

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 1 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0000 - INITIAL COMMENTS

Title INITIAL COMMENTS

Type Memo Tag

Regulation Definition

Interpretive Guideline

These guidelines are meant solely to provide guidance to surveyors in the survey process.

ST - D0001 - GENERAL LICENSURE STANDARD

Title GENERAL LICENSURE STANDARD

Type Rule

429.907(1-4)

Regulation Definition

Interpretive Guideline

429.907 License requirement; fee; exemption; display.-

(1) The requirements of part II of chapter 408 apply to the provision of services that require licensure pursuant to this part and part II of chapter 408 and to entities licensed by or applying for such licensure from the Agency for Health Care Administration pursuant to this part. A license issued by the agency is required in order to operate an adult day care center in this state.

(2)(a) Except as otherwise provided in this subsection, separate licenses are required for centers operated on separate premises, even though operated under the same management. Separate licenses are not required for separate buildings on the same premises.

(b) If a licensed center becomes wholly or substantially unusable due to a disaster or due to an emergency as those terms are defined in s. 252.34:

Surveyor Probes:

Examine the center license:

1. Is it current?
2. Is the license displayed in a conspicuous place?

NOTE: Shared areas between assisted living facility and ADCC are surveyed with assisted living facility.

If the center is not licensed, notify the center operator that operating without a license is a 2nd degree misdemeanor. Failure to apply for a license within 10 days notification will result in the Agency obtaining an injunction to close the center.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 2 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

1. The licensee may continue to operate under its current license in premises separate from that authorized under the license if the licensee has:
 - a. Specified the location of the premises in its comprehensive emergency management plan submitted to and approved by the applicable county emergency management authority; and
 - b. Notified the agency and the county emergency management authority within 24 hours of operating in the separate premises.
 2. The licensee shall operate the separate premises only while the licensed center's original location is substantially unusable and for up to 180 days. The agency may extend use of the alternate premises beyond the initial 180 days. The agency may also review the operation of the disaster premises quarterly.
- (3) In accordance with s. 408.805, an applicant or licensee shall pay a fee for each license application submitted under this part and part II of chapter 408. The amount of the fee shall be established by rule and may not exceed \$150.
- (4) County-operated or municipally operated centers applying for licensure under this part are exempt from the payment of license fees.

ST - D0003 - Owner/Oper/Designee on Premises

Title Owner/Oper/Designee on Premises

Type Rule

59A-16.102(2)

Regulation Definition

(2) The Governing Authority shall ascertain that the Owner or Operator or the designated responsible person shall be on the premises during the Center's hours of operation.

Interpretive Guideline

If the operator is away from the center, there is a designated responsible person who is on the premises and in charge of center operations.

Surveyor Probes:

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 3 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Review governing body by-laws for documentation of designation of an operator who is responsible for the daily operation of the center.

Review organizational charts for documentation of line authority, with the operator in charge of center operation.

Review operators job description for verification that roles and responsibilities are included.

Is the owner/operator or designated responsible person at the center during the visit?

Does the owner/operator oversee more than one center? If yes, do they have a qualified person, appointed in writing?

ST - D0005 - Closure-Notification(s)

Title Closure-Notification(s)

Type Rule

429.925

Regulation Definition

Discontinuance of operation of adult day care centers.-In addition to the requirements of part II of chapter 408, before operation of an adult day care center may be voluntarily discontinued, the operator must, at least 60 days before the discontinuance of operation, inform each participant of the fact and the proposed date of discontinuance of operation.

Interpretive Guideline

The center should have written proof of notification to the Agency and participants.

Surveyor Probes:

Review Agency and participant notifications.

ST - D0006 - Advertising

Title Advertising

Type Rule

429.917(2)

Regulation Definition

A center licensed under this part which claims that it provides

Interpretive Guideline

Applicable advertising may include brochures, highway signs (billboards), newspaper ads, internet, and listing or ads

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 4 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

special care for persons who have Alzheimer's disease or other related disorders must disclose in its advertisements or in a separate document those services that distinguish the care as being especially applicable to, or suitable for, such persons. The center must give a copy of all such advertisements or a copy of the document to each person who requests information about the center and must maintain a copy of all such advertisements and documents in its records. The agency shall examine all such advertisements and documents in the center's records as part of the license renewal procedure. An adult day care center may not claim to be licensed or designated to provide specialized Alzheimer's services unless the adult day care center's license has been designated as such pursuant to s. 429.918.

under adult day care centers in the telephone yellow pages, radio, and television announcements.

Licensed hospitals, nursing homes or assisted living facilities that do not hold themselves out to the public as an adult day care center may provide services such as social, health, therapeutic, recreational, nutritional, or respite services during the day to non-residents.

Surveyor Probes:

Review the latest telephone directory, area newspaper, center brochures, etc. to determine compliance.

ST - D0007 - Definitions

Title Definitions

Type Memo Tag

429.901; 429.918(2)(a,c,d) 59A-16.101

Regulation Definition

429.901 Definitions.-As used in this part, the term:

- (1) "Adult day care center" or "center" means any building, buildings, or part of a building, whether operated for profit or not, in which is provided through its ownership or management, for a part of a day, basic services to three or more persons who are 18 years of age or older, who are not related to the owner or operator by blood or marriage, and who require such services.
- (2) "Agency" means the Agency for Health Care Administration.
- (3) "Basic services" include, but are not limited to, providing a protective setting that is as noninstitutional as possible; therapeutic programs of social and health activities and

Interpretive Guideline

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 5 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

services; leisure activities; self-care training; rest; nutritional services; and respite care.

(4) "Department" means the Department of Elderly Affairs.

(5) "Multiple or repeated violations" means 2 or more violations that present an imminent danger to the health, safety, or welfare of participants or 10 or more violations within a 5-year period that threaten the health, safety, or welfare of the participants.

(6) "Operator" means the licensee or person having general administrative charge of an adult day care center.

(7) "Owner" means the licensee of an adult day care center.

(8) "Participant" means a recipient of basic services or of supportive and optional services provided by an adult day care center.

(9) "Supportive and optional services" include, but are not limited to, speech, occupational, and physical therapy; direct transportation; legal consultation; consumer education; and referrals for followup services.

429.918 Licensure designation as a specialized Alzheimer's services adult day care center.-

(2) As used in this section, the term:

(a) "ADRD participant" means a participant who has a documented diagnosis of Alzheimer's disease or a dementia-related disorder (ADRD) from a licensed physician, licensed physician assistant, or a licensed advanced practice registered nurse.

(b) "Dementia" means the loss of at least two intellectual functions, such as thinking, remembering, and reasoning, which is severe enough to interfere with a person's daily function. The term does not describe a disease, but describes a group of symptoms that may accompany certain diseases or physical conditions.

(c) "Specialized Alzheimer's services" means therapeutic, behavioral, health, safety, and security interventions; clinical

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 6 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

care; support services; and educational services that are customized for the specialized needs of a participant's caregiver and the participant who is affected by Alzheimer's disease or an irreversible, degenerative condition resulting in dementia.

(d) "Therapeutic activity" means an individual or group activity that is intended to promote, maintain, or enhance the ADRD participant's physical, cognitive, social, spiritual, or emotional health.

59A-16.101 Definitions.

(1) The following terms are defined in sections 429.901 and 429.918, F.S., and are applicable to this rule chapter: "ADRD Participant," "Adult Day Care Center," or "Center," "Agency," "Basic Services," "Department," "Multiple or Repeated Violations," "Operator," "Owner," "Participant," "Specialized Alzheimer's Services," and "Supportive and Optional Services."

(2) Additional definitions applicable in this rule chapter are as follows:

(a) "Activities of Daily Living" or "ADL" shall mean the functions or tasks for self-care and shall include: ambulation, bathing, dressing, eating, grooming, transferring, and toileting, self-administration of medications, and other personal hygiene activities.

