

Title 20. Public Health and Welfare

Chapter X. Office of Long-Term Care, Division of Provider Services and Quality Assurance, Department of Human Services

Subchapter A. Generally

Part 413. Provider Manual for ICF/IID Fifteen Beds or Less

Subpart 1. Generally

20 CAR § 413-101. Definitions.

For the purpose of this part, the following definitions shall apply:

(1) "Administrator" means a person licensed as a facility administrator by the Department of Human Services, who administers, manages, supervises, or is in general administrative charge of a facility;

(2) "Alteration" means any work other than maintenance in an existing building and which does not increase the floor or roof area or the volume of enclosed space;

(3) "Certified nursing assistant" means a qualified state certified nursing assistant;

(4) "Client", interchangeable with "resident" or "patient", means any individual residing in a facility who is receiving active treatment under an approved program plan;

(5) "Client room" means a room that accommodates one (1) or more clients for sleeping purposes;

(6) "Client unit" means an area designated to accommodate an individual client bed, bedside cabinet, chair, reading light, and other necessary equipment placed at the bedside for the proper care and comfort of the patient;

(7) "Consultant" means a qualified person who gives professional advice or service within his or her specialty, with or without remuneration;

(8) "Consultant dietitian" means a person who:

(A) Is eligible for registration by the American Dietetic Association;

(B) Has a baccalaureate degree with major studies in:

(i) Food and nutrition;

(ii) Dietetics; or

(iii) Food service management;

(C) Has one (1) year of supervisory experience in the dietetic service of a health care institution; and

(D) Participates annually in continuing dietetic education;

(9)(A) "Consultant pharmacist" means a qualified, licensed, registered pharmacist who, under arrangement with an institution, renders assistance in developing, implementing, evaluating, and revising, where indicated, policies and procedures for providing the administrative and technical guidance of the pharmaceutical services relative to labeling, storing, handling, dispensing, and all other matters pertaining to the administration and control of drugs and medication.

(B) He or she provides such services and monitors activities within the institution with the express purpose of creating and maintaining the highest standards in medication distribution, control, and service;

(10) "Controlled substance" means a drug, substance, or immediate precursor in Schedules I – V of the Controlled Substances Act;

(11) "Day room" means a room used by clients for recreational, social, living, rehabilitative training or other similar activities;

(12) "Department" means the Department of Human Services;

(13) "Director" means the Chief Administrative Officer in the Office of Long-Term Care;

(14) "Disinfection" means the process employed to destroy harmful microorganisms;

(15) "Division" means the Division of Provider Services and Quality Assurance;

(16) "Drug" means articles:

(A) Recognized in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them;

(B) Intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animal;

(C) Other than food, intended to affect the structure or any function of the body of man or other animals; and

(D) Specified in subdivisions (16)(A) – (C) of this section, but does not include devices or their components, parts, or accessories;

(17)(A) "Drug administration" is an act restricted to nursing personnel as defined in Acts 1971, No. 432, in which a single dose of a prescribed drug or biological is given to a patient.

(B) This activity includes the removal of the dose from a previously dispensed, properly labeled container, verifying it with the prescriber's orders, giving the individual dose to the proper patient, and recording the time and dose given.

(C) This does not reflect self-administration by clients who have successfully completed a course or program in self-administration of medication;

(18)(A) "Drug dispensing" is an act restricted to a pharmacist which involves the issuance of one (1) or more doses of a medication in a container other than the original, with such new containers being properly labeled by the dispenser as to content and/or directions for use as directed by prescriber.

(B) This activity also includes the compounding, counting, and transferring of medication from one (1) labeled container to another;

(19) "Existing facilities" means those facilities which were in operation, or those proposed facilities which began construction or renovation of a building under final plans approved by the Division of Provider Services and Quality Assurance prior to adoption of this part;

(20) "Facility" means any facility requiring licensure under this part and shall be construed to include any buildings, structure, agency, institution, or other place for the reception, accommodation, board, care, or treatment of two (2) or more unrelated individuals, who, because of intellectual disabilities or other developmental disability are unable to sufficiently or properly care for themselves, and for which reception, accommodation, board, care, and treatment, a charge is made, provided the term "facility" shall not include the offices of private physicians and surgeons, boarding homes, or hospitals, or institutions operated by the federal government;

(21) "Fire resistance rating" means the time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by fire test conducted in accordance with recognized standards;

(22) "Governing body" means the individuals or groups in whom the ultimate authority and legal responsibility is vested for conduct of the facility;

(23) "Guardian" means a person who by law is responsible for a client's affairs;

(24) "Human services professional" means an individual who has at least a bachelor's degree in a human services field including, but not limited to:

(A) Sociology;

(B) Social worker;

(C) Special education;

(D) Rehabilitation counseling; and

(E) Psychology;

(25)(A) "Intermediate care facility/Individuals with Intellectual Disabilities (ICF/IID) fifteen-bed or under" means a facility licensed by the Office of Long-Term Care as meeting the intermediate care facility for individuals with intellectual disabilities, fifteen (15) beds or fewer, rules.

(B) It is a health facility staffed, organized, operated, and maintained to provide services to individuals with intellectual disabilities or other developmentally disabled;

(26)(A) "Legend drugs" means drugs which, because of their toxicity or other potential for harmful effect, or the method of their use, or the collateral measures necessary for their use, are not safe for use except under the supervision of a practitioner licensed by law to administer such drugs, or shall be dispensed only on prescription by the pharmacist.

(B) Such drugs bear the label "Caution: Federal Law Prohibits Dispensing Without Prescription";

(27)(A) "License" means the basic document issued by the Division of Provider Services and Quality Assurance permitting the operation of facilities.

(B) This document constitutes the authority to receive patients and to

perform the services included within the scope of this part;

(28) "Licensed bed capacity" means the exact number of beds for which license application has been made and granted;

(29) "Licensee" means any state, municipality, political subdivision, institution, public or private corporation, association, individual, partnership, or any other entity to whom a license is issued for the purpose of operating the facility, who shall assume primary responsibility for complying with approved standards for the facility;

(30) "Life Safety Code" or "LSC" means the Residential Board & Care Occupancies, Chapter 21, of The Life Safety Code of the National Fire Protection Association;

(31) "Long-Term Care Facility Advisory Board" means the Long-Term Care Facility Advisory Board [abolished] as established under Acts 1979, No 28, as amended;

(32) "New construction" means those facilities which are constructed or renovated for the purpose of operating a facility according to architectural plans approved by the Division of Provider Services and Quality Assurance subsequent to adoption of this part;

(33) "O.T.C. drugs" are commonly referred to as "over-the-counter", or patient medications that may be provided without prescription;

(34) "Professional recreational staff" means an individual who has a bachelor's degree in recreation or in a specialty area such as:

- (A) Art;
- (B) Dance;
- (C) Music; or
- (D) Physical education;

(35) "Provisional licensure" means a temporary grant of authority to the purchaser to operate an existing long-term care facility upon application for licensure to the Office of Long-Term Care;

(36)(A) "Qualified intellectual disability professional" means a person who:
(i) Has at least one (1) year of experience working with individuals with intellectual disabilities or other developmental disabilities; and

(ii) Is one (1) of the following:

(a) A doctor of medicine or osteopathy;

(b) A registered nurse;

(c) An individual who holds at least a bachelor's degree as one

(1) of the following professionals:

(1) Occupational therapist;

(2) Occupational therapy assistant;

(3) Physical therapist;

(4) Physical therapy assistant;

(5) Psychologist, with at least a master's degree;

(6) Social worker;

(7) Speech-language pathologist or audiologist;

(8) Professional recreation staff member;

(9) Professional dietitian; and/or

(10) Human services professional.

(B) Each of the professional staff listed herein must be licensed, certified, or registered by the state.

(C) Professional recreation staff or human services professionals who do not fall under the jurisdiction of state licensure, certification, or registration must meet the qualifications defined herein;

(37) "Responsible party" means the person who is accountable for the client's affairs but has not been appointed by the court;

(38) "Restraint" means any device or instrument used to limit, restrict, or hold patients under control;

(39) "Routine" means the regular performance of a particular task;

(40) "Sanitation" means the process of promoting hygiene and preventing diseases by maintaining sanitary conditions;

(41) "State health officer" means the Secretary of the Department of Health, Secretary of the State Board of Health;

(42) "Sterile" means the state of being free from all form of microorganisms;

and

(43)(A) "Unit dose medication system" means the system in which single doses of drugs are prepackaged and prelabeled in accordance with all applicable laws, rules, and regulations governing these practices and made available separated by resident and by dosage time.

(B) The system includes all equipment and records deemed necessary and used in making the dose available to the resident in an accurate and safe manner.

(C) A pharmacist shall be in charge of and responsible for the system.

(D) To qualify as a true unit dose system, medications must be completely removed and replaced at least every seventy-two (72) hours.

Authority. Arkansas Code § 20-10-203.

Codification Notes. The Controlled Substances Act is codified at 21 U.S.C. § 801 et seq.

The Long-Term Care Facility Advisory Board was abolished by Acts 2017, No. 540, § 39.

20 CAR § 413-102. Abbreviations.

As used in this part:

- (1) "R.N." means registered nurse;
- (2) "L.P.N." means licensed practical nurse;
- (3) "L.P.T.N." means licensed psychiatric technician;
- (4) "N.A." means nurse's aide;
- (5) "P.T." means part-time;
- (6) "F.T." means full-time (forty (40) hours a week in this part and should not be confused with the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 et seq.);
- (7) "LSC" means Life Safety Code;
- (8) "LTC" means long-term care;
- (9) "NFPA" means the National Fire Protection Association;

- (10) "OLTC" means the Office of Long-Term Care;
- (11) "O.T.C." means over-the-counter drugs; and
- (12) "Q.I.D.P." means qualified intellectual disability professional.

Authority. Arkansas Code § 20-10-203.

Subpart 2. General Provisions for Licensure

20 CAR § 413-201. Licensure.

(a) Fifteen-bed and under ICF/IID's shall be operated, conducted, or maintained in this state by obtaining a license pursuant to the provisions of these licensing standards.

(b) Separate facilities operated by the same management require separate licenses.

(c) The classification of license shall be intermediate care facility for individuals with intellectual disabilities or other developmentally disabled, fifteen-bed or less.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-202. Application for license.

(a)(1) Applicants for license shall file a notarized application with the Division of Provider Services and Quality Assurance upon forms prescribed by the division and shall pay an annual license fee of ten cents (10¢) per patient bed, or ten dollars (\$10.00), whichever is greater.

(2) This fee shall be paid to the State Treasury.

(3) If the license is denied, the fee will be returned to the applicant.

(4) Facilities operated by any unit or division of state or local government shall be exempted from payment of a licensing fee.

(5) Applications shall be signed by the owner if individually owned, by one (1) partner if owned under partnership, by two (2) officers of the board if operated as a corporation, church, or nonprofit association and in case of a governmental unit, by the

head of the governmental entity having jurisdiction over it.

(6) Applicants shall set forth the full name and address of the facilities for which license is sought, the names of the persons in control, and such other information as the division may require.

(b) Each facility applying for and receiving a license must furnish the following information:

(1) The identity of each person having, directly or indirectly, an ownership interest of five percent (5%) or more in the facility;

(2) In case the facility is organized as a corporation, the identity of each officer and director of the corporation;

(3) In case the facility is organized as a partnership, the identity of each partner; and

(4) Identity of owners of building and equipment leased including ownership breakdown of leasing entity.

Authority. Arkansas Code §§ 20-10-203, 20-10-224.

20 CAR § 413-203. Renewal of application for licensure.

(a) Applications for annual license renewal shall be postmarked no later than July 2 of the succeeding calendar year.

(b) License applications for existing institutions shall be subject to a penalty of twenty dollars (\$20.00) per day after July 2 of the succeeding year.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-204. Issuance of license.

(a) License shall be effective on a fiscal year basis and shall expire on June 30 of each year.

(b) License shall be issued only for the premises and persons in the application and shall not be assignable or transferable.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-205. Denial, revocation, or suspension of license.

The Division of Provider Services and Quality Assurance is empowered to deny, suspend, or revoke licenses on any of the following grounds:

(1) Violation of any of the provisions of Acts 1979, No. 28 or the rules lawfully promulgated thereunder;

(2) Permitting, aiding, or abetting the commission of any unlawful act in connection with the operation of the facility, as defined in this part;

(3) Conduct or practices detrimental to the health and safety of residents and employees of any such facilities, but this subdivision shall not be construed to have any reference to healing practices authorized by law, as defined in this part; and

(4)(A) Failure to comply with the provisions of Acts 1969, No. 58, and the rules promulgated thereunder.

(B) **Note.** The aforementioned act requires the licensure of nursing home administrators.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-206. Notices and procedure on hearing prior to denial, suspension, or revocation of license.

(a) Whenever the Division of Provider Services and Quality Assurance decides to deny, suspend, or revoke a license, it shall send to the applicant or licensee a notice stating the reasons for the action by certified mail.

(b) The applicant or licensee may appeal such notice to the Long-Term Care Facility Advisory Board [abolished] as permitted by Arkansas law.

(c) Procedures for appeal to the Long-Term Care Facility Advisory Board [abolished] are incorporated in this part as Appendix A.

