and 231C.2(14). In the context of adult day services, “tenant” means a “participant” as defined in 481—Chapter 70.

*“Tenant advocate”* means the same as defined in Iowa Code section 231B.1(10).

*“Tenant’s legal representative”* means the same as defined in Iowa Code section 231B.1(11). In the context of adult day services, “tenant’s legal representative” means a “participant’s legal representative” as defined in 481—Chapter 70.

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