(b) "Adult" shall mean any person 18 years of age or older.

(c) "Applicant for Licensure" shall mean the Owner or Operator of a Center or, if the Owner is a business entity, the person (i.e., corporate officer, general or limited partner) acting on behalf of the entity.

(d) "Assistant Operator" shall mean an individual designated in writing by the Owner or Operator as having full responsibility and authority for the daily operation of the facility when the Owner or Operator is not onsite. The Assistant Operator shall meet the same minimum

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 7 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

qualifications as the Operator.

(e) "Participant Capacity" shall mean the number of Participants for which a Center is licensed to provide care to at any given time and shall be based upon required net floor space.

(f) "Comprehensive Emergency Management Plan" shall mean a plan developed by the Adult Day Care Center describing how the Center will prepare for and respond to an emergency, pursuant to subsection 59A-16.107(10), F.A.C.

(g) "Congregate Space" shall mean climatically controlled living rooms, dining rooms, specialized activity rooms, or other rooms to be commonly used by all Participants.

(h) "Daily Attendance" shall mean the number of Participants who, during any one calendar day, attend the Center. This count is not dependent upon, nor does it include, the number of types of services a Participant receives, but is an actual, individual, and unduplicated census count.

(i) "Functional Impairment" means a physical, mental, social, or cognitive condition or deficit that restricts an individual's ability to perform the tasks and Activities of Daily Living and that impedes the individual's capability for self-care and independent living without assistance or supervision from others on a recurring or continuous basis for extended periods of time.

(j) "Governing Authority" shall mean the organization, person, or persons designated to assume full legal responsibility for the determination of policy, management, operation, and financial viability of the Center.

(k) "Major Incident" shall mean any incident for which the Agency, Center, Staff member or other person associated with the Center may be liable, or which has resulted in serious injury, death or extensive property damage. Major Incidents include, but are not limited to, the following:

1. Death of a Participant from other than natural causes while in the care of the Center,

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 8 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

2. Threats or occurrences of riots, bombings, or other extreme violence,
3. Disappearance of a Participant from the Center,
4. Assaults or batteries on or by a Participant, resulting in severe injury or death, including, but not limited to, sexual assaults or rape,
5. Property damage from any cause that would interrupt routine operations or disrupt service delivery,
6. Auto accidents with injuries involving participants,
7. Involuntary Center closure,
8. Incidents of abuse, neglect, exploitation or fraud,
9. Employee work conduct which results in a criminal law violation,
10. Attempted suicide by a participant while under Center supervision.

(l) "Net Floor Space" shall mean the actual climatically controlled occupied area, not including accessory unoccupied areas such as hallways, stairs, closets, storage areas, bathrooms, kitchen or thickness of walls, set aside for the use of the Participants.

(m) "Operator" shall mean an individual who has daily administrative charge of an Adult Day Care Center and who shall be designated in writing as such by the owner or Governing Authority. An Operator of a Specialized Alzheimer's Services Adult Day Care Center must meet the educational or experiential requirements in section 429.918(5), F.S.

(n) "Orientation and Training Plan" shall mean a written plan developed and reviewed at least annually, and implemented throughout the year, which describes a coordinated program for Staff training for each service and for orientation of each new Staff member on Center policies, procedures, assigned duties and responsibilities. The orientation and training provided for by the Orientation and Training Plan shall begin no later than the first day of employment.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 9 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

(o) "Over the Counter Products" or "OTC Products" shall mean medications and related products that can be purchased legally without a prescription, including, but not limited to, medications, vitamins, nutritional supplements and nutraceuticals.

(p) "Participant Care Plan" shall mean a written record documenting adult day health services, as required by paragraph 59A-16.106(6)(d), F.A.C.

(q) "Participant File" shall mean a record, prepared and kept by the Center which shall include: a Participant Care Plan, documenting adult day health services provided to the Participant, if any; medical and social history or copies of an examination completed by a physician; diagnosis; disabilities and limitations; rehabilitation potential; short and long-term goals; recommended activities; orders for medication or modified diet, including Supervision of Self-administered Medication; special needs for health or safety; permitted levels of physical activity; frequency of attendance at the Center; and notes as required in this rule chapter.

(r) "Personal Supervision of a Participant" shall mean observation of the Participant to maintain safety and well-being, including Supervision of Self-administered Medications.

(s) "Respite Care" or "Respite" in an Adult Day Care Center is defined as a service provided to relieve the caregiver.

(t) "Responsible Person" shall mean any person who has assumed the responsibility to manage the affairs and protect the rights of any Participant of a Center. The Responsible Person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the facility, its operations, or its personnel, unless so ordered by a court.

(u) "Significant Change" shall mean: a deterioration or improvement in ability to carry out Activities of Daily Living; a deterioration in behavior or mood to the point where daily problems arise, or an improvement to the point that these

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 10 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

problems are eliminated; or a substantial deterioration in health status or reversal of such condition. Ordinary day-to-day fluctuations in functioning and behavior and acute short-term illness such as a cold are not considered Significant Changes unless such fluctuations persist to the extent that a trend is established.

(v) "Staff" shall mean any employee, independent contractor, or volunteer included in the minimum Staff ratio, who provides direct or indirect services to the Participants.

(w) "Staff Providing Direct Care for ADRD Participants" means Staff providing personal or Specialized Alzheimer's Services to ADRD Participants or Participants with dementia-related disorders, including, but not limited to, Owners, Operators, and Assistant Operators providing such services.

(x) "Staff in Direct Contact with ADRD Participants" means all Staff who are not Staff Providing Direct Care to ADRD Participants or Participants with dementia-related disorders, but whose duties may require them to interact with ADRD Participants or Participants with dementia-related disorders on a daily basis.

(y) "Supervision of Self-administered Medication" shall mean the performance of the following tasks: reminding Participants to take medication at the time indicated on the prescription; opening or closing medication container(s) or assisting in the opening of prepackaged medication; reading the medication label to Participants; observing Participants while they take medication; checking the self-administered dosage against the label of the container; reassuring Participants that they have obtained and are taking the dosage as prescribed; keeping daily records of when Participants received supervision pursuant to this subsection; and immediately reporting apparent adverse effects on a Participant's condition to the Participant's physician and responsible person. No Center is required to provide Supervision of Self-administered

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 11 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Medication to Participants who are capable of administering their own medication.

(z) "Supervision of Staff" shall mean guidance by a qualified person for a Staff member's performance of job-related functions and activities, with initial direction and periodic onsite inspection of the performance. Supervision of Participants shall mean guidance and care necessary for the health, safety and well-being of Participants.

(aa) "Supportive and Optional Services" shall mean optional activities and services provided by a Center, in accordance with rule 59A-16.106, F.A.C.

(bb) "Transportation Services" shall mean the conveyance of Participants between the Center and a designated location, as well as to and from services provided directly or indirectly by the Center. No Participant's transportation to and from a designated location and the Center shall exceed two hours if the transportation is provided or arranged by the Center.

(cc) "Volunteer" shall mean an individual not on the payroll of the Adult Day Care Center, whose qualifications shall be determined by the Center, for whom a written job description and Orientation and Training Plan shall be provided and implemented.

ST - D0100 - Fiscal Standard - Participant Funds

Title Fiscal Standard - Participant Funds

Type Rule

59A-16.108(1-3)

Regulation Definition

(1) The center shall establish and maintain a record of all funds held in trust, if any, and the participant funds shall be kept separate from the center funds. Such funds shall be used or expended only at the request of the participant, the participant's representative, designee, surrogate, guardian, or

Interpretive Guideline

The word verified as it pertains to statements would mean that the center has a copy of the statement that was given/sent to the participant, guardian, or responsible person.