Authority. Arkansas Code § 20-10-203.

Codification Notes. The Long-Term Care Facility Advisory Board was abolished by Acts 2017, No. 540, § 39.

20 CAR § 413-207. Appeals to court.

(a) Any applicant or licensee who considers himself or herself injured in this person, business, or property by final agency shall be entitled to judicial review thereof.

(b) Proceedings for review shall be made by filing a petition in the circuit court of any county in which the petitioner does business or in the Pulaski County Circuit Court within thirty (30) days after service upon the petitioner of the agency's final decision.

(c) All petitions for judicial review shall be in accordance with the Arkansas Administrative Procedure Act, Arkansas Code § 25-15-201 et seq.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-208. Penalties.

(a) Any person, partnership, association, or corporation establishing, conducting, managing, or operating any facility covered by this part, without first obtaining a license therefore as herein provided, or who violates any provision of Arkansas law or rules lawfully promulgated thereunder shall be guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than twenty-five dollars (\$25.00), or more than one hundred dollars (\$100), nor more than five hundred dollars (\$500) for each subsequent offense.

(b) Division of Hospitals and Nursing Homes Act, Acts 1961, No. 414, § 27.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-209. Inspection.

All facilities to which this part apply shall be subject to inspection at any time by an

authorized representative of:

- (1) The Division of Provider Services and Quality Assurance;
- (2) The Department of Human Services;
- (3) The United States Department of Health and Human Services; or
- (4) Any other authorized entity.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-210. Compliance.

An initial license will not be issued until the applicant has demonstrated to the satisfaction of the Division of Provider Services and Quality Assurance that the facility is in substantial compliance with the licensing standards set forth in this part.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-211. Noncompliance.

(a) When noncompliance of the licensing standards are detected during surveys, licensees will be notified of the violations and will be requested to provide a plan of correction with a timetable for corrections.

(b) If an item of noncompliance is of a serious nature that affects the health and safety of patients and is not promptly corrected, action will be taken to suspend or revoke the facility's license.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-212. Voluntary closure.

Any facility, or related institution, that voluntarily closes must meet the rules for new construction to be eligible for relicensure.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-213. Exception to licensing standards.

(a) The Division of Provider Services and Quality Assurance reserves the right to make temporary exceptions to this part where it is determined that the health and welfare of the community requires the services of the institution.

(b) Exceptions will be limited to unusual circumstances and the safety and wellbeing of the clients will be carefully evaluated.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-214. Provisional licensure.

(a)(1) Subject to the requirements below, a provisional license shall be issued to the applicant and new operator of the long-term care facility when the Office of Long-Term Care has received the Application for Licensure to Conduct a Long-Term Care Facility.

(2) A provisional license shall be effective from the date the office provides notice to the applicant and new operator, until the date the long-term care license is issued.

(3) With the exception of Medicaid or Medicare provider status, a provisional license confers upon the holder all the rights and duties of licensure.

(b) Prior to the issuance of a provisional license:

(1) The purchaser and the seller of the long-term care facility shall provide the office with written notice of the change of ownership at least thirty (30) days prior to the effective date of the sale;

(2) The applicant and new operator of the long-term care facility shall provide the office with the application for licensure, including all applicable fees; and

(3) The applicant and new operator of the long-term care facility shall provide the office with evidence of transfer of operational control signed by all applicable parties.

(c)(1) A provisional license holder may operate the facility under a new name,

whether fictitious or otherwise.

(2) For purposes of this section:

(A) "New name" means a name that is different than the name under which the facility was operated by the prior owner; and

(B) "Operate" means that the provisional license holder may hold the facility out to the public using the new name.

(3) Examples include, but are not limited to, signage, letterhead, brochures or advertising, regardless of media, that bears the new name.

(d)(1) In the event that the provisional license holder operates the facility under a new name, the facility shall utilize the prior name in all communications with the office until such time as the license is issued.

(2) Such communications include, but are not limited to:

(A) Incident reports;

(B) Notices;

(C) Plans of correction; and

(D) MDS submissions.

(3) Upon the issuance of the license, the facility shall utilize the new name in all communications with the office.

Authority. Arkansas Code § 20-10-203.

Codification Notes. "MDS" means Minimum Data Set.

Subpart 3. Administration

20 CAR § 413-301. Management.

(a) Bylaws.

(1) The governing body shall consist of an individual or a board of directors and shall adopt effective client care policies and administrative policies and bylaws governing the operation of the facility in accordance with legal requirements.

(2) The governing body must:

(A) Exercise general policy, budget, and operating direction over the facility;

(B) Set the qualifications, in addition to those already set by state law, if any; and

(C) Appoint the administrator of the facility.

(b) Administration.

(1)(A) Fifteen-bed or less ICF/IID's shall have an employee who shall serve as administrator and who shall be currently licensed as an ICF/IID fifteen-bed or less LTC administrator in accordance with Acts 1969, No. 58, and Acts 1979, No. 28, and the rules promulgated thereunder.

(B) The administrator must be present in the facility at least eight (8) hours per week, not including travel time.

(C) Each facility administrator may have responsibilities with other entities which do not interfere with facility administration.

(D) The administrator must have responsibility for overall operation of the facility (one (1) or more) and is responsible for any noncompliance with rules and regulations found in the facility.

(E)(i) No administrator shall be responsible for more than four (4) facilities.

(ii) Correspondence between this office and the facility shall be through the licensed administrator.

(2)(A) The licensed administrator shall designate in writing an individual who shall be available to LTC personnel during normal business hours and shall delegate authority in writing to a resident facility manager, a business manager, a QIDP, or other qualified individual who may manage the facility temporarily during the administrator's absence or during such time as the administrator may be performing other duties.

(B) Also, the facility administrator shall notify the Office of Long-Term Care in writing if an absence from the facility will exceed seven (7) consecutive days.

(C) The name of the individual who will be administratively in charge of

the facility should also be listed in the letter.

(3)(A) Administrators-in-training shall receive training in ICF/IID facilities that employ a licensed administrator.

(B) Administrators-in-training shall not serve as an LTC administrator until such time that an LTC administrator's license is obtained.

(C) Applicants that qualify to take the administrator's examination shall not practice as an LTC administrator until licensed by this office.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-302. General administration.

(a) Visitors shall be permitted during all reasonable hours.

(b) Incident and accident reports of clients and personnel shall be completed and reviewed to identify health and safety hazards.

(c) An accurate daily census sheet as of midnight shall be available to the Division of Provider Services and Quality Assurance at all times.

(d)(1) There shall be keys readily available for all locked doors within the home.

(2) Keys for all locked doors may be available in the office or a designated place in the facility.

(e) Birds, cats, dogs, and other animals may be permitted in fifteen-bed or less ICF/IID and shall be permitted for dogs which aid visually impaired clients, as prescribed by a physician or as a prescribed part of habilitative training.

(f) All containers of substances used in the facility shall be legibly and accurately labeled as to content.

(g) Fire extinguishers shall be adequate, of the correct type, and properly located and installed as defined by the NFPA 101, current edition.

(h) Children under sixteen (16) years of age shall not be cared for in a room with nonrelated adults.

(i)(1) Adult male and female clients shall not have adjoining rooms which do not have full floor to ceiling partitions and closing doors.

(2) They shall not be housed in the same room, except husband and wife of the same marriage or parent and child.

(j)(1) Child clients male and female, shall not be housed in the same room when they are seven (7) or more years old.

(2) They shall be provided the same privacy required for adults.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-303. Personnel administration.

(a) The administrator shall establish and maintain a personnel policy and a file for each employee.

(b)(1) Applications for each employee shall contain sufficient information to support placement in the position to which assigned.

(2) All applications from licensed and/or registered personnel shall contain the appropriate certificate or registration number and current renewal date.

(3) These registrations and/or certifications shall be verified.

(c) No employee caring for clients shall be less than sixteen (16) years of age.

(d)(1) All food service and direct care personnel must have a skin test for tuberculosis prior to employment or service.

(2) These personnel shall be reexamined annually.

(3) The results of these tests shall be on record in the nursing home.

(4) No person with active tuberculosis, an infected skin lesion, or a communicable disease shall be allowed to work in the facility.

(e)(1) Written job descriptions shall be developed for each employee classification, i.e., R.N., L.P.N., aide, housekeepers, maids, etc., and shall include, as a minimum, the responsibilities and/or actual work to be performed in such classification.

(2) In addition, the job description shall include the physical and educational qualifications and licenses or certificates required for each job classification.

(3) All employees requiring licensure shall have their licensure verified at appropriate intervals.

(f)(1) Sufficiently trained personnel shall be on duty at all times.

(2) Provisions shall be made for relief of direct care personnel during vacations and other relief periods.

(g)(1) Upon request, an ICF/IID must make available to employees of Division of Provider Services and Quality Assurance, payroll records showing staff employed during recent pay periods.

(2) This is to verify that minimum staffing has been maintained.

(h)(1) Copies of this part shall be available to all personnel.

(2) All personnel shall be instructed in the requirements of the law and in the rules and regulations pertaining to their respective duties.

(i) Nursing or personal care shall not be delegated to:

(1) Cooks;

(2) Housekeepers; or

(3) Laundry personnel.

(j) A weekly time schedule shall be prepared and posted for each week and shall include the employee's first and last name, classification, i.e., aide, R.N., cook, etc., and the beginning and ending time of each tour of duty, such as 7:00 a.m. to 3:00 p.m., etc.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-304. Staff training program.

(a)(1) Job orientation shall be provided and documented in writing for all personnel to acquaint them with the needs of the clients, the physical facility, disaster plan, and the employee's specific duties and responsibilities.

(2) There shall be ongoing in-service training and there should be written documentation maintained to verify that in-service training is planned and conducted.

(3) Attendance at such training shall be verified by each employee by signing their names on the attendance record.

(4) Records of training shall include the name of the employee as well as topic

of instruction and date of successful completion.

(5) The training program must enable each employee to perform his or her duties effectively, efficiently, and competently.

(b) For employees who work with clients, training must focus on skills and competencies directed toward clients developmental, behavioral, and health needs.

(c) Staff must be able to demonstrate the skills and techniques necessary to administer interventions to manage the inappropriate behavior of clients.

(d) Staff must be able to demonstrate the skills and techniques necessary to implement the individual program plans for each client for whom they are responsible.

(e) At least ninety percent (90%) of personnel on each shift shall be trained at least on a quarterly basis in the:

- (1) Proper use of all firefighting equipment;
- (2) Procedures for evacuation of clients; and
- (3) Procedures to follow in case of fire or explosion.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-305. Emergency plan.

(a) The facility must develop and implement detailed written plans and procedures to meet all potential emergencies and disasters such as:

- (1) Fire;
- (2) Severe weather; and
- (3) Missing clients.

(b) The facility must:

- (1) Communicate with the staff;
- (2) Quarterly review the plan with staff;
- (3) Make the plan available to the staff; and
- (4) Provide training to the staff.

(c) The facility must hold evacuation drills at least quarterly for each shift of personnel and under varied conditions to:

(1) Ensure that all personnel on all shifts are trained to perform assigned tasks;

(2) Ensure that all personnel on all shifts are familiar with the use of the facility's fire protection features; and

(3) Evaluate the effectiveness of emergency and disaster plans and procedures.

(d) The facility must:

(1) Actually evacuate clients during at least one (1) drill each year on each shift;

(2) Make special provisions for the evacuation of clients with physical disabilities;

(3) File a report and evaluation on each evacuation drill;

(4) Investigate all problems with evacuation drills, including accidents, and take corrective action; and

(5) During fire drills, clients may be evacuated to a safe area in facilities certified under the Health Care Occupancies Chapter of the Life Safety Code.

(e) Facilities must meet the requirements of subsections (c) and (d) of this section for any live-in and relief staff they utilize.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-306. Emergency call data.

(a) The administrator shall be responsible for ensuring that emergency call information is posted in a conspicuous place by each telephone in the facility so as to be immediately available to all personnel of the facility.

(b) Emergency call data shall include at least the following:

(1) Telephone number of fire and police departments;

(2) Names, addresses, and telephone numbers for emergency supplies, ambulance, minister, advisory dentist, Red Cross, and poison control center;

(3) Name, address, and telephone number of all personnel to be called in case

of fire or emergency, to include the administrator and at least one (1) QIDP; and
(4) Name, address, and telephone number of an available physician to furnish necessary medical care in case of emergency.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-307. Reports.

The administrator is responsible for development of onsite procedures and their implementation, pursuant to the Department of Human Services' established rules (DHS 3002-I, March 1, 1988) for:

- (1) Unusual client death and/or serious injury;
- (2) Absence (run away) and search;
- (3) Criminal activity;
- (4) Abuse/neglect-prevention, recording, and investigating;
- (5) Natural disasters (emergency preparedness);
- (6) Serious accidents; and
- (7) Disruption of services.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-308. Protection of clients' rights.

