

South Dakota Department of Health
Health Systems Development and Regulations
Office of Health Care Facilities Licensure and Certification

44:70 Assisted Living Centers proposed changes – 08/26/2016.

Major Changes:

- Deleted unnecessary definitions.
- Updated all references material to the latest editions.
- Revise submission of Plans of Correction to match other licensed facilities.
- Revise reporting abuse or neglect, submission timelines, and provide clarification on mandatory reporting.
- Deleted language in sections that were too prescriptive.
- Added language to provide alternative methods of laundry processing.
- Added language to allow the use of the Tuberculin (TB) blood assay test for TB screening and test conducted by other licensed facilities in South Dakota to reduce testing requirements when a resident or staff transfer to another licensed facility.
- Clarification regarding two person total assist.
- Added language to allow a dietitian to prescribe a regular or therapeutic diet.
- Clarification regarding self-administration of drugs.
- Updated Life Safety Code (LSC) reference from 2009 to 2012 edition to ensure new construction is built to the newest standards.
- Deleted references to American's with Disabilities Act (ADA) since this is a federal requirement and enforced by the Department of Justice.
- Deleted reference to International Building Code (IBC) already covered in SDCL and enforced by local building officials. Will also eliminate differences in interpretation.
- Deleted requirements for under counter dishwashers to be raised.
- Allow for the lowering of hot food holding from 140 to 135 degrees Fahrenheit to match new Food Code standards.
- Deleted smoke damper requirements already covered in LSC.
- Deleted language restricting sink blade handle length.
- Added option for yard storage and trash rooms outside the building.
- Added requirement to include a written narrative describing intended use of proposed construction.

Comprehensive List of Changes by Article:

44:70 Assisted Living Centers

Section	Change
01:01	Updated and renumbered definitions.
01:01(2)	Deleted definition of Activities coordinator.
01:01(2)	Added bathing as an activity of daily living.
01:01(9)	Updated statute and modified definition of developmental disability in-line with federal language.
01:01(11)	Changed reference from American Dietetic Association to Academy of Nutrition and Dietetics.
01:01(13)	Deleted definition of Direct contact.
01:01(16)	Deleted definition of Endorsement.
01:01(17)	Deleted definition of Equivalency.
01:01(22)	Added Psychologist to the definition of Licensed health professional.
01:01(23)	Added definition of Memory care unit.
01:01(25)	Added definition for Misappropriation of resident and patient property.
01:01(32)	Deleted definition of Patient.
01:01(34)	Updated publications references for Developmental Disabilities Assistance and Bill or Rights Act and Protection of Advocacy for Persons with Mental Illness.
01:01(41)	Deleted definition Residential living center.
01:01(43)	Deleted definition Restorative nursing.
01:01(45)	Deleted definition of Secure unit.
01:01(47)	Deleted Self-directed care.
01:01(49)	Deleted Supervised practical training
01:01(51)	Deleted Therapeutic activity.
01:01(44)	Added physician assistant, nurse practitioner, or dietitian to order therapeutic diet.
01:01(55)	Deleted definition Treatment.
01:02	Deleted unnecessary language.
01:05	Deleted and revised language.
01:07	Revised language regarding submitting written reports. Revised language reflecting existing federal regulations and state statute for mandatory reporting of abuse and neglect as well as clarify need to conduct investigation. Added reports on unsafe pools, spa and drinking water. Added the department may follow-up and request additional information on any reported incident.
1:08	Revised time for submission of Plan of Correction (PoC) to match other licensed facility submission time frames as well as revise language.
01:09	Revised language for requesting modification to staffing requirements.
02:02	Revised language and removed unnecessary language on policies & procedures and responsibilities.
02:03	Revised and updated language to cleaning methods and facilities.
02:08	Removed unnecessary language for linen supply. Added language to follow equipment and clean agent recommendations. Reduced water temperature when washing comingled laundry from 140° F to 120° F.
02:10	Revised language as well as removed unnecessary language regarding plumbing.
02:11	Transferred language chlorine levels and testing from 44:70:10:27. Transferred