Surveyor Probes:

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 12 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

attorney-in-fact, if applicable.

(2) The center shall furnish at least annually, a complete verified statement of such funds or property to the participant or to the guardian or responsible person, detailing the amount and items received with sources and disposition. Such a report also shall be made at termination or transfer from the center.

(3) Any agency, governmental or private, contributing funds or property to the account of a participant, shall, upon request, be entitled to receive such a statement annually and upon termination or transfer.

Surveyors should question the center operator, staff, and participants concerning the handling of participants' funds/property, and ask to see applicable accounting records.

Contact may also be made with any guardians to see if the center handles monies for their clients.

Interview participants to determine if the facility is providing satisfactory reporting.

ST - D0101 - Fiscal Std- Current Signed Agreement On File

Title Fiscal Std- Current Signed Agreement On File

Type Rule

59A-16.107(6)

Regulation Definition

(6) If the Center accepts fee-for-service Participants, there shall be a signed agreement documenting the amount of fee, hours and days of attendance, services to be provided, and frequency of payment. This agreement shall be signed by the Owner, Operator, or the Owner or Operator's designee, the Participant or Responsible Person, and recorded in the Participant's File. Financial records shall be maintained and shall be current through the last payment period.

Interpretive Guideline

The fee-for-service agreement must be current through the last payment period. The agreement is signed by the owner or operator, participant, or responsible person. 58A-6.011(6), F.A.C. Make sure all agreements contain items a through d.

Surveyor Probes:

Review fee-for-service participants' records for documentation that the required information is included and ask for fee-for-service fee schedule.

ST - D0102 - Fiscal Std - Liability Insurance Coverage

Title Fiscal Std - Liability Insurance Coverage

Type Rule

429.909, 59A-16.108(4)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 13 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Regulation Definition

429.909 Application for license.-In addition to all provisions of part II of chapter 408, the applicant for licensure must furnish a description of the physical and mental capabilities and needs of the participants to be served and the availability, frequency, and intensity of basic services and of supportive and optional services to be provided and proof of adequate liability insurance coverage.

59A-16.108(4)

Centers shall maintain liability insurance coverage in force at all times. On the renewal date of the center's policy or whenever a center changes policies, the center shall file documentation with the AHCA, ADC Program, 2727 Mahan Drive, Tallahassee, FL 32308. Such documentation shall be issued by the insurance company, shall include the name of the center, dates of coverage and shall meet the criteria of this chapter.

Interpretive Guideline

Surveyor Probes:

Review the centers liability insurance policy or certificate and verify dates of coverage to ensure the center maintains current liability insurance coverage.

Contact the insurance agent if there is a question regarding whether or not the policy is current.

ST - D0201 - Center Record Standard

Title Center Record Standard

Type Rule

59A-16.107(3)

Regulation Definition

(3) The Operator shall be responsible for the recording, reporting and availability of Participant data, including those records required for each Center Participant, and program data, including those records required for services made available to and provided to Participants by the Adult Day Care Center. Such records shall include:

- (a) Number of Participants enrolled to current date;
- (b) Average Daily Attendance as defined in this rule chapter,

Interpretive Guideline

Surveyor Probes:

Review centers' participant data records as identified in items a through d.

Ascertain whether business hours are clearly posted.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 14 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

based upon attendance through the end of the preceding month;

(c) Hours of travel time current through the previous month, if Transportation Services are provided or arranged by the Center.

(d) Business hours of operation shall be posted in a conspicuous place. Business hours shall mean a time period established by the Center, as defined in its policies, and shall be no less than five hours per day on week days of Center operation and may include a reduced schedule of weekend hours.

ST - D0202 - Record of Staff Assignments

Title Record of Staff Assignments

Type Rule

59A-16.107(5)

Regulation Definition

(5) A record shall be kept of Staff assignments.

Interpretive Guideline

Surveyor Probes:

Review governing authority policies and procedures for documentation of staff assignments.
Review personnel records for verification of staff assignments.

ST - D0203 - Record of Major Incidents

Title Record of Major Incidents

Type Rule

59A-16.107(7-8)

Regulation Definition

(7) A written record shall be kept of Major Incidents affecting Participants, Staff, Volunteers or the Center.

(8) Major Incidents, as defined in this rule chapter shall be

Interpretive Guideline

Each major incident must be reported immediately to the appropriate field office.

Surveyor Probes:

Review major incident reports.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 15 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

reported immediately to the Agency's Complaint Administration Unit at the following website:
http://ahca.myflorida.com/MCHQ/Field_Ops/CAU.shtml.
Reports shall be made by the individual having first-hand knowledge of the incident and performing functions and responsibilities as an authorized agent and may include paid, emergency and temporary Staff, Volunteers and student interns.

Interviews with residents and staff may provide information about recent incidents, which should then be compared against prepared reports.

Observe residents, noting any other concerns which may indicate a recent incident.

ST - D0204 - Comprehensive Emergency Management Plan

Title Comprehensive Emergency Management Plan

Type Rule

59A-16.107(10); 59A-16.104(6-7)

Regulation Definition

59A-16.107
(10) Pursuant to section 429.929(1)(g), F.S., as a part of the licensure process, each Center shall develop and follow a written Comprehensive Emergency Management Plan for emergency care during an internal or external disaster in accordance with Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001, incorporated by reference. A copy of the July 2001 Emergency Management Planning Criteria for Adult Day Care Facilities may be obtained from the Agency's website at:
http://www.fdhc.state.fl.us/MCHQ/Health_Facility_Regulation/Assisted_Living/docs/adcc/ADCC_CEMP_2008.pdf.

(a) The Comprehensive Emergency Management Plan shall include the following:

1. Provisions for both internal and external disasters and emergencies which could include hurricanes, tornadoes, fires, power outages, floods, bomb threats, acts of terrorism, bio-terrorism, hazardous materials and nuclear disasters.
2. Provisions for care and services to Participants during the

Interpretive Guideline

Surveyor Probes:

The surveyor should ensure that the center has a Comprehensive Emergency Management Plan reviewed by the local emergency management office.

Review the plan for the required components.

Where is the Plan located?

The Plan shall be available for immediate access by center staff. Ask employees if they know where the Plan is located and how to implement the Plan.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 16 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

emergency including: pre-disaster preparation, notification of family members or responsible parties, securing the Center, supplies, staffing and emergency equipment.

3. Provisions for care and services, including emergency evacuation transportation, to Participants who must remain in the Center and those who must evacuate during the emergency.

4. Identification of Staff positions responsible for implementing each aspect of the Plan.

5. Identification of and coordination with designated agencies including the Red Cross and the local emergency management agency.

6. Post-disaster activities including responding to family inquiries, obtaining necessary emergency medical attention or intervention for Participants, transportation and re-entry to the Center.

(b) The Plan shall be available for immediate access by Center Staff.

(c) The initial Plan shall be reviewed by the local Emergency Management Agency to ensure compliance with the Emergency Management Planning Criteria for Adult Day Care Facilities, dated July 2001.

(d) The local emergency management agency has 60 days in which to review and determine if the Plan satisfies the Emergency Management Planning Criteria or advise the Center of necessary revisions. Any revisions must be made and resubmitted to the local emergency management agency within 30 days of receiving notification from the local emergency management agency that the Plan must be revised.

(e) The Center shall review and update its Plan on an annual basis. The Plan shall be submitted annually, or more often if needed, to the local emergency management agency.

59A-16.104

(6) The Center shall provide programs and information to

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 17 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

increase the Participant's awareness of the following factors related to emergency preparedness and emergency management:

- (a) The registration process for persons who need assistance during evacuations or when in shelter;
- (b) The Center's activities and Staff available to assist in Participant's registration efforts; and,
- (c) The implications of having a Functional Impairment in a disaster.