- (a) The facility must ensure the rights of all clients.
- (b) Therefore, the facility must:
 - (1) Inform each client, parent (if the client is a minor), or legal guardian, of the client's rights and the rules of the facility;
 - (2) Inform each client, parent (if the client is a minor), or legal guardian, of the client's:
 - (A) Medical condition;
 - (B) Developmental and behavioral status;
 - (C) Attendant risks of treatment; and

(D) Right to refuse treatment;

(3) Allow and encourage individual clients to exercise their rights as clients of the facility, and as citizens of the United States, including the right to file complaints, and the right to due process;

(4) Allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities;

(5) Ensure that clients are not subjected to physical, verbal, sexual, or psychological abuse or punishment;

(6) Ensure that clients are free from unnecessary drugs and physical restraints and are provided active treatment to reduce dependency on drugs and physical restraints;

(7) Provide each client with the opportunity for personal privacy and ensure privacy during treatment and care of personal needs;

(8) Ensure that clients are not compelled to perform services for the facility and ensure that clients who do work for the facility are compensated for their efforts at prevailing wages and commensurate with their abilities;

(9) Ensure clients the opportunity to communicate, associate, and meet privately with individuals of their choice, and to send and receive unopened mail;

(10) Ensure that clients have access to telephones with privacy for incoming and outgoing local and long distance calls except as contraindicated by factors identified within their individual program plans;

(11) Ensure clients the opportunity to participate in social, religious, and community group activities;

(12) Ensure that clients have the right to retain and use appropriate personal possessions and clothing, and ensure that each client is dressed in his or her own clothing each day; and

(13) Permit a husband and wife who both reside in the facility to share a room.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-309. Client finances.

(a) The facility shall allow individual clients to manage their financial affairs and teach them to do so to the extent of their capabilities.

(b) The facility shall maintain written accounts for all clients' funds received by or deposited with the facility for safekeeping.

(c) An employee shall be designated to be responsible for client accounts.

(d) The funds may be withdrawn by the client upon request.

(e) The client shall be provided with an itemized accounting of deposits, disbursements, and withdrawals including the current balance at least quarterly.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-310. Systems.

(a) The facility must establish and maintain a system that:

(1) Ensures a full and complete accounting of clients' personal funds entrusted to the facility on behalf of the clients; and

(2) Precludes any commingling of client funds with facility funds or with the funds of any person other than another client.

(b) The client's financial record must be available on request to the:

(1) Client;

(2) Parents, if the client is a minor; or

(3) Legal guardian.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-311. Communication with clients, parents, guardians.

The facility must:

(1) Promote participation of parents, if the client is a minor, and legal guardians in the process of providing active treatment to a client unless their

participation is unobtainable or inappropriate;

(2) Answer communications from clients' families and friends promptly and appropriately;

(3) Promote visits by individuals with a relationship to the client (such as family, close friends, legal guardians, and advocates) at any reasonable hour, without prior notice, consistent with the right of that client's and other clients' privacy, unless the interdisciplinary team determines that the visit would not be appropriate;

(4) Promote visits by parents or guardians to any area of the facility that provides direct client care services to the client, consistent with the right of that client's and other clients' privacy;

(5) Promote frequent and informal leave from the facility for:

(A) Visits;

(B) Trips; or

(C) Vacations; and

(6) Notify promptly the client's parents or guardian of any significant incidents, or changes in the client's condition including, but not limited to:

(A) Serious illness;

(B) Accidents;

(C) Death;

(D) Abuse; or

(E) Unauthorized absence.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-312. Standard — Staff treatment of clients.

(a) The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect, or abuse of the client.

(b) Staff of the facility must not use physical, verbal, sexual, or psychological abuse or punishment.

(c) Staff must not punish a client by withholding food or hydration that contributes

to a nutritionally adequate diet.

(d) The facility must prohibit the employment of individuals with a conviction or prior employment history of child or client:

- (1) Abuse;
- (2) Neglect; or
- (3) Mistreatment.

(e) The facility must ensure that all allegations of mistreatment, neglect, or abuse, as well as injuries of unknown source, are reported immediately to the county sheriff's office and to the office of the Attorney General.

(f) The facility must have evidence that all alleged violations are thoroughly investigated and must prevent further potential abuse while the investigation is in progress.

(g) The results of all investigations must be reported to the administrator or designated representative or to other officials in accordance with state law within five (5) working days of the incident and, if the alleged violation is verified, appropriate corrective action must be taken.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-313. Client record maintenance.

The facility must develop and maintain a record keeping system that includes a separate record for each client and that documents the client's:

- (1) Health care;
- (2) Active treatment;
- (3) Social information; and
- (4) Protection of the client's rights.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-314. Contents of records to facilitate retrieving and

compiling information.

The client records will contain sufficient information to:

- (1) Identify the client;
- (2) Identify his or her diagnosis or diagnoses and treatment; and
- (3) Document the results accurately.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-315. Admission and discharge record.

- (a) Record number.
- (b) Date and time of admission.
- (c) Name.
- (d) Last known address.
- (e) Age.
- (f) Date of birth.
- (g) Sex.
- (h) Marital and/or legal status.
- (i) Name, address, and telephone number of attending physician and dentist.
- (j) Name, address, and telephone number of parent or next of kin, guardian, and individual to be notified in case of accident.
- (k) Social Security number.
- (l) Medicaid/Medicare number.
- (m) Date and time of discharge or death.
- (n) Admitting and final diagnosis.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-316. Index.

There will be an index of all clients admitted to the facility including the following:

- (1) Name of client;

- (2) Record number;
- (3) Former address;
- (4) Name of physician;
- (5) Date of birth; and
- (6) Date of discharge.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-317. Retention and preservation of records.

(a) Resident records will be retained in the facility for a minimum of five (5) years following the discharge or death of the client.

(b) Resident records for minors will be kept for at least one (1) year after they reach eighteen (18) years of age or five (5) years of age, whichever is the longer period of time.

(c)(1) The facility administration must provide each residential living unit with appropriate aspects of each client's records as required by state and federal rules and regulations.

(2) Other client records shall be kept in the facility or in a central administrative office at all times and will be removed only by subpoena.

(d) In the case of change of ownership, the client shall remain with the facility.

(e) In case of closure, the records will be stored with the state for the retention period.

(f) After the retention period is met, the records may be destroyed either by burning or shredding.

(g) Records will be protected against:

- (1) Loss;
- (2) Deconstruction; or
- (3) Unauthorized use.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-318. Confidentiality.

(a) The facility must keep confidential all information contained in the clients' records, regardless of the form or storage method of the records.

(b) The records will be available to Office of Long-Term Care personnel.

(c) The facility must develop and implement policies and procedures governing the release of any client information, including consents necessary from the:

(1) Client;

(2) Parents, if the client is a minor; or

(3) Legal guardian.

(d) Any individual who makes an entry in a client's record must:

(1) Make it legibly;

(2) Date it; and

(3) Sign it.

(e) The facility must provide a legend to explain any symbol or abbreviation used in a client's record.

(f) The facility must provide each identified residential living unit with appropriate aspects of each client's record.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-319. Client record personnel.

(a) An individual will be designated as responsible for the client record service.

(b) There will be written job descriptions for the client record service personnel.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-320. General information.

(a) All entries in the client records will be recorded in ink.

(b) There will be no alteration of information in the client records.

(c) If an error is made, a single line will be drawn through the error, the word "error" written above, and initialed.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-321. Standards — Services provided under agreements with outside sources.

(a) If a service required under this subpart is not provided directly, the facility must have a written agreement with an outside program, resource, or service to furnish the necessary service, including emergency and other health care.

(b) The agreement must:

(1) Contain the responsibilities, functions, objectives, and other terms agreed to by both parties; and

(2) Provide that the facility is responsible for ensuring that the outside services meet the standards for quality of services contained in this subpart.

(c) The facility must ensure that outside services meet the needs of each client.

(d) If living quarters are not provided in a facility owned by the ICF/IID, the ICF/IID remains directly responsible for the standards relating to physical environment which are required by state and federal rules and regulations.

Authority. Arkansas Code § 20-10-203.

Subpart 4. Physical Environment — General Standards

20 CAR § 413-401. General.

Every facility must be maintained, managed, and equipped to provide adequate care, safety, and treatment of each client.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-402. Facility grounds and parking.

- (a) All facilities shall be provided with dust-free drives and parking lots.
- (b) Parking areas shall be provided in a ratio of one (1) individual parking space for each five (5) licensed beds.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-403. Doors.

- (a) All exterior doors shall be effectively weather-stripped.
- (b) Doors shall swing into client rooms.
- (c)(1) Exit doors shall not be locked in such a way that a key is necessary to open the door from the inside of the building.
 - (2) A latch or other fastening device on the door shall be provided with a knob, handle, panic bar, or other simple type of releasing device which is part of the door handle hardware.
 - (3) The method of operation shall be obvious even in the dark.
 - (4) Automatic unlocking systems connected to the fire alarm system may be utilized.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-404. Facility condition.

- (a) All facilities must be maintained, managed, and equipped to provide adequate care, safety, and treatment of each client.
- (b) A well-lighted, clean, orderly, ventilated room or rooms shall be provided for client activities and for dining areas.
- (c) A minimum of twenty square feet (20 sq. ft.) per bed shall be provided for this purpose.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-405. Standard — Client rooms, bath, and toilet facilities.

(a)(1) Each client's room shall have an openable window not less than one-sixteenth (1/16) of the floor space or outside door arranged and located so that it can be opened.

(2) The window shall be located on an exterior wall so that the clients have a reasonable outside view.

(b) Standard client rooms shall not have more than two (2) beds.

(c)(1) Single standard client rooms shall measure at least one hundred square feet (100 sq. ft.).

(2) Multi-client rooms shall provide a minimum of eighty square feet (80 sq. ft.) per bed.

(3) Square footage requirements shall be exclusive of closet and storage facilities.

(4) Client beds shall be placed at least three feet (3') apart from each other and so located as to:

(A) Avoid contamination (respiratory droplets), drafts, excessive heat, or other discomfort to clients; and

(B) Provide adequate room for nursing procedures and to minimize the transmission of disease.

(d)(1) Each client room shall be adjacent to or near adequate toilet and bathing facilities.

(2) Separate toilet facilities and bathing units shall be provided for each four (4) beds.

(3) Individual privacy will be provided in:

(A) Toilets;

(B) Bathtubs; and

(C) Showers.

(4) Toilets shall be equipped with hand-washing facilities and toilet paper hangers.

(e) Each client shall have a room with an exterior wall with a window not less than one-sixteenth (1/16) of the floor space and direct access to a corridor or day room or dining room with an exterior door.

(f) Client bedrooms may not be below grade level.

(g) Storage space in the client room shall include space for equipment for daily out-of-bed activity for all clients who are not yet mobile, except those who have a short-term illness or those few clients for whom out-of-bed activity is a threat to health and safety.

(h)(1) Built in closets, with clothes racks and shelves accessible to the client, shall be provided in each client room for storage of clothing and other possessions.

(2) The closet and other suitable storage space shall be accessible to clients, and shall be adequate for storage of personal possessions, such as:

(A) TVs;

(B) Radios;

(C) Prosthetic equipment; and

(D) Clothing.

(i) Each client shall be provided with a suitable fixed or moveable light or lamp equipped with a noncombustible shade to prevent direct glare for reading or other purpose, and capable of being switched off by the client.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-406. Day room and dining room.

(a)(1) A well-lighted, clean, orderly, and ventilated room or rooms shall be provided for client activities and for dining areas.

(2) A minimum of twenty square feet (20 sq. ft.) per bed shall be provided for this purpose.

(3) At least half of the required area may be used for dining.

(b) The facility must provide sufficient space and equipment in dining, living, health services, recreation, and program areas, including adequately equipped and sound

treated areas for hearing and other evaluations if they are conducted in the facility, to enable staff to provide clients with needed services as required by this subpart and as identified in each client's individual program plan.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-407. Ceilings.

All ceilings shall be a minimum of eight feet (8') above the subfloor.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-408. Walls.

(a) The walls of the facility shall have a smooth surface with painted or equally washable finish.

(b) They shall be without cracks, and in conjunction with floors, shall be waterproof and free from spaces which may harbor ants and roaches.

(c) All walls, with the exception of partitions used in direct care areas, shall extend from floor to ceiling and be kept clean and in good repair.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-409. Corridors. [Reserved].

20 CAR § 413-410. Floors.

(a)(1) All floor surface throughout the building shall provide a surface or finish which is:

- (A) Resilient;
- (B) Nonabrasive;
- (C) Slip resistant;
- (D) Smooth;

- (E) Waterproof;
- (F) Grease proof; and
- (G) Resistant to heavy wear.

(2) Exposed floor surfaces and floor coverings shall promote mobility in areas used by clients and shall promote maintenance of sanitary conditions.

(3) Safety devices shall be provided on ramps.

(4) All floors in baths, toilets, lavatories, and beneath kitchen dishwashing facilities shall have a floor covering of a continuous type.

(5) No cracks or joints in the floor covering shall be permitted in these rooms.

(6)(A) Nonabrasive carpet is permitted as floor covering for offices, corridors, day rooms, and living rooms, provided, the carpet meets the following requirements.

(B) The carpet has a flame spreading rate of seventy-five (75) or less, has a smoke density of one hundred (100) or less, and the fuel contribution factor is one hundred (100) or less, when the carpet is tested in accordance with NFPA 253, Flooring Radiant Panel Test.

(b)(1) No pad will be permitted under the carpet.

(2) The carpet is to be glued directly to the floor.