	language regarding system temperature requirements from 44:70:10:29.
02:17	Revised language water closet and portable space heater. Removed electric blankets or heating pads. Updated oxygen cylinder safety requirement.
03:01	Updated reference to 2012 Life Safety Code and added language regarding attic heat detection system.
03:02	Deleted language in general fire safety.
03:02.01	Deleted reference to staffing requirements during sleeping hours and updated reference to 2012 Life Safety Code.
03:03	Transferred fire extinguisher equipment section from 10:16.
03:04	Transferred fire alarm systems section from 10:36.
04:02	Updated administrator qualification requirements.
04:04	Added staff training on abuse, neglect, misappropriation, and mistreatment.
04:07	Provided additional guidance on influenza season. Deleted unnecessary language regarding influenza vaccination.
04:08 & 04:10	Added language that permits physician assistant, or nurse practitioner to admit resident, recommend immunization, and order restraints. Deleted unnecessary language regarding pneumococcal vaccination.
04:10	Included language on TB blood assay test and clarified testing of residents and staff if documentation can be provided on previous testing.
04:12	Updated language from secured to memory care unit.
04:12	Update LSC reference 2009 edition to 2012.
04:14	Deleted registered pharmacist from medication administration training. Update LSC reference 2009 edition to 2012. Clarify registered nurse may be program coordinator and primary instructor. Clarify optional services and toilet room and bathing room size requirements for two person total assist.
06:02	Revised unnecessary language. Lowered holding temperature for food from 140° F to 135° F.
06:03	Deleted reference to Food Guide Pyramid and updated to MyPlate Dietary Guidelines for Americans 2010.
06:05	Added perishable.
06:07	Added dining arrangement to title and language on environment, encourage eating in common dining, and assistance.
06:09	Deleted reference to Recommended Dietary Allowances Tenth revised Edition and updated to Dietary Guidelines for Americans 2010. Added dietitian to prescribed diet.
06:10	Repealed. Not required.
06:11	Revised schedule of dietary consultations.
06:15	Revised language for nutritional assessments and tube feeding assessments.
07:01	Updated language from center to facility.
07:03	Added facilities licensed nurse to receive notification of drug irregularities. Remove unnecessary language.
07:05	Added sentence of medication accountability.
07:06	Added language for disposal of drugs according to federal and state regulations. Removed release of drugs to residents.
07:07	Updated language to licensed nurse. Transferred language referencing evaluation

	of resident's ability to self-administer medications to 44:70:07:09.
07:09	Transferred Self administration of drugs from 44:70:07:07 and 44:70:09:13.
08:03	Deleted unnecessary language.
08:05	Revised language for resident index or abstract.
09:02	Added language of resident preferred contact and added language of visitors.
09:03	Deleted unnecessary language referencing admission agreement.
09:04	Added language to notify physician assistant or nurse practitioner when resident's condition changes.
09:08	Deleted unnecessary language and added language to include significant other.
09:10	Modified language to clarify voicing grievances.
09:11	Modified language on survey results.
09:13	Transferred language to 44:70:07:09.
09:14	Renumbered 44:70:09:14 to 44:70:09:13. Admission, transfer, and discharge policies.
09:15	Renumbered 44:70:09:15 to 44:70:09:14. Spiritual needs.
09:16	Renumbered 44:70:09:16 to 44:70:09:15. Activities program.
10:01	Updated LSC from 2000 edition to 2012 edition. Also deleted reference to ADA and IBC. ADA is regulated by Justice department and IBC is the state building code and that local officials enforce. Eliminates differences in interpretation.
10:02(6)	Updated language regarding resident rooms. Deleted dimensions for water closet.
10:02(7)	Updated language regarding resident rooms. Added toilet rooms shall be wheelchair accessible.
10:02.01	Updated LSC from 2000 edition to 2012 edition
10:03	Updated language for service area in care units.
10:04	Deleted Note.
10:05(1)	Deleted requirement for raising under counter dishwashers.
10:05(11)	Reduced holding temps for food at 135° F from 140° F to match Food Code.
10:09	Modified language for outside areas for memory care units.
10:10	Deleted reference to secure units and added memory care.
10:12(1)	Deleted boiler room with two exit doors.
10:12(2)	Deleted engineer's office.
10:12(3)	Deleted mechanical and electrical rooms.
10:12(6)	Added exterior trash receptacles.
10:12(7)	Added option for yard storage in an exterior building.
10:15	Deleted boiler room ceiling heights.
10:16	Transferred to 44:70:03:03.
10:21	Updated language for facility ventilation systems.
10:22	Updated language regarding air system filtration.
10:23	Deleted language regarding fire and smoke dampers.
10:25	Deleted recirculating air system smoke damper requirements.
10:26	Removed language on wrist blade handles minimum length. Reduced standards for shower curbs from five inch to six inch height maximum.
10:27	Transferred language chlorine levels and testing to 44:70:02:11.
10:29	Transferred language regarding system temperature requirements to 44:70:02:11.
10:30	Deleted requirement for drainage cleanout.

10:37	Added requirement to submit a narrative describing intended use of proposed project.
10:36	Transferred to 44:70:03:04.
10:37	Clarification regarding letter of intent.
10:38	Updated reference to LSC from 2009 edition to 2012 – new construction.

DRAFT