(7) If a Participant needs assistance when evacuating or when in an emergency shelter, the Center shall register the person with the local emergency management agency as a person with special needs.

ST - D0207 - Emergency Treatment

Title Emergency Treatment

Type Rule

59A-16.107(9)

Regulation Definition

(9) In case of emergency, such as acute illness, if family or Responsible Person cannot be reached, a signed release shall be on file stating that the Participant may be sent to the nearest hospital emergency room for treatment.

Interpretive Guideline

Surveyor Probes:

Review adult day care center procedure. Is the owner or operator aware of the requirement for obtaining the signed release?

Review participant records for documentation that the signed release is on file for each participant.

ST - D0209 - Central Abuse Registry Poster

Title Central Abuse Registry Poster

Type Rule

59A-16.102(11)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 18 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Regulation Definition

(11) The Governing Authority shall establish policies and procedures to facilitate reporting of abuse, neglect or exploitation as defined in section 415.102, F.S., and in accordance with section 415.103, F.S., and shall ensure that the statewide toll free telephone number of the Department of Children and Families central abuse hotline, accompanied by the words "To Report the Abuse, Neglect, or Exploitation of an Elderly or Disabled Person, Please Call the Toll Free Number 1(800)96-ABUSE" is posted in a prominent place in the Center and made clearly visible.

Interpretive Guideline

Surveyor Probes:

Verify copy of central Abuse Registry poster is in full view and is freely accessible to all participants.

ST - D0300 - PARTICIPANT RECORD STANDARD

Title PARTICIPANT RECORD STANDARD

Type Rule

59A-16.103(3)

Regulation Definition

(3) Participant care, policies, and procedures shall ensure that, as a minimum, all Participants admitted to the Center:

(a) Are informed of provisions for service as evidenced by written acknowledgment from the Participant or responsible party prior to or at the time of admission, given a statement or summary statement of the Center's policies and procedures, given an explanation of the Participant's responsibility to comply with these policies and procedures and respect the personal rights and private property of other Participants;

(b) Are informed, and are given a written statement prior to or at the time of admission and during stay, of services available at the Center, and any related charges, including charges for services that are not provided free, not covered by third party payments, or not covered by the facility's basic per diem rate. This statement shall include the payment, fee, deposit, and

Interpretive Guideline

The document is explained to the participant as appropriate. If the participant does not read or understand English, the information should be explained in a language understood by the individual.

Surveyor Probes:

Review participant records for documentation of written acknowledgment from the participant or responsible party that the statement was provided.

Review the center's policies and procedures to verify each point is covered.

Interview participants to determine their awareness of specific policies and procedures.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 19 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

refund policy of the Center;

- (c) Are promptly informed of substantive changes in policies, procedures, services, and rates;
- (d) Are informed during the admission process, in writing, of the Center's Comprehensive Emergency Management Plan;
- (e) Are informed during the admission process of the local emergency management agency's registry of disabled persons who need assistance during evacuations or when in shelters because of physical or mental handicaps and the assistance provided by Center staff to register such persons with the local emergency management agency;
- (f) Are allowed to retain the services of their personal physician at their own expense or under a health care plan; are informed of the services provided by the Center, and are offered the opportunity to participate in the planning of their care;
- (g) Are free from abuse, neglect, and exploitation as defined in section 415.102, F.S., and free from chemical and physical restraints. Drugs and other medications shall not be used for punishment, convenience of Staff, or in quantities that interfere with a Participant's rehabilitation or Activities of Daily Living;
- (h) Are given privacy in the treatment of their personal and medical records;
- (i) Are treated with consideration, respect, and full recognition of their dignity, individuality, and right to privacy;
- (j) Are not required to perform services for the Center;
- (k) Are permitted to associate and communicate privately with persons of their choice, join with other Participants or individuals within or outside the Center to work for improvements in Participant care, and, upon his or her request, shall be given assistance in the reading and writing of correspondence;
- (l) Are permitted to participate in social, religious, community, or group activities of their choice while at the Center;

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 20 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

- (m) Are permitted to exercise civil and religious liberties, including the right to independent personal decisions. No religious beliefs or practices, or any attendance at religious services, shall be imposed upon any Participant. The Center shall encourage and assist in the exercise of these rights;
- (n) Are not the object of discrimination with respect to participation in activities which include recreation, meals, leisure, other social activities because of age, race, religion, sex, or nationality as defined in Title VI of the Civil Rights Act of 1964, or the Americans with Disabilities Act of 1990;
- (o) Are not deprived of any constitutional, civil, or legal right solely by reason of admission to the Center;
- (p) For protection of the Participants, are allowed to discharge themselves from the Center upon presentation of a request, preferably in writing; or, if the Participant is an adjudicated mental incompetent, upon the written consent of his next of kin, sponsor, guardian, or responsible person. However, if assessed by social workers, center Staff, or responsible persons at the time of intake as confused, the Participant shall not be allowed to discharge himself until after the Center notifies the Participant's guardian, spouse, or person having durable power of attorney;
- (q) Are informed of the right to report abusive, neglectful, exploitative or fraudulent practices.

ST - D0301 - Particip. Record

Title Particip. Record

Type Rule

59A-16.107(1) & (2)(a-g)

Regulation Definition

(1) The Owner or Operator shall establish, maintain and make available and ready for immediate use to the Agency, complete and accurate social, medical and fiscal records which fully

Interpretive Guideline

Are all medical and fiscal records maintained by the Center for two years?
Are these medical and fiscal records immediately available from the Center?

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 21 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

disclose the extent of services to be maintained by the Center for a period of two years.

(2) The Participant File shall include a Participant Data Sheet which shall be completed for each Participant within forty-five days prior to or twenty-four hours after admission to the Center and which shall include:

- (a) Full name, birthday, address;
- (b) Date admitted as a Participant and services to be provided;
- (c) Next of kin, and address and phone number of such person;
- (d) Guardian or Responsible Person and address and phone number of that person;
- (e) Medicaid and Medicare identification and other health insurance numbers;
- (f) Emergency contact person, home or office address and phone numbers of such person;
- (g) Name and telephone number of attending physician to be contacted when there appears to be significant deviation from normal appearance or state of well-being of a Participant; physician's or hospital discharge statement no older than forty-five days indicating prescribed medications and dosage which is updated as changes are made by physicians or, until a statement is received, a dated and signed statement by the Participant, guardian or responsible person, stating that specific medication may be given as ordered by the attending physician; notation of physical and emotional conditions requiring care and medications administered; diet and mobility restrictions; and a statement that the Participant is free from tuberculosis in a communicable form;

Responsible person means any person who has assumed the responsibility to manage the affairs and protect the rights of any participant in the center. The responsible person is not a legal entity, but may be a caregiver or friend and shall in no case be affiliated with the center, its operations or the personnel, unless court ordered.

Surveyor Probes:

Review participant files for documentation of compliance and explanation for missing information.

ST - D0302 - Particip. Record - Signature

Title Particip. Record - Signature

Type Rule

59A-16.107(4)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 22 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Regulation Definition

(4) Documentation shall be made of services, medication and special diets provided or administered to the Participants and shall be kept current in the Participant's File. Such documentation shall consist of a written, signed and dated notation or statement.

Interpretive Guideline

Review the participant's file for the written documentation. Ensure that the documentation is signed and dated.

ST - D0303 - Particip. Record Std

Title Particip. Record Std

Type Rule

59A-16.107(2)(h-i)

Regulation Definition

(h) The Participant File shall be updated when there is a Significant Change in the Participant, or at least quarterly;
(i) The Owner or Operator or Staff designated by the Owner or Operator shall review and approve each Participant care plan.