(3) Prior approval by the Division of Provider Services and Quality Assurance is required before the carpet is installed.

(4) In facilities where carpet is installed, the home must furnish equipment and have written cleaning procedures to clean and maintain the carpet.

(c)(1) Facilities presently having carpets in areas other than those listed above may keep that carpet as long as it is maintained properly and free of odors.

(2) If not properly maintained and free of odors, the carpet will be removed and replaced with a hard, smooth surface.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-411. Paint.

The facility must use lead-free paint inside the facility and remove or cover interior

paint or plaster containing lead so that it is not accessible to clients.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-412. Heating and cooling.

(a)(1) The facility shall be equipped with heating and cooling equipment that will maintain a minimum temperature of sixty-eight degrees Fahrenheit (°86) F) during winter and eighty-one degrees Fahrenheit (°81) F) during summer in all client areas when the temperature outside does not exceed one hundred degrees Fahrenheit (°100) F).

(2) If temperature outside exceeds one hundred degrees Fahrenheit (°100) F) there shall be a fifteen degrees Fahrenheit (°15) F) difference in exterior and interior temperature.

(3) If the air conditioner should break down or malfunction, the facility must commence repairs within twenty-four (24) hours.

(4) Clients' toilet and bathroom temperature should be maintained at a minimum of seventy-five degrees Fahrenheit (°75) F).

(b) Central heating systems shall be provided with Underwriters' approved temperature controls throughout the building.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-413. Lighting.

(a) Each client's room shall have natural lighting during the day and have general lighting at night.

(b) Natural lighting shall be augmented when necessary by artificial illumination.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-414. Emergency power.

(a) The facility shall provide an emergency source of electrical power necessary to protect the health and safety of clients in the event the normal electrical supply is interrupted.

(b) The emergency electrical power system must supply power adequate at least for lighting in all means of egress, equipment to maintain fire detection, alarm, and extinguishing systems.

(c) Dry or wet cell batteries may be used as emergency power.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-415. Water services and hot water heaters.

(a) The water supply used by the facility shall meet the requirements of the Department of Health.

(b) There shall be procedures to ensure water to all essential areas in the event of loss of normal water supply.

(c) The water service shall be brought into the building to comply with the requirements of the Arkansas Plumbing Code, 17 CAR pt. 65, and shall be free of cross connections.

(d)(1) The hot water heating and storage equipment shall have sufficient capacity to supply six-and-one-half gallons (6 1/2 gals.) of water at one hundred ten degrees Fahrenheit (°111) F (forty-three degrees Celsius (°34) C)) per hour per bed for facility fixtures.

(2) The water temperature in client areas shall not exceed one hundred ten degrees Fahrenheit (°111) F (forty-three degrees Celsius (°34) C)).

(e) The hot water storage tank, or tanks, shall have a capacity equal to fifty percent (50%) of heater capacity.

(f) Temperatures of hot water at plumbing fixtures used by clients shall be automatically regulated by control valves.

(g) All gas, oil, or coal heaters shall be properly vented to the outside.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-416. Plumbing and other piping systems.

(a)(1) All plumbing systems shall be designed and installed in accordance with the requirements of the Arkansas Plumbing Code, 17 CAR pt. 65.

(2) From the cold water service and hot water tanks, cold water and hot water mains and branches shall be run to supply all plumbing fixtures and equipment which require hot and cold water, or both, for their operation.

(3) Pipes shall be sized to supply hot and cold water to all fixtures with a minimum pressure of fifteen pounds (15 lbs.) at the top-floor fixtures' maximum demand periods.

(b) Any replacement of water closets shall be of the elongated type, and water closet seats shall be of the open-front type.

(c) Elbow or wrist-action blade handle controls shall be used on all other lavatories and sinks designated for use by facility employees (community laundry, kitchen, direct care station, and janitors' closet).

(d)(1) Backflow preventers (vacuum breakers) shall be appropriately installed with any water supply fixture where the end of the outlet may at times be submerged.

(2) Examples of such fixtures are hoses, sprays, direct-flushing valves, aspirators, and under-rim water supply connections to a plumbing fixture or receptacle in which the surface of the water in the fixture or receptacle is exposed at all times to atmospheric pressure.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-417. Direct care stations.

(a) Stations shall be provided for direct care staff and so designed that they provide:

- (1) Adequate storage and preparation area or areas;
- (2) Lockable medication storage; and

(3) Sufficient lighting.

(b) Staff lavatory and toilet facilities shall be provided in the building in a convenient location.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-418. Fire alarm systems and fire safety.

(a) The construction of the facility shall comply with the applicable provisions of either the Health Care Occupancies Chapters or the Residential Board and Care Occupancies Chapter 21 of the Life Safety Code (LSC) of the National Fire Protection Association, 1985 edition, which is incorporated by reference.

(b) Sprinkler systems in the facility shall, at a minimum, meet the requirements of 13D of the LSC of the NFPA, 1985 edition.

(c) The Office of Long-Term Care may apply a single chapter of the LSC to the entire facility or may apply different chapters to different buildings or parts of buildings as permitted by the LSC.

(d) A facility that meets the LSC definition of a residential board and care occupancy and that has fifteen (15) or fewer beds, must have its evacuation capability evaluated in accordance with the Evacuation Difficulty Index of the LSC.

(e) The office may apply the state's fire and safety code instead of the LSC if the Secretary of the Department of Health and Human Services finds that the state has a code imposed by state law that adequately protects a facility's clients.

Authority. Arkansas Code § 20-10-203.

Subpart 5. Physical Environment — Standards for New Construction and/or Alterations

20 CAR § 413-501. General.

(a)(1) A "new facility" is one (1) which had plans approved by the Office of Long-

Term Care and began operations and/or construction or renovation of a building for the purpose of operating a facility on or after the adoption date of this part.

(2) The rules and codes governing new facilities apply if and when the facility proposes to begin operation in a building not previously and continuously used as a facility licensed under this part.

(b) Additions to existing facilities shall meet the standards for new construction.

(c) The requirements outlined under Section 44, General Standards for Existing Structures, also applies when applicable.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-502. Site location, inspection, approval, and subsoil investigations.

(a)(1) The building site shall afford good drainage and shall not be subject to flooding, or be located near insect breeding areas, noise, or other nuisance producing locations, or hazardous locations, industrial developments, airports, railways, or near penal or other objectionable institutions or near a cemetery.

(2) The site shall afford the safety of patients and not be subject to air pollution.

(b)(1) A site shall be adequate to accommodate roads and walks within the lot lines to at least the:

- (A) Main entrance;
- (B) Ambulance entrance; and
- (C) Service entrance.

(2) All facility sites shall contain enough square footage to provide at least as much space for walks, drives, and lawn space as the square footage in the building.

(c) The building site shall be inspected and approved by the Division of Provider Services and Quality Assurance before construction is begun.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-503. Submission of plans, specifications, and estimates.

(a)(1) When construction is contemplated either for new buildings, additions, or major alterations in excess of one hundred thousand dollars (\$100,000), plans and specifications shall be submitted in duplicate, one (1) to the Office of Long-Term Care, and one (1) to the Plumbing Division of the Department of Health, for review, along with a copy of the statement of approval from the State Health Services Agency.

(2) Final plan approval will be given by the office.

(b)(1) Such plans and specifications should be prepared by a registered professional engineer or architect licensed in the State of Arkansas (Acts 1941, No. 270, as amended) and should be drawn to scale with the title and date shown thereon.

(2) The Division of Provider Services and Quality Assurance shall have a minimum of three (3) weeks to review the drawing and specifications and submit their comments to the applicant.

(3) Any proposed deviations from the approved plans and specifications shall be submitted to the Division of Provider Services and Quality Assurance prior to making any changes.

(4) Construction cannot start until approval of plans and specifications have been received from the Division of Provider Services and Quality Assurance.

(5) The Division of Provider Services and Quality Assurance shall be notified as soon as construction of a new building or alteration to an existing facility has started.

(c) An estimate shall accompany all working plans and specifications when the total cost of construction is more than one hundred thousand dollars (\$100,000).

(d) Representatives from the Division of Provider Services and Quality Assurance shall have access to the construction premises and the construction project for purposes of making whatever inspections deemed necessary throughout the course of construction.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-504. Plans and specifications.

(a)(1) All institutions licensed under these standards shall be designed and constructed to substantially comply with pertinent local and state:

- (A) Laws;
- (B) Codes;
- (C) Ordinances; and
- (D) Standards.

(2) All ICF/IID fifteen-bed or less new construction shall be in accordance with requirements of NFPA Standard 101, 1985 edition.

(3)(A) Plans shall be submitted to the Division of Provider Services and Quality Assurance in the following stages.

(B) Preliminary Structures Architect preparing plans should contact the Office of Long-Term Care for preliminary review.

(b) Final submission.

(1) Step 1.

(A) Working drawings and specifications which shall be well prepared so that clear and distinct prints may be obtained, accurate dimensions and including necessary:

- (i) Explanatory notes;
- (ii) Schedules; and
- (iii) Legends.

(B) Working drawings which shall be complete and adequate for contract purposes.

(C) Separate drawings shall be prepared for each of the following branches of work, architectural, structural, mechanical, and electrical, and shall include the following:

- (i) Approved plan showing all new topography;
- (ii) Newly established levels and grades;
- (iii) Existing structures on the site, if any;
- (iv) New buildings and structures;

- (v) Roadways;
- (vi) Walks; and
- (vii) The extent of the areas to be seeded.

(D) All structures and improvements which are to be removed under the construction contract shall be shown.

(E)(i) A print of the survey shall be included with the working drawings.

(ii) Plan of each floor and roof.

(F) Elevations of each facade sections through building.

(G) Scale and full size details as necessary to properly indicate portions of the work.

(2) **Step 2 — Equipment drawings.** Large scale drawings of typical and special rooms indicating all fixed equipment and major items of furniture and movable equipment.

(3) **Step 3 — Structural drawings.**

(A) Plans of foundations, floors, roofs, and all intermediate levels shall show a complete design with sizes, sections, and the relative location of the various members.

(B) Schedule of beams, girders, and columns shall be included.

(C) Floor levels, column centers, and offsets shall be dimensioned.

(D) Special openings and pipe sleeves shall be dimensioned or otherwise noted for easy reference.

(E) Details of all special connections, assemblies, and expansion joints shall be given.

(4) **Step 4 — Mechanical drawings.**

(A) These drawings with specifications shall show the complete:

(i) Heating, steam piping, and ventilation systems;

(ii) Plumbing;

(iii) Drainage;

(iv) Standpipe system; and

(v) Laundry.

(B) Heating, steam piping, and air conditioning systems:

(i) Radiators and steam heated equipment, such as:

(a) Sterilizers;

(b) Warmers; and

(c) Steam tables;

(ii) Heating and steam mains and branches with pipe sizes;

(iii) Sizes, types, and heating surfaces of boilers, furnaces, with stokers and oil burners, if any;

(iv) Pumps, tanks, boiler breaching and piping, and boiler room accessories;

(v) Air conditioning systems with required:

(a) Equipment;

(b) Water;

(c) Refrigerant piping; and

(d) Ducts;

(vi) Exhaust and supply ventilating systems with steam connections and piping; and

(vii) Air quantities for all room supply and exhaust ventilating duct openings.

(C) Plumbing, drainage, and standpipe systems:

(i) Size and elevation of street sewer, house sewer, house drains, street water main, and water service into building;

(ii) Locations and size of soil, waste, and vent stacks with connections to house:

(a) Drains;

(b) Clean outs;

(c) Fixtures; and

(d) Equipment;

(iii) Size and location of hot, cold, and circulating mains, branches, and risers from the service entrance and tanks;

- (iv) Riser diagrams to show all plumbing stacks with:
 - (a) Vents;
 - (b) Water risers; and
 - (c) Fixture connections;
- (v) Gas, oxygen, and special connections; and
- (vi) Plumbing fixtures and equipment which require water and drain

connections.

(D) **Elevators and dumbwaiters.** Details and dimensions of shaft, pit, and machine room, sizes of car platforms and doors.

(E) **Kitchens, laundry, refrigerators, and laboratories.** These shall be detailed at a satisfactory scale to show the location, size, and connection of all fixed equipment.

(5) **Step 5 — Electrical drawings.**

(A) Drawings shall show all electrical wiring, outlets, smoke detectors, and equipment which requires electrical connections.

(B) Electrical service entrances with switches and feeders to the public service feeders shall be shown.

(C) Plan and diagram showing main switchboard power panels, light panels, and equipment.

(D) Light outlets, receptacles, switches, power outlets, and circuits.

(E) Emergency electrical system with:

- (i) Outlets;
- (ii) Transfer switch;
- (iii) Source of supply;
- (iv) Feeders; and
- (v) Circuits.

(6) **Step 6 Specifications.** Specifications shall supplement the drawings to fully describe types, sizes, capacities, workmanships, finishes, and other characteristics of all materials and equipment and shall include the following:

- (A) Cover or title sheet;

(B) Index;
(C) General conditions;
(D) General requirements; and
(E) Sections describing material and workmanship in detail for each class of work.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-505. Codes and standards.

The following codes and standards are incorporated into and made a part of this part:

(1)(A) The 1985 edition of the National Fire Code (NFPA) applies to new construction and alterations of existing facilities.

