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Requirements for Facilities Providing Dementia Care

Division of Public and Behavioral Health

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Department of Health and Human Services

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Objectives

1. Discuss licensing requirements for nursing homes and other residential facilities that provide services to patients with dementia.
2. While there are several different types of dementia, this presentation will focus on rules for facilities related to providing services to individuals with Alzheimer's and related dementia.
3. There are three types of licensed health care facilities (nursing homes; residential facilities for groups or assisted living facilities; and homes for individual residential care) that provide services to individuals with Alzheimer's and related dementia. Within these three facility types, the individual lives within the facility and facility staffing is available 24-7 to provide supervision.
4. We will discuss the major differences in these settings and the relevant regulations specific to dementia.



Facility Characteristics

- Nursing homes represent a high level of care and services and have the most robust set of regulatory requirements. There are both federal certification standards for nursing homes, as well as state licensure requirements. There are several specific requirements designed to accommodate and protect residents suffering from dementia.
- Residential facilities for groups/assisted living facilities are state licensed only. Nevada recently adopted [LCB File No. R043-22](#) and expanded the ability of residential facilities to provide care to persons with mild dementia to ensure residents receive services in the least restrictive environment. These new regulations also require “resident-centered care” and focus on the needs of the individual rather than a one-size-fits-all approach to providing services.
- Homes for individual residential care are state licensed and may only have two licensed beds. These homes may provide services to residents with dementia, but the regulations are minimal and do not speak specifically to dementia. The regulations do assure that residents are assessed to determine each resident’s abilities to function independently and require the director to possess the appropriate knowledge, skills and abilities to meet the needs of the residents.



NRS Chapter 449 Dementia Statutes

- **NRS 449.0302** [in part]:
 - The Board of Health shall adopt separate regulations governing the licensing and operation of:
 - Residential facilities for groups, which provide care to persons with Alzheimer's disease, or other severe dementia, as described in paragraph (a) of subsection 2 of NRS 449.1845.
- **NRS 449.094** [in part]:
 - The Board of Health shall establish minimum continuing education requirements concerning the care of persons with any form of dementia, including, without limitation, dementia caused by Alzheimer's disease, for each person who is:
 - Employed by a facility for skilled nursing, facility for intermediate care or residential facility for groups which provides care to persons with any form of dementia;
- **NRS 449.1845** [in part]:
 - If, as a result of an assessment conducted, the provider of health care determines that the resident:
 - Suffers from dementia to an extent that the resident may be a danger... if the resident is not placed in a secure unit or a facility that assigns not less than one staff member for every six residents, any residential facility for groups in which the resident is placed must meet the requirements prescribed by the Board pursuant to subsection 2 of NRS 449.0302 for the licensing and operation of residential facilities for groups which provide care to persons with Alzheimer's disease or other severe dementia.



Specific Requirements for Nursing Homes

Since all licensed nursing homes in Nevada are also certified to receive reimbursement for providing services through the Centers for Medicare and Medicaid Services (CMS), and since the federal regulations account for approximately 85% of all the inspection/investigation activity conducted in nursing homes, it is more efficient to discuss the federal regulations that accommodate residents with dementia, rather than the Nevada regulations. The following language is found in CFR §483.

- There are numerous resident rights requirements, such as:
 - The resident has a right to a dignified existence, self-determination, and communication with and access to persons and services inside and outside the facility.
- There are also several regulations that specifically mention dementia, such as:
 - A resident who displays or is diagnosed with dementia, receives the appropriate treatment and services to attain or maintain his or her highest practicable physical, mental, and psychosocial well-being.
 - In-service training must include dementia management training and resident abuse prevention training.
- There are a total of 122 mentions of dementia in the federal nursing home regulations interpretive guidelines.



Specific Requirements for Residential Facilities for Groups/Assisted Living Facilities

NAC Chapter 449 contains several specific requirements for facilities licensed to provide services to persons with Alzheimer's disease or other severe dementia, including (in part):

- The administrator of such a facility shall prescribe and maintain on the facility premises a written statement which includes:
 - Evidence that the facility has established interaction groups within the facility which consist of not more than six residents for each caregiver during those hours when the residents are awake;
 - A description of:
 - The manner in which behavior will be managed;
 - The manner in which medication for residents will be managed; and
 - The steps the members of the staff of the facility will take to prevent residents from wandering from the facility.
- The administrator of a residential facility which provides care to persons with Alzheimer's disease or other forms of dementia who meet the criteria prescribed in paragraph (a) of subsection 2 of NRS 449.1845 shall ensure that at least one member of the staff is awake and on duty at the facility at all times.



Specific Requirements for Residential Facilities for Groups/Assisted Living Facilities (cont.)

LCB File No. R043-22 [in part] added the following:

- “Person-centered service plan” means a plan developed for a resident of a residential facility pursuant to NAC 449.259 that describes the manner in which the facility will provide for the needs of the resident.
- “Tier 1 training” means basic training for employees of a residential facility that includes, without limitation:
 1. Training in responding to emergencies;
 2. Training in working with residents including, without limitation, residents with dementia, and their families; and
 3. An introduction to person-centered care.
- “Tier 2 training” means training for employees of a residential facility that includes, without limitation, training in:
 1. The psychosocial aspects of dementia;
 2. Current science concerning dementia;
 3. Signs and symptoms of dementia; and
 4. Working with persons who have dementia, including, without limitation: (a) communication; (b) providing person-centered care; (c) assessment of persons with dementia; (d) planning the provision of care; and (e) assisting with activities of daily living.
- Tier 2 training must be a training provided by:
 1. A nationally recognized organization focused on dementia, which may include, without limitation, the National Alzheimer’s and Dementia Resource Center and the Alzheimer’s Association, or their successor organizations;
 2. An accredited college or university located in the District of Columbia or any state or territory of the United States; or
 3. The federal or state government.



Specific Requirements for Homes for Individual Residential Care

There is no expansion to provide on the requirements for homes for individual residential care, as there are no specific dementia requirements for this facility type, so they must only meet the requirements found in the statutes with regards to resident rights and general provision of care and services.



Questions?



Contact Information

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Acronyms

- CFR – Code of Federal Regulations
- CMS – Centers for Medicare and Medicaid Services
- DPBH – Division of Public and Behavioral Health
- HCQC – Bureau of Health Care Quality and Compliance
- LCB – Legislative Counsel Bureau
- NAC – Nevada Administrative Code
- NRS – Nevada Revised Statutes