Interpretive Guideline

Interview staff to determine if any participants experienced a significant change.

Review the participant files to ensure they are updated for significant changes or at least quarterly and the appropriate staff reviewed and approved each plan.

ST - D0304 - Policy and Procedures

Title Policy and Procedures

Type Rule

59A-16.103(1)

Regulation Definition

(1) The Center shall make a statement or summary statement of policies and procedures for Participant care available to Participants, to the responsible person, to the public, and to each member of the Center Staff. The statement or summary statement shall be displayed in a conspicuous place in the

Interpretive Guideline

Observe for the posting of the statement in a conspicuous place.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 23 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

facility.

ST - D0305 - ADRD Participant Files

Title ADRD Participant Files

Type Rule

429.918(8)

Regulation Definition

(8)(a) An ADRD participant's file must include a data sheet, which must be completed within 45 days before or within 24 hours after admission to an adult day care center having a license designated under this section. The data sheet must contain:

1. Information regarding the status of the ADRD participant's enrollment in an identification or wandering-prevention program, including the name of the program; and
2. A current photograph of the ADRD participant.

(b) Dementia-specific services shall be documented in the ADRD participant's file.

(c) Notes regarding services provided to the ADRD participant must be entered at least monthly in the ADRD participant's file, and must indicate the ADRD participant's status or progress toward achieving identified goals. Additional notes must be entered more frequently if indicated by the ADRD participant's condition.

(d) An ADRD participant, or the participant's caregiver, shall annually provide the center with updated medical documentation required under subparagraphs (7)(a)3. and 4., and the center must place that documentation in the ADRD participant's file.

Interpretive Guideline

Surveyor Probe:

This applies to facilities with the ADRD specialization as defined in tag 306.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 24 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0306 - ADRD participant

Title ADRD participant

Type Rule

429.918(9-11)

Regulation Definition

(9) An adult day care center having a license designated under this section must give to each person who enrolls as an ADRD participant in the center, or the caregiver, a copy of the ADRD participant's plan of care, as well as information regarding resources to assist in ensuring the safety and security of the ADRD participant, which must include, but need not be limited to, information pertaining to driving for those persons affected by dementia, available technology on wandering-prevention devices and identification devices, the Silver Alert program in this state, and dementia-specific safety interventions and strategies that can be used in the home setting.

(10) If an ADRD participant's enrollment in the center is involuntarily terminated due to medical or behavioral reasons, the center shall coordinate and execute appropriate discharge procedures, to be determined by rule, with the ADRD participant and the caregiver.

(11) This section does not prohibit an adult day care center that is licensed pursuant to s. 429.907, and without a designation under this section, from providing adult day care services to persons who have Alzheimer's disease or other dementia-related disorders.

Interpretive Guideline

Review the participant files for ADRD Plan of Care. Has the Center discharged an ADRD Participant? If so, review the discharge documentation for compliance.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 25 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0400 - ADMISSION CRITERIA STANDARD

Title ADMISSION CRITERIA STANDARD

Type Rule

59A-16.102(1)(a) & (1)(a)2

Regulation Definition

59A-16.102(1)(a),
Admission criteria shall be determined by the Owner, Operator or Governing Authority and it may limit Participant eligibility to adults with Functional Impairments, in need of a protective environment or a program of therapeutic social and health activities and services as defined in this rule chapter. The Operator will assure that the admission of each Participant shall be reviewed within the confines of specific requirements set forth below:

59A-16.102(1)(a)2
No Participant shall be admitted or retained in a Center if he or she requires services from the Center that are beyond those that the Center is licensed to provide.

Interpretive Guideline

It is the responsibility of the owner or operator to continually observe the participants to determine that they meet the criteria for participation in the center.

Surveyor Probes:

During tour of center, observe participants interaction and involvement in center's activities.

ST - D0401 - Admission Criteria Std

Title Admission Criteria Std

Type Rule

59A-16.102(1)(a)1

Regulation Definition

1. Within forty-five days prior to admission to the Center, each person applying to be a Participant shall provide a statement signed by a physician licensed under chapters 458 and 459,

Interpretive Guideline

Surveyor Probes:

Review participants' records to verify the presence of a completed and dated medical statement.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 26 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

F.S., a Florida licensed health care provider under the direct supervision of a physician, or a county public health unit. The statement must be signed within forty-five days prior to admission to the Center, and must state that the applicant is free from tuberculosis in the communicable form and free from signs and symptoms of any other communicable disease. Any Participant who is diagnosed as having a communicable disease shall be excluded from participation until deemed non-infectious. However, Participants who have Human Immunodeficiency Virus (HIV) infection may be admitted to the Center, provided that they would otherwise be eligible according to this rule.

ST - D0402 - Admission Criteria Std

Title Admission Criteria Std

Type Rule

59A-16.102(1)(a)3

Regulation Definition

3. No Participant who requires medication during the time spent at the Center and who is incapable of self-administration of medication shall be admitted or retained unless there is a Staff member licensed according to Florida law to administer medications who will provide this service. A person licensed according to Florida law includes: a physician licensed under chapters 458 and 459, F.S.; an advanced registered nurse practitioner certified under chapter 464, F.S.; a dentist licensed under chapter 466, F.S.; a registered nurse or licensed practical nurse licensed under chapter 464, F.S.; or a physician's assistant, licensed under chapter 458, F.S.

Interpretive Guideline

Surveyor Probes:

The surveyor will review the participant's file and interview and observe the participants to determine their appropriateness for continued participation.

Staff should also be interviewed to determine the services the participant requires.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 27 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0403 - Admission Criteria Std

Title Admission Criteria Std

Type Rule

59A-16.103(4-5)

Regulation Definition

(4) The Center shall not be required to accept or retain any applicant or Participant whose behavior and physical limitations are deemed hazardous to the safety of the individual or other Participants. Such conditions shall constitute a basis for termination of Center participation. Participation may be terminated after reasonable alternatives have failed, and upon written notification of the Participant, guardian and responsible person. Fifteen calendar days shall be allowed for arranging for alternative services for the Participant except in cases of emergency as determined by the Governing Authority or Operator of the center.

(5) All ADRD Participants involuntarily discharged from a Center designated as a Specialized Alzheimer's services adult day care center pursuant to section 429.918, F.S., must be:

- (a) Informed of any Significant Change in the ADRD participant's condition such as a deterioration or improvement in the ability to carry out Activities of Daily Living; a deterioration in behavior or mood to the point where daily problems arise or an improvement to the point that these problems are eliminated; or a substantial deterioration in health status or reversal of such status, as documented in the ADRD Participant's case file notes;
- (b) Informed that the Center is unable to meet the ADRD Participant's needs, as determined by the Owner or Operator;
- (c) Provided with an appropriate discharge plan, including suggested transition options for the ADRD Participant to facilitate and ensure continuity of care. Fifteen (15) calendar

Interpretive Guideline

Surveyor Probes:

Interview operator and review records of participants who have been terminated from participation at the center.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 28 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

days shall be allowed for arranging for alternative services for the ADRD Participant except in cases of emergency as determined by the Governing Authority of the Center.

(d) Informed of monthly health assessments and monthly updates, in each ADRD Participant's file regarding the ADRD Participant's status or progress toward meeting the goals indicated in his or her individualized plan of care.