(B) This edition includes NFPA No. 101, Life Safety Code (1985);

(2) The latest edition of the National Electric Code Handbook (NFPA No. 70);

(3) American National Standards Institute (ANSI) Standard No. A117.1, American Standard Specifications for making buildings and facilities accessible to, and useable by, the physically handicapped;

(4) Arkansas Plumbing Code, 17 CAR pt. 65;

(5) Fire Resistance Index (latest edition), UL Solutions;

(6) Handbook of Fundamentals, American Society of Heating, Refrigeration, and Air-conditioning Engineers (ASHRAE), 180 Technology Parkway NW, Peachtree Corners, Georgia 30092;

(7) Method of Test for Surface Burning Characteristics of Building Materials, Standard No. E 84-61 ASTM International, Standard No. 84-61, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959;

(8) Methods of Fire Test of Building Construction and Materials, Standard No. E119, ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959; and

(9) Minimum Power Supply Requirements, Bulletin No. XR4-10 National

Electrical Manufacturers Association (NEMA) 1300 17th St. N #900, Arlington, VA 22209.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-506. Laundries and janitor's closet.

(a) A lavatory for the staff with soap and towels shall be provided in either the laundry area or in an adjacent janitorial area.

(b)(1) A janitor's closet shall be provided for each facility.

(2) This closet shall be provided with hot and cold running water and shelves for the storage of janitorial equipment and supplies.

(3) The closet shall be mechanically ventilated to the outside and must be kept locked when clients are in the facility.

(4) The hot and cold running water may be placed in the laundry.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-507. Storage.

(a)(1) There shall be a minimum of five square feet (5 sq. ft.) per bed of general storage space provided in those cases where built-in closets are provided in client rooms.

(2) It is recommended that this be concentrated in one (1) general area except for small storage areas for wheelchairs, client lifts, walkers, etc.

(b) There shall be convenient storage space for all:

(1) Linens;

(2) Pillows; and

(3) Other bedding items.

(c) Space shall be provided for adequate storage of medications and active and inactive medical records.

(d) Storage space shall be provided for recreational equipment and supplies.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-508. Dietetic service area — Less dining area.

(a)(1) The kitchen shall be located conveniently to the dining area.

(2) Separation of kitchen and dining areas by corridors should be avoided.

(b)(1) The food service area shall provide adequate space and facilities for:

- (A) Receiving food deliveries;
- (B) Storage;
- (C) Preparation;
- (D) Tray assembly;
- (E) Distribution serving of food;
- (F) Dishwashing and utility cleaning;
- (G) Refuse collection; and
- (H) Garbage disposal.

(2) The total area, less dining area, shall not be less than nine square feet (9 sq. ft.) per bed.

(c) A suitable work area shall be provided in the facility for the dietitian or the food service supervisor.

(d) The kitchen shall not serve as a passage between work or client areas.

(e) Adequate heat, light, and ventilation shall be provided.

(f) Hand-washing facilities shall be provided in the dietary area with wrist-action blade-handle controls and gooseneck spout.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-509. Administrative office.

Separate office space shall be provided for administrative and business functions which may be located in a separate building.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-510. Linen closet.

A closet for clean linen shall be provided.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-511. Soiled linen closets.

(a) A closet or closed storage compartment for soiled linens shall be provided for each facility.

(b) This dirty linen storage shall be in a separate room or closed storage compartment in the laundry room and it shall be mechanically ventilated to the outside.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-512. Call system . [Reserved].

20 CAR § 413-513. Limitations.

The following limitations shall apply:

(1) No facility shall be connected to any other building; and
(2)(A) Occupancies not under the control of, or necessary to the administration of, a facility are prohibited therein with the exception of the residence of the manager.

(B) This limitation shall not be applied to guests of clients, who may be invited to stay overnight by clients, subject to the availability of suitable accommodations in the facility.

Authority. Arkansas Code § 20-10-203.

Subpart 6. Furnishing, Equipment, and Supplies

20 CAR § 413-601. Furnishings.

The facility must provide each client with:

- (1) A separate bed of proper size and height for the convenience of the client;
- (2) A clean, comfortable mattress;
- (3) Bedding appropriate to the weather and climate;
- (4) Functional furniture appropriate to the client's needs;
- (5) Furniture and play equipment used in the care of children shall be functional and appropriate and be painted with lead-free paint; and
- (6) All wastebaskets shall be the metal type or of materials approved by the appropriate fire and/or LSC.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-602. Linens and bedding.

- (a) Extra pillows shall be available as needed for treatment and/or comfort of clients.
- (b) Moisture-proof rubber or plastic sheeting shall be provided as necessary to keep mattress or pillows clean or dry.
- (c) Where laundry service is provided on the facility premises:
 - (1) An employee shall be designated in charge of the service;
 - (2) Clients' and personal laundry shall not be washed with bed linen;
 - (3) Hand washing facilities must be provided for the staff with soap and towel dispensers nearby;
 - (4) Soiled linens shall be covered or placed in enclosed containers after being transported to the laundry; and
 - (5) Soiled linens which are not washed daily shall be stored in a vented area designated only for soiled linens.
- (d)
 - (1) A sufficient supply of clean bed linen shall be available at all times.
 - (2) A minimum of two (2) clean sheets and one (1) clean pillowcase shall be

provided for each bed on a weekly basis.

(3) Linens shall be changed as often as indicated in order to keep the client:

- (A) Clean;
- (B) Comfortable; and
- (C) Dry.

(e) Each bed shall be covered with a suitable bedspread at least during the hours of the day when the bed is not occupied.

(f)(1) Sufficient blankets shall be provided to ensure the warmth of each client and shall be laundered as often as necessary to ensure cleanliness and freedom from odors.

(2) The blankets shall be individually assigned to clients and not passed indiscriminately to clients without first being laundered.

(g) Table linens shall be laundered separately from bed linen and clothing.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-603. Equipment and supplies.

Nursing equipment and supplies shall be provided as needed to meet the client's needs and maintained in good condition to ensure adequate nursing care of the clients.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-604. Sanitation.

Methods approved by the Office of Long-Term Care shall be used to sanitize:

- (1) Bedpans;
- (2) Urinals; and
- (3) Emesis basins.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-605. Storage.

(a)(1) If bedpans, urinals, and emesis basins are assigned to individual clients, they shall be name labeled and stored in the client's bedside cabinet.

(2) They shall be cleansed after each use and sanitized by an approved method at least weekly.

(3) If the utensils are not individually assigned, they shall be thoroughly cleansed and effectively sanitized between each use and stored in a bedpan room.

(4) After the discharge or transfer of any client, all such equipment shall be cleansed or autoclaved prior to reuse.

(b) There shall be convenient storage space for all:

(1) Linens;

(2) Pillows; and

(3) Other bedding items.

(c) Facilities shall be provided for storage and preparation of medications and treatments and for storage of active and inactive medical records.

(d) Storage space shall be provided for recreational equipment and supplies.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-606. Housekeeping — Maintenance.

(a)(1) Housekeeping services for the fifteen-bed or less ICF/IID shall be provided daily including weekend daytime coverage, and for cleanup after the evening meal.

(2) Additional staff will be required if deficiencies are found that relate to personnel shortage.

(b) Sufficient housekeeping and maintenance equipment shall be available to enable the facility to maintain a safe, clean, and orderly interior.

(c) If a facility has a contract with an outside resource for housekeeping services, the facility and/or outside resources shall meet the requirements of this part.

(d)(1) All rooms and every part of the building, exterior and interior, shall be kept clean, orderly, and free of offensive odors.

(2) Bath and toilet facilities and food areas shall be clean and sanitary at all

times.

(e) Rooms shall be cleansed and put in order daily.

(f) If a client keeps his or her own room, he or she shall be closely supervised to ensure a clean, orderly room.

(g)(1) After discharge of a client, the room and its contents shall be thoroughly cleaned, aired, and disinfected if necessary.

(2) Clean linens shall be provided.

(3) All clients' utensils shall be washed and sanitized.

(h)(1) Polish or wax used on floors shall be of a type which provides a nonslip finish.

(2) Floors shall be maintained in a clean and safe condition.

(i)(1) Deodorants shall not be used to cover up odors.

(2) Odor control shall be achieved by prompt cleaning of bedpans, urinals, and commodes, by the prompt and proper care of clients and soiled linens, and by approved ventilation.

(j) Attics, cellars, beneath stairs, and similar areas shall be kept clean of accumulation of refuse, old newspapers, and discarded furniture and shall not be used for storage unless they have sprinkler systems.

(k) Storage areas shall be kept in a safe and orderly manner.

(l) Combustibles such as rags, cleaning compounds, and fluids shall be kept in closed metal containers and should be labeled as to contents.

(m) Buildings and grounds shall be kept free from refuse and litter.

(n) Storage facilities with proper ventilation shall be provided if extra mattresses are stored on the premises.

(o) All useless items and materials shall be removed from the facility area and premises.

(p) Matches and other flammable or dangerous items shall be stored in metal containers with tight-fitting lids and be labeled as to contents.

(q) Mechanical rooms, boiler rooms, and similar areas shall not be used for storage purposes.

(r)(1) All inside openings to attics and false ceilings shall be kept closed at all times.

(2) The attic area shall be clean at all times.

(s) Mop heads shall be of the removable type and shall be laundered or replaced at frequent intervals to ensure a standard of cleanliness.

(t) Straw brooms shall not be used for cleaning facility floors.

(u)(1) Garbage must be kept in approved containers with tight-fitting covers.

(2) The containers must be thoroughly cleaned before reuse.

(3) Garbage or rubbish and trash shall be disposed of by:

(A) Incineration;

(B) Burial;

(C) Sanitary fill; or

(D) Other approved methods.

(4) Garbage areas shall be kept clean and in a state of good repair.

(v)(1) All poisons, bleaches, detergents, and disinfectants shall be kept in a safe place accessible only to employees and those clients whose habilitative training allows use of cleaning materials.

(2) They shall not be kept in storage areas or containers previously containing food or medicine.

(3) Containers must have a label that states:

(A) Name;

(B) Ingredients; and

(C) Antidote.

(w)(1) Unnecessary accumulation of possessions, including equipment and supplies of staff or the home's owner, shall not be kept in the home.

(2) Clients' possessions may be kept in the residence unless they create a health or fire hazard.

Authority. Arkansas Code § 20-10-203.

Subpart 7. Condition of Participation — Healthcare Services

20 CAR § 413-701. Standard — Physician services.

(a) The facility must ensure the availability of physician services twenty-four hours a day.

(b)(1) The physician must develop, in coordination with licensed nursing personnel, a medical care plan of treatment for a client if the physician determines that an individual client requires twenty-four-hour licensed nursing care.

(2) This plan must be integrated into the individual program plan.

(c) The facility must provide or obtain preventive and general medical care as well as annual physical examinations of each client that at a minimum includes the following:

(1) Evaluation of vision and hearing;

(2) Immunizations, using as a guide the recommendations of the Public Health Service Committee on Immunization Practices or of the Committee on the Control of Infectious Diseases of the American Academy of Pediatrics;

(3) Laboratory examinations as determined necessary by the physician, and special studies when needed; and

(4) Tuberculosis control, appropriate to the facility's population, and in accordance with the recommendations of the:

(A) American College of Chest Physicians;

(B) The section of diseases of the chest of the American Academy of Pediatrics; or

(C) Both.

(d) To the extent permitted by state law, the facility may utilize physician assistants and nurse practitioners to provide physician services as described in this section.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-702. Standard — Physician participation in the individual

program plan.

A physician must participate in:

- (1) The establishment of each newly admitted client's individual program plan as required by this part that specified plan of care requirements for ICF/IID's; and
- (2) If appropriate, the review and update of an individual program plan as part of the interdisciplinary team process either in person or through written report to the interdisciplinary team.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-703. Standard — Nursing services.

- (a) The facility must provide clients with nursing services as needed.
- (b) These services must include:
 - (1) Participation as appropriate in the development, review, and update of an individual program plan as part of the interdisciplinary team process; and
 - (2) The development, with a physician, of a medical care plan of treatment for a client when the physician has determined that an individual client requires such a plan.
- (c) For those clients certified as not needing a medical care plan, a review of their health status must:
 - (1) Be by a direct physical examination;
 - (2) Be by a registered nurse;
 - (3) Be on a quarterly or more frequent basis depending on client need;
 - (4) Be recorded in the client's record; and
 - (5) Result in any necessary action, including referral to a physician to address client health problems.
- (d) Other nursing care as prescribed by a physician or as identified by client needs.
- (e) Implementing, with other members of the interdisciplinary team, appropriate protective and preventive health measures that include, but are not limited to:
 - (1) Training clients and staff as needed in appropriate health and hygiene

methods;

(2) Control of communicable diseases and infections, including the instruction of other personnel in methods of infection control; and

(3) Training direct care staff in detecting signs and symptoms of illness or dysfunction, first aid for accidents or illness, and basic skills required to meet the health needs of the clients.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-704. Standard — Nursing staff.

(a) Nurses providing services in the facility must have a current license to practice in the state.

(b) The facility must employ or arrange for licensed nursing services sufficient to care for clients health needs including those clients with medical care plans.