ST - D0404 - ADRD Participant

Title ADRD Participant

Type Rule

429.918(7)

Regulation Definition

(7)(a) An ADRD participant admitted to an adult day care center having a license designated under this section, or the caregiver when applicable, must:

1. Require ongoing supervision to maintain the highest level of medical or custodial functioning and have a demonstrated need for a responsible party to oversee his or her care.
2. Not actively demonstrate aggressive behavior that places himself, herself, or others at risk of harm.
3. Provide the following medical documentation signed by a licensed physician, a licensed physician assistant, or a licensed advanced practice registered nurse:
 - a. Any physical, health, or emotional conditions that require medical care.
 - b. A listing of the ADRD participant's current prescribed and over-the-counter medications and dosages, diet restrictions, mobility restrictions, and other physical limitations.
4. Provide documentation signed by a health care provider licensed in this state which indicates that the ADRD participant is free of the communicable form of tuberculosis and free of signs and symptoms of other communicable

Interpretive Guideline

Review records for ADRD participants

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 29 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

diseases.

(b) Before admitting an ADRD participant to an adult day care center that has a license designated under this section, the center shall determine whether:

1. The medical, psychological, safety, and behavioral support and intervention required by the ADRD participant can be provided by the center.
2. The resources required to assist with the ADRD participant's acuity level of care and support needed can be provided or coordinated by the center.

ST - D0500 - STAFFING STANDARD

Title STAFFING STANDARD

Type Rule

59A-16.102(3) & (6)

Regulation Definition

(3) Each Center shall be under the administrative control of the Operator or Assistant Operator. The Operator may supervise more than one Center, provided that a qualified, responsible Assistant Operator, duly appointed in writing, is in charge of each facility during the Operator's absence.

(6) The Owner or Operator shall also be responsible for the administration of all components of the facility and accountable for the implementation and enforcement of all policies and procedures, standards of care, and program development in accordance with the social, physical and mental capabilities and needs of the Participants served.

Interpretive Guideline

Surveyor Probes:

If the operator is not present, the designated person must be present.

Operators who supervise other centers should be questioned regarding the number of other centers.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 30 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0501 - Staffing Std - Policies and Procedures

Title Staffing Std - Policies and Procedures

Type Rule

59A-16.103(2)

Regulation Definition

(2) The Center Staff shall be trained to implement these policies and procedures, as specified in the Orientation and Training Plan.

Interpretive Guideline

Surveyor Probes:

Review the plan for content and evidence of an annual review.

Review staff files for evidence of training.

Interview staff to determine their knowledge of and awareness of the center's policies, procedures, and their job responsibilities.

Refer to policies listed in tag 0300.

59A-16.101 Definitions

(2)(n) "Orientation and Training Plan" shall mean a written plan developed and reviewed at least annually, and implemented throughout the year, which describes a coordinated program for Staff training for each service and for orientation of each new Staff member on Center policies, procedures, assigned duties and responsibilities. The orientation and training provided for by the Orientation and Training Plan shall begin no later than the first day of employment.

ST - D0502 - Staff Ratio

Title Staff Ratio

Type Rule

59A-16.102(8)(a,d,e)

Regulation Definition

(8) The Owner or Operator or Assistant Operator shall be

Interpretive Guideline

The work schedule should reflect the staffing pattern maintained by the center for a given time period, (i.e., week,

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 31 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

responsible for enforcing the following minimum personnel staffing for Adult Day Care Centers and shall designate substitute Staff to be available in emergencies.

(a) A minimum Staff ratio of one Staff member who provides direct services for every six Participants shall be present in the Center at all times.

(d) The Owner or Operator may serve in dual capacity as a registered nurse, occupational therapist, physical therapist, speech-language pathologist, or social worker, if licensed as required by Florida law and qualified to provide such services.

(e) The Owner or Operator may be counted as one of the required Staff members provided the Owner or Operator provides direct services and is included in the work schedule for the Center. However, the Owner or Operator shall not be counted more than once in the Staff/Participant ratio, calculated on the basis of daily census.

month, etc.).

Surveyor Probes:

Obtain the number of participants from center operator or designee to determine the required staffing pattern.

Compare written work schedule to staff on duty at survey.

Review staffing patterns.

ST - D0503 - Staffing Std - First Aid/CPR

Title Staffing Std - First Aid/CPR

Type Rule

59A-16.102(8)(b)

Regulation Definition

(8) The Owner or Operator or Assistant Operator shall be responsible for enforcing the following minimum personnel staffing for Adult Day Care Centers and shall designate substitute Staff to be available in emergencies.

(b) No less than two Staff members, one of whom has a certification in an approved first aid course and CPR, shall be present in the Center at all times.

Interpretive Guideline

A Florida licensed registered nurse (RN), licensed practical nurse (LPN), emergency medical technician (EMT), or advanced registered nurse practitioner (ARNP) is exempt from additional certification.

Surveyor Probes:

Review employment application, continuing education, certificates, and copies of licenses on file.

Compare the written work schedule against documentation in employee's files for current certification in first aid/CPR.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 32 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0504 - Staffing Std - Communicable Diseases

Title Staffing Std - Communicable Diseases

Type Rule

59A-16.102(5)(b)7

Regulation Definition

- (5) The owner or operator shall:
- (b) Establish and maintain a personnel file for each Staff member to include:
7. A signed statement from a Florida licensed physician, a Florida licensed health care provider under the direct supervision of a physician, or a county public health unit, that the employee is free from tuberculosis in a communicable form, and free from apparent signs and symptoms of other communicable diseases. The statement must be signed no less than forty-five days prior to beginning work in the Center.

Interpretive Guideline

Documentation of lab reports does not meet this requirement.

The written statement must be from a Florida licensed health care provider.

Surveyor Probes:

Identify and review the files of employees to determine if documentation is received 45 days or less prior to employee hire/start date.

ST - D0505 - Staffing Std

Title Staffing Std

Type Rule

59A-16.102(4) & (8)(c)

Regulation Definition

- (4) The Center shall employ qualified Staff to provide the services, personal assistance and safety measures required by the Participants.
- (8) The Owner or Operator or Assistant Operator shall be responsible for enforcing the following minimum personnel staffing for Adult Day Care Centers and shall designate

Interpretive Guideline

Surveyor Probes:

Determine from observations, interview of participants and staff of the center, if unmet needs are present.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 33 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

substitute Staff to be available in emergencies.

(c) At all times staffing shall be maintained to meet the needs of the Participants as required by the Participant Files, including Centers which serve persons with Alzheimer's disease and related disorders, persons with physical handicaps, or other special target populations.

ST - D0506 - Staffing Std - Cleanliness and Hygiene

Title Staffing Std - Cleanliness and Hygiene

Type Rule

59A-16.102(7)(a)

Regulation Definition

(7) The Owner or Operator shall ensure that each employee:
(a) Maintains personal cleanliness and hygiene;

Interpretive Guideline

Surveyor Probes:

Observe staff.

ST - D0507 - Staffing Std - Personnel File

Title Staffing Std - Personnel File

Type Rule

59A-16.102(5)(b)1-6 & 8

Regulation Definition

(5) The owner or operator shall:
(b) Establish and maintain a personnel file for each Staff member to include:
1. Name, home address, phone number,
2. Education and experience,
3. Job assignment,
4. Evaluation of performance at least yearly,
5. Dates of employment and termination,

Interpretive Guideline

Are there personnel folders for all staff?

Review a sample of personnel files for the required components.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 34 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

6. Character references, including former employers and supervisors,

8. Training certificates or copies of training certificates as required by subsection 58A-6.016(7), F.A.C.

ST - D0508 - Staffing Std - Job Descriptions

Title Staffing Std - Job Descriptions

Type Rule

59A-16.102(5)(a)

Regulation Definition

(5) The Owner or Operator shall:
(a) Develop a written job description for each Staff member containing a list of qualifications, duties, responsibilities and accountability required of each Staff member.

Interpretive Guideline

Review a sample of personnel files for the job description to ensure it contains the required components.

ST - D0510 - Staffing Std - Level 2 Background

Title Staffing Std - Level 2 Background

Type Rule

435.05(2)

Regulation Definition

Every employee must attest, subject to penalty of perjury, to meeting the requirements for qualifying for employment pursuant to this chapter and agreeing to inform the employer immediately if arrested for any of the disqualifying offenses while employed by the employer.

Interpretive Guideline

Surveyor Probes:

Is AHCA Recommended Form 3100-0008, August 2010, Affidavit of Compliance with Background Screening Requirements, in the employee's personnel file?

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 35 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0511 - Staffing Std - Unacceptable Conduct

Title Staffing Std - Unacceptable Conduct

Type Rule

59A-16.102(7)(b-c)

Regulation Definition

- (b) Refrains from abusive, immoral or other unacceptable conduct such as the use of alcohol, illegal use of narcotics or other impairing drugs, and behavior or language which may be injurious to Participants;
- (c) Who is diagnosed as having a communicable disease after beginning work in the Center shall be excluded from working until deemed non-infectious in the work setting.

Interpretive Guideline

Surveyor Probes:

- Interview operator regarding the center's policy regarding employee behavior and conduct. Ask participants about staff behavior and conduct.
- Interview staff about what happens if they become ill during working hours. Are they sent home or told to stay home? What is the policy?

ST - D0512 - Staffing Std

Title Staffing Std

Type Rule

59A-16.102(9-10)

Regulation Definition

- (9) Center Staff whose conduct constitutes abuse, neglect, or exploitation of a Participant shall immediately be terminated from employment and shall be reported to the Department of Children and Families in accordance with section 415.103, F.S.
- (10) No administrator who has been terminated pursuant to the provisions of subsection (9), shall accept employment in an Adult Day Care Center and no Owner or Operator of a Center shall knowingly employ any person who has been terminated pursuant to subsection (9).

Interpretive Guideline

- Chapter 415, F.S., requires that such individuals be immediately reported to the Florida Abuse Registry, (1-800-96-ABUSE)
- Chapter 429.911, F.S., authorizes the Agency to deny, suspend, or revoke the ADCC license when the center has retained employees who did not pass the required background screening.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 36 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0513 - Staffing Std

Title Staffing Std

Type Rule

429.918(5); 59A-16.106(6)(c)

Regulation Definition

Interpretive Guideline

429.918

(5)(a) The operator of an adult day care center having a license designated under this section, and the operator's designee, as applicable, hired on or after July 1, 2012, shall:

1. Have at least a bachelor's degree in health care services, social services, or a related field, 1 year of staff supervisory experience in a social services or health care services setting, and a minimum of 1 year of experience in providing services to persons who have dementia;
2. Be a registered or practical nurse licensed in this state, have 1 year of staff supervisory experience in a social services or health care services setting, and have a minimum of 1 year of experience in providing services to persons who have dementia; or
3. Have 5 years of staff supervisory experience in a social services or health care services setting and a minimum of 3 years of experience in providing services to persons who have dementia.

(b)?The owner must sign an affidavit under penalty of perjury stating that he or she has verified that the operator, and the operator's designee, if any, have completed the education and experience requirements of this subsection.

59A-16.106(6)

(c) In addition to the minimum staffing required in chapter 59A-16, F.A.C., provide the following Staff:

1. The Operator shall: have a minimum of a Bachelor's degree

If the facility only provides basic services, this education requirement is does not apply.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 37 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

in a health or social services or related field, with one year of supervisory experience in a social or health service setting; hold a registered nurse license with one year of supervisory experience; or have 5 years of supervisory experience in a social or health service setting.

2. A registered nurse (RN) or licensed practical nurse (LPN) shall be on-site during the primary hours of program operation and on-call during all hours the Center is open. Arrangements shall be formalized for obtaining the services of an LPN or RN in anticipation of potential absences, planned and unplanned, of the regular nursing Staff.

3. A social worker with a minimum of a Bachelor's degree in social work or a case worker with a minimum of a Bachelor's degree in sociology, psychology, nursing, or gerontology, or a Bachelor's degree with at least two years of experience in a human service field. Services provided by program aides in this service area must be provided under the direct supervision of a social worker or case manager who meets or exceeds these standards (e.g., a Master's degree in a related field).

4. An activity director or Recreational Therapist with a Bachelor's degree in a social or health service field or an Associate's degree in a related field plus 2 years of experience. All services provided by program aides must be provided under the direct supervision of the activity director or recreation therapist. The recreation therapist may be retained as a consultant.

ST - D0514 - ADRD Employee Requirements

Title ADRD Employee Requirements

Type Rule

429.918(6)(b-c)

Regulation Definition

(6) An adult day care center having a license designated under

Interpretive Guideline

Review a sample of employee files for the required training certificates.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 38 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

this section must provide the following staff training and supervision:

Interview staff about their knowledge of ADRD training.

(b) Each employee must complete the training and continuing education required under s. 430.5025.

(c) Each employee hired on or after July 1, 2012, who provides direct care to ADRD participants, must receive and review an orientation plan that includes, at a minimum:

1. Procedures to locate an ADRD participant who has wandered from the center. These procedures shall be reviewed regularly with all direct care staff.
2. Information on the Silver Alert program in this state.
3. Information regarding available products or programs used to identify ADRD participants or prevent them from wandering away from the center, their home, or other locations.

ST - D0602 - Medication Administration

Title Medication Administration

Type Rule

59A-16.109(12)(a, b & k)

Regulation Definition

(a) No prescription drug shall be brought into the Center unless it has been legally dispensed and labeled by a licensed pharmacist for the person for whom it is prescribed.

(b) Participants who can self-administer medications may bring and be responsible for their own medications.

(k) In no instance shall medication be administered by a person other than one licensed, according to Florida law, to administer medication including a physician, a dentist, a nurse, or a physician's assistant.

Interpretive Guideline

In a center where participants cannot self-administer medications and require the administration of medications, a licensed person would be defined as a person licensed to administer medication, i.e., a licensed physician, advanced registered nurse practitioner, a dentist, a registered nurse, licensed practical nurse or a physician's assistant.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 39 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0603 - Medication Storage

Title Medication Storage

Type Rule

59A-16.109(12)(c-e & i-j)

Regulation Definition

(c) Medications shall be centrally stored when:

1. The preservation of medicines requires refrigeration
2. Medication is determined, and documented by the physician, to be hazardous if kept in the personal possession of the person for whom it was prescribed
3. Because of physical arrangements and the conditions or habits of other persons in the Center, the medications are determined by the Operator or physician to be a safety hazard to others.

(d) Centrally stored medications shall be:

1. Kept in a locked cabinet or container, and refrigerated, if required
2. Accessible only to the authorized Staff responsible for distribution of medication
3. Located in an area free from dampness and abnormal temperatures.

(e) Each container of medication shall be labeled according to state law, and shall include the name of the person for whom it is prescribed, the name of the drug, and instructions for use.

(i) The container of centrally stored medication shall be given to the Participant for whom it is prescribed, at the time indicated by the prescription, for the Participant to take as prescribed.

(j) In no instance shall a medication prescribed for one person be taken by any other person.

Interpretive Guideline

Observe the central storage of medications to determine if they are stored appropriately.

Interview staff about medication storage.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 40 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0604 - Medication Std

Title Medication Std

Type Rule

59A-16.109(12)(f)

Regulation Definition

- (f) No person other than the dispensing pharmacist shall:
1. Alter the prescription labelm
 2. Transfer medication from one storage container to another.

Interpretive Guideline

Surveyor Probes:

Observe medication containers to ensure they appear to be original pharmacy containers.

ST - D0605 - Medication Std

Title Medication Std

Type Rule

59A-16.109(12)(g)

Regulation Definition

- (g) Prescription medications which are not taken with the person upon discharge shall be destroyed or disposed of by the Operator or designee in the presence of one other Staff member.