(c) The facility must utilize registered nurses as appropriate and required by state law to perform the health services specified in this section.

(d) If the facility utilizes only licensed practical or vocational nurses to provide health services, it must have a formal arrangement with a registered nurse to be available for verbal or onsite consultation to the licensed practical or vocational nurses.

(e) Nonlicensed nursing personnel who work with clients under a medical care plan must do so under the supervision of licensed persons and must be certified as a nursing assistant.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-705. Standard — Dental services.

(a) The facility must provide or make arrangements for comprehensive diagnostic and treatment services for each client from qualified personnel, including licensed dentists and dental hygienist either through organized dental services in-house or through arrangement.

(b) If appropriate, dental professionals must participate, in the development, review, and update of an individual program plan as part of the interdisciplinary process either in person or through written report to the interdisciplinary team.

(c) The facility must provide education and training in the maintenance of oral health.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-706. Standard — Comprehensive dental diagnostic services.

Comprehensive dental diagnostic services include:

(1) A complete extraoral and intraoral examination, using diagnostic aids necessary to properly evaluate the client's oral condition, not later than one (1) month after admission to the facility, unless the examination was completed within twelve (12) months before admission;

(2) Periodic examination and diagnosis performed at least annually, including radiographs when indicated and detections of manifestations of systematic diseases; and

(3) A review of the results of examination and entry of the results in the client's dental record.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-707. Standard — Comprehensive dental treatment.

The facility must ensure comprehensive dental treatment services that include:

(1) The availability for emergency dental treatment on a twenty-four-hour-a-day basis by a licensed dentist; and

(2) Dental care needed for:

(A) Relief of pain and infections;

(B) Restoration of teeth; and

(C) Maintenance of dental health.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-708. Standard — Documentation of dental services.

(a) If the facility maintains an in-house dental service, the facility must keep a permanent dental record for each client, with a dental summary maintained in the client's living unit.

(b) If the facility does not maintain an in-house dental service, the facility must obtain a dental summary of the results of dental visits and maintain the summary in the client's living unit.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-709. Treatment and medications.

(a)(1) No medication or treatment shall be given without the written order of the physician or dentist.

(2) Drugs shall be administered in accordance with orders.

(b)(1) If it is necessary to take physician's or dentist's orders over the telephone or verbally, the order shall be immediately written on the physician's order sheet in the medical record and signed by the nurse who took the order.

(2) Documentation shall include the name of the physician or dentist who gave the telephone or verbal order and the date and time of the order.

(3) The order shall be countersigned by the attending physician or dentist on his or her regular visit or no more than seven (7) days from the time the telephone or verbal order was given.

(4) There shall be indication made by the nurse that the orders were transcribed (signature and time).

(c) Each client shall be identified prior to administration of medication.

(d) The dose of a drug administered to a client shall be properly recorded by the

person who administered the drug except in established self-medication programs.

(e) Medications shall be administered only by licensed nursing personnel except in established self-administration programs.

(f) Treatment of a lesion or open wound shall be done only by licensed nursing personnel.

(g)(1) Medication setups may be prepared one (1) pass at a time.

(2) Time for medication pass must be within one (1) hour before and one (1) hour after prescribed time.

(3) Each pass must be completed before the next one is started.

(4) The medication must be administered on the same shift on which they are prepared.

(5) Liquids and injectables shall not be set up more than one (1) hour in advance.

(h) Medications shall be administered by the same person who prepared the doses for administration, except under single unit-dose package distribution systems, or where the client is receiving self-medication training.

(i) The attending physician shall be notified of an automatic stop order prior to the last dose so that the physician may decide if the administration of the medication is to be continued or altered.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-710. Pharmaceutical services — Responsibility for pharmacy compliance.

(a) The administrator shall be responsible for full compliance with federal and state laws governing procurement, control, and administration of all drugs.

(b) Full compliance is expected with the Comprehensive Drug Abuse Prevention and Control Act of 1970, Pub. L. No. 91-513, and all amendments thereto and all regulations and rulings passed down by the federal Drug Enforcement Agency, Acts 1971, No. 590, and all amendments to it and this part.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-711. Standard — Pharmacy services.

(a) The facility must provide or make arrangements for the provision of routine and emergency drugs and biologicals to its clients.

(b) Drugs and biologicals may be obtained from community or contract pharmacists or the facility may maintain a licensed pharmacy.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-712. Standard — Drug regimen review.

(a) A pharmacist with input from the interdisciplinary team must review the drug regimen of each client at least quarterly.

(b) The pharmacist must report any irregularities in clients' drug regimens to the prescribing physician and interdisciplinary team.

(c) The pharmacist must prepare a record of each client's drug regimen review and the facility must maintain that record.

(d) An individual medication administration record must be maintained for each client.

(e) If a client is receiving medication, the pharmacist must participate in the development, implementation, and review of each client's individual program plan either in person or through written report to the interdisciplinary team.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-713. Standard — Drug administration.

(a) The facility must have an organized system for drug administration that identifies each drug up to the point of administration.

(b) The system must ensure that:

- (1) All drugs are administered in compliance with the physician's orders;
- (2) All drugs, including those that are self-administered, are administered as ordered;
- (3) Clients are taught how to administer their own medications if the interdisciplinary team determines that self-administration of medications is an appropriate objective, and if the physician does not specify otherwise;
- (4) The client's physician is informed of the interdisciplinary team's decision that self-administration of medications is an objective for client;
- (5) No client self-administers medications until he or she demonstrates the competency to do so;
- (6) Drugs used by clients while not under the direct care of the facility are packaged and labeled in accordance with state law;
- (7) Drug administration errors and adverse drug reactions are recorded and reported immediately to a physician;
- (8) No medication shall be given without a written order by a physician or dentist;
- (9)(A) All medications shall be given by licensed nursing personnel.
(B) The administrator or his or her appointed assistant shall be responsible for ensuring that qualified nursing personnel administer all medications ordered by a physician or dentist except in self-administration programs;
- (10) Caution shall be observed in administering medication so that the exact dosage of the prescribed medication is given as ordered by the doctor or dentist;
- (11) Each client must have an individual container, bin, compartment, or drawer for the storage of his or her medications in the medication room or cabinet, unless the unit dose system is employed; and
- (12)(A) Nursing personnel shall not transfer more than one (1) dose of medication from container to container.
(B) Loading narcotic counters, preparing take-home supply of medications, incorporating supplies, etc., by nursing personnel are not permitted.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-714. Equipment for administering medications.

- (a) There shall be calibrated medicine containers to correctly measure liquid medications.
- (b) Disposable items shall not be reused.
- (c) Disposable syringes and needles must be disposed of by incineration.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-715. Medicine cards.

- (a) In administering medications, medication cards current with physician orders must be used.
- (b) Medicine cards, except in the case of established self-administration programs, or the distribution of blister packs, shall be provided to include:
 - (1) Name of client;
 - (2) Location of client;
 - (3) Medication and dosage; and
 - (4) Hours to be given.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-716. Stop-order policy.

- (a) Medications not specifically limited as to time or number of doses when ordered by the physician shall be controlled by the facility's policy regarding automatic stop orders.
- (b) The facility's automatic stop-order policy, at a minimum, shall cover the following categories of medications:
 - (1) Schedule II narcotics;
 - (2) Schedule II nonnarcotics;

- (3) Schedule III, Schedule IV, and Schedule V medications;
- (4) Anticoagulants; and
- (5) Antibiotics.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-717. Storage of drugs.

(a) All drugs on the premises of a facility except for the emergency tray as defined by the State Board of Health and the Arkansas State Board of Pharmacy shall be in a properly labeled container as dispensed upon prescription by the pharmacy.

(b) All drugs for external use shall be kept in a safe place accessible only to employees and self-medicating clients and shall be kept in a special area apart from other medications and prescriptions.

(c)(1) Medications requiring cold storage shall be refrigerated.

(2) A locked container placed below food level in a facility refrigerator is considered satisfactory storage space.

(d)(1) Labels should be affixed to the immediate container.

(2) The immediate container is that which is in direct contact with the drug at all times.

(e) Drug rooms or cabinets shall be supplied with adequate lighting so that medications can be safely prepared for administration.

(f) The drug room or cabinets shall be properly ventilated so that the temperature requirements set by the U.S.P. are met: Fifty-nine degrees Fahrenheit (°95) F) to eighty-six degrees Fahrenheit (°68) F).

Authority. Arkansas Code § 20-10-203.

Codification Notes. "U.S.P." means United States Pharmacopeia.

20 CAR § 413-718. Standard — Drug storage and record keeping.

(a)(1) The facility must keep all drugs and biologicals in a locked cabinet or a locked room except when being prepared for administration.

(2) Only the nurse responsible for administering the medication or the individual in charge of the facility shall have access to the keys to the drug storage area.

(3) Clients who have been trained to self-administer drugs in accordance with 20 CAR § 413-713(b)(3) may have access to keys to their individual drug supply.

(b) The facility must maintain records of the receipt and disposition of all controlled drugs.

(c) The facility must, on a sample basis, periodically reconcile the receipt and disposition of all controlled drugs in Schedules II - V (drugs subject to the Comprehensive Drug Abuse Prevention and Control Act of 1970, 21 U.S.C. § 801 et seq., as implemented by 21 C.F.R. pt. 1308).

(d) If the facility maintains a licensed pharmacy, the facility must comply with the regulations for controlled drugs.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-719. Standard — Drug labeling.

(a) Labeling of drugs and biologicals must:

(1) Be based on currently accepted professional principles and practices; and

(2) Include the appropriate accessory and cautionary instructions, as well as the expiration date, if applicable.

(b) The facility must remove from use:

(1) Outdated drugs; and

(2) Drug containers with worn, illegible, or missing labels.

(c) Drugs and biologicals packaged in containers designated for a particular client must be immediately removed from the client's medication supply if discontinued by the physician.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-720. Record of controlled drugs.

(a)(1) A record shall be kept in a bound ledger book with consecutively numbered pages of all controlled drugs procured and administered.

(2) This record shall contain on each separate page the following:

- (A) Name, strength, and quantity of drug received;
- (B) Date received;
- (C) Client's name;
- (D) Prescribing physician;
- (E) Name of pharmacy;
- (F) Date and time of dosage given;
- (G) Quantity of drug remaining; and
- (H) Signature of person administering the drug.

(b)(1) The person responsible for entering the controlled drug into the bound ledger should be the same person who signs for it in the drug ordering and receiving record.

(2) This record shall be retained by the facility as a permanent record and be readily available.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-721. Controlled drug accountability.

(a)(1) There shall be a weekly count of all Schedule II, III, IV, and V controlled medications.

(2) This count shall be made by the person in charge of medications in the facility and witnessed by a nonlicensed employee who cosigns as a witness with the person in charge.

(3) This count shall be documented.

(4) This documentation shall include:

(A) The date and time of the count; and

(B) A statement as to whether or not the count was correct, and if it was incorrect, an explanation of the discrepancy.

(b) This record shall be retained by the facility as a permanent record and be readily retrievable.

(c)(1) When loss, suspected theft, or an error in the administration of controlled drugs occurs, it must be reported to the administrator and an incident report filled out.

(2) Also, a copy of the form for reporting theft or loss of controlled substances should be mailed to the Division of Pharmacy Services and Drug Control of the Department of Health.

(3) All documentation must be retained in the facility as a permanent record.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-722. Wasting of controlled drugs.

(a) When a dose of a controlled drug is dropped or broken, two (2) people should make a statement in the bound ledger as to what occurred, and both must sign their names.

(b) One (1) of these people shall be a licensed nurse.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-723. Disposition of unused drugs.

(a)(1) Schedule II, III, IV, and V drugs dispensed by prescription for a client and no longer needed by the client must be delivered in person or by registered mail to: Division of Pharmacy Services and Drug Control, Arkansas Department of Health, 4815 West Markham Street, Little Rock, Arkansas 72204, along with Department of Health Form (PHA-DC-1) Report of Drugs Surrendered for Disposition According to Law.

(2) When unused portions of controlled drugs go with a client who leaves the facility, the controlled drug record shall be signed by the person who assumes

responsibility for the client and the person in charge of the medication in the facility.

(3) This shall be done only on the written order of the physician and at the time the client:

- (A) Is discharged;
- (B) Is transferred; or
- (C) Visits home.

(b)(1) All medications other than Schedule II, III, IV, and V not taken out of the facility by the client with the physician's consent when he or she leaves the facility shall be destroyed.

(2) All discontinued medications, except controlled drugs, shall be destroyed on the premises of the facility.

(3)(A) Destruction shall be made by the consultant pharmacist and a nurse with a record made as to the date, quantity, prescription number, client's name, and strength of medications destroyed.

(B) The destruction should be by means of:

- (i) Incineration;
- (ii) Garbage disposal; or
- (iii) Flushing down the commode.

(C) This record shall be kept in a bound ledger with consecutively numbered pages.

(D) This record shall be retained by the facility as a permanent record and be readily retrievable.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-724. Standard — Laboratory services.

(a) For purposes of this section, "laboratory" means an entity for the microbiological, serological, chemical, hematological, radiobioassay, cytological, immunohematological, pathological, or other examination of material derived from the human body, for the purpose of providing information for the diagnosis, prevention, or

treatment of any disease or assessment of a medical condition.

(b) If a facility chooses to provide laboratory services, the laboratory must meet state and federal management requirements and provide personnel to direct and conduct the laboratory services.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-725. Standard — Active treatment.

(a) Each client must receive a continuous active treatment program, which includes aggressive, consistent implementation of a program of specialized and generic training, treatment, health services, and related services described in this section, that is directed toward:

(1) The acquisition of the behaviors necessary for the client to function with as much self-determination and independence as possible; and

(2) The prevention or deceleration of regression or loss of current optimal functional status.

(b) Active treatment does not include services to maintain generally independent clients who are able to function with little supervision or in the absence of a continuous active treatment program.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-726. Standard — Admissions, transfers, and discharge.

(a) Clients who are admitted by the facility must be in need of and receiving active treatment services.

(b) Admission decisions must be based on a preliminary evaluation of the client that is conducted or updated by the facility or by outside sources.

(c) A preliminary evaluation must contain background information as well as currently valid assessments of functional, developmental, behavioral, social, health, and nutritional status to determine if the facility can provide for the client's needs and if the

client is likely to benefit from placement in the facility.

(d) If a client is to be either transferred or discharged, the facility must:

(1) Have documentation in the client's record that the client was transferred or discharged for good cause; and

(2) Provide a reasonable time to prepare the client and his or her parents or guardian for the transfer or discharge, except in emergencies.

(e) At the time of the discharge, the facility must:

(1) Develop a final summary of the client's developmental, behavioral, social, health, and nutritional status and, with the consent of the client, parents (if the client is a minor), or legal guardian, provide a copy to authorized persons and agencies; and

(2) Provide a postdischarge plan of care that will assist the client to adjust to the new living environment.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-727. Standard — Individual program plan.

(a) Each client must have an individual program plan developed by an interdisciplinary team that represents the professions, disciplines, or service areas that are relevant to:

(1) Identifying the client's needs, as described by the comprehensive functional assessments required in 20 CAR § 413-727(c); and

(2) Designing programs that meet the client's needs.

(b)(1) Appropriate facility staff must participate in interdisciplinary team meetings.

(2) Participation by other agencies serving the client is encouraged.

(3) Participation by the client, his or her parent if the client is a minor, or the client's legal guardian is required unless that participation is unobtainable or inappropriate.

(c)(1) Within thirty (30) days after admission, the interdisciplinary team must perform accurate assessments or reassessments as needed to supplement the preliminary evaluation conducted prior to admission.

(2) The comprehensive functional assessment must take into consideration the client's age (for example, child, young adult, elderly person) and the implications for active treatment at each stage, as applicable, and must:

(A) Identify the presenting problems and disabilities and, where possible, their causes;

(B) Identify the client's specific developmental strengths;

(C) Identify the client's specific developmental and behavioral management needs;

(D) Identify the client's need for services without regard to the actual availability of the services needed; and

(E) Include physical development and health, nutritional status, sensorimotor development, affective development, speech and language development and auditory functioning, cognitive development, social development, adaptive behaviors or independent living skills necessary for the client to be able to function in the community, and, as applicable, vocational skills.

(d) Within thirty (30) days after admission, the interdisciplinary team must prepare for each client an individual program plan that states the specific objectives necessary to meet the client's needs, as identified by the comprehensive assessment required by subsection (c) of this section, and the planned sequence for dealing with those objectives.

(e) These objectives must be:

(1) Stated separately, in terms of a single behavioral outcome;

(2) Assigned projected completion dates;

(3) Expressed in behavioral terms that provide measurable indices of performance;

(4) Organized to reflect a developmental progression appropriate to the individual; and

(5) Assigned priorities.

(f) Each written training program designed to implement the objectives in the individual program plan must specify:

- (1) The methods to be used;
 - (2) The schedule for the use of the method;
 - (3) The person responsible for the program;
 - (4) The type of data and frequency of data collection necessary to be able to assess progress toward the desired objectives;
 - (5) The inappropriate client behavior or behaviors if applicable; and
 - (6) Provision for the appropriate expression of behavior and the replacement of inappropriate behavior, if applicable, with behavior that is adaptive or appropriate.
- (g) The individual program plan must also:
- (1) Describe relevant interventions to support the individual toward independence;
 - (2) Identify the location where progress strategy information, which must be accessible to any person responsible for implementation, can be found;
 - (3) Include, for those clients who lack them, training in personal skills;
 - (4)(A) Identify mechanical supports, if needed, to achieve proper body:
 - (i) Position;
 - (ii) Balance; or
 - (iii) Alignment.
 - (B) The plan must specify the reason for each support, the situations in which each is to be applied, and a schedule for the use of each support; and
 - (5) Include opportunities for client choice and self-management.
- (h) A copy of each client's individual program plan must be made available to all relevant staff, including staff of other agencies who work with the client, and to the:
- (1) Client;
 - (2) Parents, if client is a minor; or
 - (3) Legal guardian.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-728. Standard — Program implementation.

(a) As soon as the interdisciplinary team has formulated a client's individual program plan, each client must receive a continuous active treatment program consisting of needed interventions and services in sufficient number and frequency to support the achievement of the objectives identified in the individual program plan.

(b) The facility must develop an active treatment schedule that outlines the current active treatment program and that is readily available for review by relevant staff.

(c) Except for those facets of the individual program plan that must be implemented only by licensed personnel, each client's individual program plan must be implemented by all staff who work with the client, including professional, paraprofessional, and nonprofessional staff.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-729. Standard — Program documentation.

(a) Data relative to accomplishment of the criteria specified in client individual program plan objectives must be documented in measurable terms.

(b) The facility must document significant events that are related to the client's individual program plan assessments and that contribute to an overall understanding of the client's ongoing level and quality of functioning.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-730. Standard — Program monitoring and change.

(a) The individual program plan must be reviewed at least by the qualified intellectual disability professional and revised as necessary, including, but not limited to situations in which the client:

(1) Has successfully completed an objective or objectives identified in the individual program plan;

(2) Is regressing or losing skills already gained;

(3) Is failing to progress toward identified objectives after reasonable efforts

have been made; or

(4) Is being considered for training towards new objectives.

(b) At least annually, the comprehensive functional assessment of each client must be reviewed by the interdisciplinary team for relevancy and updated as needed, and the individual program plan must be revised, as appropriate, repeating the process set forth in 20 CAR §§ 413-727 – 413-728.

(c) The facility must designate and use a specially constituted committee or committees consisting of members of facility staff, parents, legal guardians, clients as appropriate, qualified persons who have either experience or training in contemporary practices to change inappropriate client behavior, and persons with no ownership or controlling interest in the facility to:

(1) Review, approve, and monitor individual programs designed to manage inappropriate behavior and other programs that, in the opinion of the committee, involve risks to client protection and rights;

(2) Ensure that these programs are conducted only with the written informed consent of the:

(A) Client;

(B) Parent, if client is a minor; or

(C) Legal guardian; and

(3) Review, monitor, and make suggestions to the facility about its practices and programs as they relate to drug usage, physical restraints, time-out rooms, application of painful or noxious stimuli, control of inappropriate behavior, protection of client rights and funds, and any other areas that the committee believes need to be addressed.

(d) The provisions of subsection (c) of this section may be modified only if, in the judgment of the Office of Long-Term Care, court decrees, state law, or rules provide for equivalent client protection and consultation.

Authority. Arkansas Code § 20-10-203.

Subpart 8. Condition of Participation — Client Behavior and Facility Practices

20 CAR § 413-801. Standard — Facility practices — Conduct toward clients.

(a) The facility must develop and implement written policies and procedures for the management of conduct between staff and clients.

(b) These policies must:

(1) Promote the growth, development, and independence of the client;

(2) Address the extent to which client choice will be accommodated in daily decision-making, emphasizing self-determination and self-management, to the extent possible;

(3) Specify client conduct to be allowed or not allowed; and

(4) Be available to all:

(A) Staff;

(B) Clients;

(C) Parents of minor children; and

(D) Legal guardians.

(c) To the extent possible, clients must participate in the formulation of these policies and procedures.

(d) Clients must not discipline other clients, except as part of an organized system of self-government, as set forth in facility policy.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-802. Standard — Management of inappropriate client behavior.

(a)(1) The facility must develop and implement written policies and procedures that govern the management of inappropriate client behavior.

(2) These policies and procedures must be consistent with the provisions of 20 CAR § 413-801.

(3) These procedures must:

(A) Specify all facility-approved interventions to manage inappropriate client behavior;

(B) Designate these interventions on a hierarchy to be implemented, ranging from most positive or least intrusive, to least positive or most intrusive;

(C) Ensure, prior to the use of more restrictive techniques, that the client's record documents that programs incorporating the use of less intrusive or more positive techniques have been tried systematically and demonstrated to be ineffective; and

(D) Address the following:

(i) The use of physical restraints;

(ii) The use of drugs to manage inappropriate behavior;

(iii) The application of painful or noxious stimuli;

(iv) The use of time out;

(v) The staff members who may authorize the use of specified interventions; and

(vi) A mechanism for monitoring and controlling the use of such interventions.

(b) Intervention to manage inappropriate client behavior must be employed with sufficient safeguards and supervision to ensure that the safety, welfare, and civil and human rights of the clients are adequately protected.

(c) Techniques used to manage inappropriate client behavior must never be used for disciplinary purposes, for the convenience of staff, or as a substitute for an active treatment program.

(d) The use of systematic interventions to manage inappropriate client behavior must be incorporated into the client's individual program plan, in accordance with 20 CAR § 413-727(d) – (f).

(e)(1) Standing or as needed programs to control inappropriate behavior are not permitted.

(2) All behavior programs must be individualized.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-803. Standard — Physical restraints.

(a) The facility may employ physical restraints only:

(1) As an integral part of an individual program plan that is intended to lead to less restrictive means of managing and eliminating the behavior for which the restraint is applied;

(2) As an emergency measure, but only if absolutely necessary to protect the client or others from injury; or

(3) As a health-related protection prescribed by a physician, but only if absolutely necessary during the conduct of a specific medical or surgical procedure, or only if absolutely necessary for client protection during the time that a medical condition exists.

(b) Authorizations to use or extend restraints as an emergency measure must be:

(1) In effect no longer than twelve (12) consecutive hours;

(2) Obtained as soon as the client is restrained or stable; and

(3) The facility must not issue orders for restraint on a standing or as needed basis.

(c) A client placed in restraint must be checked at least every thirty (30) minutes by staff trained in the use of restraints, released from the restraints as quickly as possible, and a record of these checks and usage must be kept.

(d) Restraints must be designed and used so as not to cause physical injury to the client and so as to cause the least possible discomfort.

(e) Opportunity for motion and exercise must be provided for a period of not less than ten (10) minutes for each two-hour period in which restraint is employed, and a record of such activity must be kept.

(f) Barred enclosures must not be more than three feet (3') in height and must not have tops.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-804. Standard — Drug usage.

(a) The facility must not use drugs in doses that interfere with the individual client's daily living activities.

(b) Drugs used for the control of inappropriate behavior must be approved by the interdisciplinary team and be used only as an integral part of the client's individual program plan that is directed specifically towards the reduction of and eventual elimination of the behaviors for which the drugs are employed.

(c) Drugs used for control of inappropriate behavior must not be used until it can be justified that the harmful effects of the behavior clearly outweigh the potentially harmful effects of the drugs.

(d) Drugs used for control of inappropriate behavior must be:

(1) Monitored closely, in conjunction with the physician and the drug regimen review requirement in 20 CAR § 413-712 for desired responses and adverse consequences by facility staff; and

(2) Gradually withdrawn at least annually in a carefully monitored program conducted in conjunction with the interdisciplinary team and attending physician, unless clinical evidence justifies that this is contraindicated.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-805. Standard — QIDP.

Each client's active treatment program must be integrated, coordinated, and monitored by a qualified intellectual disability professional.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-806. Standard — Professional program services.

(a)(1) Each client must receive the professional program services needed to implement the active treatment program defined by each client's individual program

plan.

(2) Professional program staff must work directly with clients and with paraprofessional, nonprofessional, and other professional program staff who work with clients.

(b) The facility must have available enough qualified professional staff to carry out and monitor the various professional interventions in accordance with the stated goals and objectives of every individual program plan.

(c) Professional program staff must participate as members of the interdisciplinary team in relevant aspects of the active treatment process.

(d) Professional program staff must participate in on-going staff development and training in both formal and informal settings with other professional, paraprofessional, and nonprofessional staff members.

(e)(1) Professional program staff must be licensed, certified, or registered, as applicable, to provide professional services by the state in which he or she practices.

(2) Those professional program staff who do not fall under jurisdiction of state licensure, certification, or registration requirements must meet qualifications as defined in 20 CAR § 413-101.

(f) If the client's individual program plan is being successfully implemented by facility staff, professional program staff meeting the qualifications of occupational therapist, occupational therapy assistant, physical therapist, physical therapy assistant, psychologist, social worker, speech-language pathologist or audiologist, professional recreation staff member, professional dietitian, and/or human services professional are not required:

(1) Except for qualified intellectual disability professionals;

(2) Except for the requirements of subsection (a) of this section concerning the facility's provision of enough qualified professional program staff; and

(3) Unless otherwise specified by state licensure and certification requirements.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-807. Standard — Facility staffing.

(a) The facility must not depend on clients or volunteers to perform direct care services for the facility.

(b) There must be responsible direct care staff on duty and awake on a twenty-four-hour basis, when clients are present, to take prompt, appropriate action in case of injury, illness, fire, or other emergency, in each defined residential living unit housing:

(1) Clients for whom a physician has ordered a medical care plan;

(2) Clients who are:

(A) Aggressive;

(B) Assaultive; or

(C) Security risks; and

(3) Fewer than fifteen (15) clients in a multi-unit building.

(c) There must be a responsible direct care staff person on duty on a twenty-four-hour basis when clients are present to respond to injuries and symptoms of illness, and to handle emergencies, in each defined residential living unit housing:

(1) Clients for whom a physician has not ordered a medical care plan;

(2) Clients who are not:

(A) Aggressive;

(B) Assaultive; or

(C) Security risks; and

(3) Fifteen (15) or fewer clients.

(d) The facility must provide sufficient support staff so that direct care staff are not required to perform support services to the extent that these duties interfere with the exercise of their primary direct care duties.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-808. Standard — Direct care residential living unit staff.

(a) The facility must provide sufficient direct care staff to manage and supervise

clients in accordance with their individual program plans.

(b) Direct care staff are defined as the present on-duty staff calculated over all shifts in a twenty-four-hour period for each defined residential living unit.

(c) Direct care staff must be provided by the facility in the following minimum ratios of direct care staff to clients:

(1) For each defined residential living unit serving children under the age of twelve (12), severely and profoundly intellectually disabled clients, clients with severe physical disabilities, or clients who are aggressive, assaultive, or security risks, or who manifest severely hyperactive or psychotic-like behavior, the staff to client ratio is one to three and two tenths (1: 3.2);

(2) For each defined residential living unit serving moderately intellectually disabled clients the staff to client ratio is one to four (1: 4); and

(3) For each defined residential living unit serving clients who function within the range of mild intellectual disability, the staff to client ratio is one to six and four-tenths (1: 6.4).

(d) When there are no clients present in the living unit, a responsible staff member must be available by telephone.

Authority. Arkansas Code § 20-10-203.

Subpart 9. Dietetic Services

20 CAR § 413-901. Hygiene of staff.

(a)(1) All food service employees shall wear appropriate, light-colored clothing including hairnet and shall keep themselves and their clothing clean.

(2) Males may wear caps.

(b) All persons working as food handlers in facilities shall have in their possession, or on file in the facility in which they are employed, a currently approved health card.

(c)(1) Persons having symptoms of communicable or infectious diseases or lesions shall not be allowed to work in the dietetic services.

(2) Food service employees may be assigned duties outside dietetic services, provided such assignment is not in conflict with any rules of the Department of Health.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-902. Standard — Food and nutrition services.

(a) Each client must receive a nourishing, well-balanced diet including modified and specially prescribed diets.

(b) A qualified dietitian must be employed either full-time, part-time, or on a consultant basis at the facility's discretion.

(c)(1) If a qualified dietitian is not employed full-time, the facility must designate a person to serve as the director of food services.

(2) The director of food services may be assigned other duties, including food preparation and serving, provided such assignments do not interfere with the responsibilities of the position of director of food services.

(d) The client's interdisciplinary team, including a qualified dietitian and physician, must prescribe all modified and special diets including those used as a part of a program to manage client behavior.

(e) Foods proposed for use as a primary reinforcement of adaptive behavior are evaluated in light of the client's nutritional status and needs.

(f) Unless otherwise specified by medical needs, the diet must be prepared at least in accordance with the latest edition of the recommended dietary allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences, adjusted for:

- (1) Age;
- (2) Sex;
- (3) Disability; and
- (4) Activity.

(g) A current diet manual approved by an affiliate of the American Dietetic Association such as the Arkansas Diet Manual shall be available in the facility.

(h) Calculations of calorie controlled diets must be available.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-903. Standard — Meal services.

(a) Each client must receive at least three (3) meals daily, at regular times comparable to normal mealtimes in the community with:

(1) Not more than fourteen (14) hours between a substantial evening meal and breakfast of the following day, except on weekends and holidays when a nourishing snack is provided at bedtime, sixteen (16) hours may elapse between a substantial evening meal and breakfast;

(2)(A) Bedtime snacks of nourishing quality shall be routinely offered to all clients requesting such and whose diets do not prohibit the service of this night feeding.

(B) Milk or juices, and cookies, fruit, or crackers shall be offered; and

(3) Not less than ten (10) hours between breakfast and the evening meal of the same day, except as provided under subdivision (a)(1) of this section.

(b) Food must be served:

(1) In appropriate quantity;

(2)(A) At appropriate temperature.

(B) Hot foods shall be served at no less than one hundred fifteen degrees Fahrenheit (°511) F).

(C) Cold foods must be served between forty-five and fifty-five degrees Fahrenheit (°54) F - 55° F);

(3) In a form consistent with the developmental level of the client; and

(4) With appropriate utensils.

(c) Food served to clients individually and uneaten must be discarded.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-904. Standard — Menus.

(a)(1) Menus shall be planned and written two (2) weeks in advance and posted at least one (1) week in advance.

(2) Arrows, etc. are not acceptable.

(b) Menus shall provide a variety of foods at each meal.

(c) Menus shall be different for the same days of each week and adjusted for seasonal changes.

(d) Menus shall include the average portion size for each item detailed on the menu.

(e) Changes shall be recorded on both the regular and therapeutic diet menus.

(f) Menus which have been posted in the kitchen shall not be redated and reused.

(g) Meals served shall correspond essentially with the posted menus and shall be served in sequential order as planned and approved by the dietetic services consultant.

(h) Records of menus served shall be on file and maintained for thirty (30) days.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-905. Standard — Dining areas and service.

The facility must:

(1) Serve meals for all clients, including persons with ambulation deficits, in dining areas, unless otherwise specified by the interdisciplinary team or a physician;

(2) Provide table service for all clients who can and will eat at a table, including clients who eat in wheelchairs;

(3) Equip areas with tables, chairs, eating utensils, and dishes designed to meet the developmental needs of each client;

(4) Supervise and staff dining rooms adequately to direct self-help dining procedure, to ensure that each client receives enough food and to ensure that each client eats in a manner consistent with his or her developmental level; and

(5) Ensure that each client eats in an upright position, unless otherwise specified by the interdisciplinary team or a physician.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-906. Preparations and storage of food.

(a)(1) An adequately sized storage room shall be provided with adequate shelving.

(2) Seamless containers with tight-fitting lids, clearly labeled, shall be provided for bulk storage of dry foods.

(3) The storage room shall be of such construction as to prevent:

- (A) The invasion of rodents and insects;
- (B) The seepage of dust;
- (C) Water leakage; or
- (D) Any other contamination.

(4) The room shall be clean, orderly, well ventilated, and without condensation of moisture on the walls.

(5) Food in any form shall not be stored on the floor.

(6) The bottom shelf shall be twelve inches (12") above the floor.

(b)(1) All food prepared in the ICF/IID shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption.

(2) All food stored in the refrigerators shall be stored in covered containers.

(3) Leftover foods shall be labeled and dated with the date of preparation.

(4) Foods stored in freezers shall be:

- (A) Wrapped in airtight packages;
- (B) Labeled; and
- (C) Dated.

(c)(1) Fresh fruits and vegetables shall be thoroughly washed in clean safe water before use.

(2) Vegetables subject to dehydration during storage shall be wrapped or bagged in plastic.

(d)(1) All readily perishable foods, including eggs or fluids, shall be stored at or below forty-five degrees Fahrenheit (°54) F).

(2) A reliable and visible thermometer shall be kept in the refrigerator.

- (e)(1) All frozen foods shall be stored at zero degrees Fahrenheit (°0) F) or below.
 - (2) A reliable and visible thermometer shall be kept in the freezer.
 - (3) Frozen foods which have been thawed shall not be refrozen.
- (f) Potentially hazardous frozen foods shall be thawed at refrigerator temperatures of forty-five degrees Fahrenheit (°54) F) or below.
- (g)(1) Eggs shall be stored below all other foods.
 - (2) Whole fresh eggs shall not be cracked more than two (2) hours before use.
- (h) All toxic compounds shall be used with extreme caution and shall be stored in an area separate from food preparation, storage, and service areas.
- (i) Work areas and equipment shall be adequate for the efficient preparation and service of foods.
- (j) The use of tobacco of any form is prohibited where:
 - (1) Food or drink is prepared, stored, cooked; or
 - (2) Dishes or pots and pans are washed or stored.
- (k) Foods shall be cut, chopped, ground, or pureed to meet the individual needs of the client.
- (l) If a client refuses foods served, substitutes of similar nutritive value shall be prepared and served.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-907. Sanitary conditions.

- (a) Food shall be procured from sources approved or considered satisfactory by federal, state, and local authorities.
- (b) Floors shall be cleaned after each meal.
- (c)(1) Dishes, silverware, and glasses shall be free of:
 - (A) Breaks;
 - (B) Tarnish;
 - (C) Stain;
 - (D) Cracks; and

(E) Chips.

(2) There shall be ample supply to serve all clients.

(3) Clients will be furnished knives, forks, and spoons unless there is documentation to indicate the client is incapable of using these implements.

(d)(1) Vessels used in preparing, serving, or storing food shall be made of seamless metal or a nonabsorbent material which can be easily cleaned and shall be used for no other purpose.

(2) Enamelware shall not be used.

(e) Rags from client bedding, clothing, or bath shall not be used in dietetic services for any purpose.

(f)(1) Dishes, knives, forks, spoons, and other utensils used in the preparation and serving of foods must be stored in such a manner as to be protected from:

(A) Rodents;

(B) Flies or other insects;

(C) Dust;

(D) Dirt; or

(E) Other contamination.

(2) Silverware shall be stored in a clean container that can be thoroughly washed and sanitized.

(g)(1) Paper or loose covering shall not be used on:

(A) Shelves;

(B) Cabinets;

(C) Cabinet drawers;

(D) Refrigerators; or

(E) Stoves.

(2) Storage cabinets shall be kept clean.

(3) Cardboard boxes shall not be saved and used for the storage of food or articles which were not packed in that original box.

(h)(1) Hand-washing facilities shall be equipped with blade-action controls and hot and cold water.

(2) Soap and towel dispensers and a step-on trash can shall be located conveniently to the lavatory.

(3) The kitchen lavatory shall be equipped with a goosenecked spout.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-908. Dietetic services staffing.

(a)(1) Staffing will be correlated to the size of the facility and the total client meals served.

(2) Staffing will be adequate to provide sufficient staff for the number of meals served.

(3) Clients whose individual program plans provide for habilitative training may assist in food preparation and service.

(4) Direct care staff may assist in food preparation and service as a part of habilitative training.

(b) If deficiencies are found that directly relate to shortage of personnel, additional personnel will be required.

Authority. Arkansas Code § 20-10-203.

Subpart 10. Infection Control

20 CAR § 413-1001. General.

(a) Written policies and procedures shall be established for investigating, controlling, and preventing infections.

(b)(1) Procedures shall be reviewed annually and revised as necessary for effectiveness and improvement.

(2) The policies and procedures shall include as a minimum:

(A) Aseptic and isolation techniques;

(B) Proper disposal techniques for infected dressing, disposable syringes,

needles, etc.;

- (C) Prohibiting the use of the common:
 - (i) Towel;
 - (ii) Bath and hand soap; and
 - (iii) Drinking cup or glass; and
- (D) Proper reporting of communicable disease.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-1002. Standard — Infection control.

(a)(1) The facility must provide a sanitary environment to avoid sources and transmission of infections.

(2) There must be an active program for the prevention, control, and investigation of infection and communicable diseases.

(b) The facility must implement successful corrective action in affected problem areas.

(c) The facility must maintain a record of incidents and corrective actions related to infections.

(d) The facility must prohibit employees with symptoms or signs of a communicable disease from direct contact with clients and their food.

Authority. Arkansas Code § 20-10-203.

Subpart 11. Miscellaneous Provisions

20 CAR § 413-1101. Standard — Client living environment.

(a) The facility must not house clients of grossly different ages, developmental levels, and social needs in close physical or social proximity unless the housing is planned to promote the growth and development of all those housed together.

(b)(1) The facility must not segregate clients solely on the basis of their physical

disabilities.

(2) It must integrate clients who have ambulation deficits or who are deaf, blind, or have seizure disorders, etc., with others of comparable social and intellectual development.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-1102. Communication aids.

The facility must furnish, maintain in good repair, and teach clients to use and to make informed choices about the use of dentures, eyeglasses, hearing and other communications aids, braces, and other devices identified by the interdisciplinary team as needed by the client.

Authority. Arkansas Code § 20-10-203.

20 CAR § 413-1103. Transportation of clients.

(a) The facility shall establish a written policy regarding transportation of clients, when necessary, to the:

- (1) Hospital;
- (2) Medical clinics; and
- (3) Dentist offices.

(b) The facility shall also establish a written policy regarding transportation which shall be necessary to implement the individual program of each client.

Authority. Arkansas Code § 20-10-203.