Interpretive Guideline

Surveyor Probes:

Review records of participants who have been discharged for notation of drug disposition in their file . Examine medication cabinets for drugs prescribed for participants that have been discharged.

ST - D0606 - Medication Std

Title Medication Std

Type Rule

59A-16.109(12)(h)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 41 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Regulation Definition

(h) There shall be a Staff person available at all times who has access to the centrally stored medications and is responsible for the distribution thereof.

Interpretive Guideline

ST - D0700 - Planned Activities

Title Planned Activities

Type Rule

59A-16.104(1-2); 59A-16.109(9)

Regulation Definition

59A-16.104

(1) Each Center shall offer a planned program of varied activities and services promoting and maintaining the health of Participants and encouraging leisure activities. Opportunities for interaction and communication among Participants shall be available on a daily basis at each Center in order to enhance the Participant's well-being and to maximize individual functioning. Such activities and services shall be available during at least 60 percent of the time the Center is open to Participants and shall be documented in accordance with subsection (5).

(2) The Center shall make available Basic Services as defined in section 429.901(3), F.S., and rule 59A-16.105, F.A.C., and may make available other Supportive and Optional Services.

59A-16.109

(9) Recreation and leisure time areas shall be provided where a Participant may read and engage in socialization or other leisure time activities. The recreation areas also may be utilized for dining areas.

Interpretive Guideline

Surveyor Probes:

Observe center activities. Interview participants and staff to verify that activities are taking place and that there are areas of the Center for participants to engage in socialization or other activities of their choice.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 42 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0701 - Activity Schedule

Title Activity Schedule

Type Rule

59A-16.104(5)

Regulation Definition

(5) A monthly schedule of daily activities shall be maintained on a current basis and displayed in a conspicuous place.

Interpretive Guideline

Verify that the center has an up-to-date activities calendar. Observe center activities. Interview participants and staff to verify that scheduled activities are taking place.

ST - D0702 - Consultation and Referral Services

Title Consultation and Referral Services

Type Rule

59A-16.104(3-4)

Regulation Definition

(3) The Center shall provide for family consultation or referral service to community agencies, clinics, or physicians when the Participant or family is observed to be in need of intensive counseling, health, or mental health services.

(4) There shall be a written description of the range of services to be provided to Participants.

Interpretive Guideline

Surveyor Probes:

Interview staff for understanding of procedures for consultation and referral services.

Review the written description of the range of services provided to Participants.

ST - D0703 - Supportive and Optional Services

Title Supportive and Optional Services

Type Rule

59A-16.106(1)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 43 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Regulation Definition

In addition to the minimum Basic Services, the Center may choose to provide Supportive and Optional Services. If provided, such services must be administered by Staff qualified to provide such services and within the criteria established by relevant Florida Statutes. The following are examples of such services:

(1) Health or social services such as assessment, counseling, treatment and referral.

Interpretive Guideline

Does the Center offer Supportive and Optional Services? If so, are the staff administering the services qualified to do so?

Review staff qualifications.
Interview staff about their qualifications.

ST - D0704 - Therapy

Title Therapy

Type Rule

59A-16.106(2-4)

Regulation Definition

(2) Speech therapy provided by or under the supervision of an individual licensed under chapter 468, part I, F.S., who has a certification of clinical competence from the American Speech and Hearing Association, and who has completed the equivalent education requirements and work experience necessary for certification, or who has completed the academic program and is acquiring supervised work experience to qualify for the certificate. Progress notes shall be maintained and must be written in the Participant's File and signed by the speech therapist as services are provided.

(3) Physical therapy must be provided by, or under the supervision of, an individual who is a graduate of a program of physical therapy approved by both the Council on Medical Education of the American Medical Association and the American Therapy Association, or the equivalent, and licensed by the State. Progress notes shall be maintained and must be written in the Participant's File and signed by the physical

Interpretive Guideline

Surveyor Probes:

Review license(s) or certification(s) or registration(s).

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 44 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

therapist as services are provided.

(4) Occupational therapy as an adjunct to treatment of persons with physical and mental limitations must be provided by, or under the supervision of, an individual who is registered by the American Occupational Therapy Association; or a graduate of a program approved by the Council on Medical Education of the American Medical Association and engaged in the supplemental clinical experience required before registration by the American Occupational Therapy Association. Progress notes shall be written in the Participant's File and signed by the occupational therapist as services are provided.

ST - D0705 - Particip. Svcs Std

Title Particip. Svcs Std

Type Rule

59A-16.106(6)(a-b)

Regulation Definition

(6) Adult day health care services for disabled adults or aged persons, provided the Center complies with the following:

(a) Make services available for a minimum of five hours per day five days per week, excluding legal holidays as posted by the facility. For purposes of this subsection, legal holiday shall mean any day which, by the laws of this state or the United States, is designated or recognized as a legal or public holiday or any day on which businesses or institutions are customarily closed.

(b) Provide or coordinate, in addition to the Basic Services specified in rule 59A-16.105, F.A.C., and Supportive and Optional Services, pursuant to subsections (1), (2), (3), (4) and (5), the following adult day health care services:

1. Medical screening emphasizing prevention and continuity of care which includes routine blood pressure checks or blood glucose diabetic maintenance checks,

Interpretive Guideline

Interview staff about health care services provided at the Center. Are the required components of this regulation being provided?

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 45 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

2. Nursing services including a configuration of services at different levels of intensity as determined by the nursing assessment, Participant Care Plan, and physician's orders.

Services shall include:

- a. Health education and counseling including nutritional advice, liaison with the Participant's personal physician, and notification of the Participant's physician, as well as the caregiver or family of any changes in the Participant's health status,
- b. Coordination of the provision of other health services provided outside the Center,
- c. Supervision of health services provided by program aides.

3. Social services including: counseling for Participants' families and caregivers; compilation of a social history and psychosocial assessment of formal and informal support systems; mental and emotional status; caregiver data; information on planning for discharge; and referral for persons not appropriate for adult day care.

4. Additional medical services such as dental, ophthalmological, optometric, hearing aid, or laboratory services.

5. Transportation Services to and from the adult day health care services.

ST - D0706 - Particip. Svcs Std

Title Particip. Svcs Std

Type Rule

59A-16.106(6)(d)

Regulation Definition

(d) Documentation of services provided under this section must be in the Participant Care Plan and stored in the Participant File. Participant Care Plans must be reviewed at least quarterly by a multidisciplinary team. At a minimum,

Interpretive Guideline

Review participant care plans to ensure they are being reviewed quarterly. Do the care plans include notes on nursing, social work and activities? Is the participant progress noted?

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 46 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

narrative nursing, social work, and activity notes must be entered in the participant's record quarterly, indicating the Participant's progress toward achieving health goals. More frequent notes are required if indicated by the Participant's condition.

ST - D0707 - Specialized Alzheimer's Services Req.

Title Specialized Alzheimer's Services Req.

Type Rule

429.918(4)

Regulation Definition

(4) To obtain or maintain the designation under this section, an adult day care center must:

- (a) Have a mission statement that includes a commitment to providing dementia-specific services and disclose in the center's advertisements or in a separate document, which must be made available to the public upon request, the services that distinguish the care as being suitable for a person who has Alzheimer's disease or a dementia-related disorder.
- (b) Provide ADRD participants with a program for dementia-specific, therapeutic activities, including, but not limited to, physical, cognitive, and social activities appropriate for the ADRD participant's age, culture, and level of function.
- (c) Maintain at all times a minimum staff-to-participant ratio of one staff member who provides direct services for every five ADRD participants.
- (d) Provide ADRD participants with a program for therapeutic activity at least 70 percent of the time that the center is open.
- (e) Provide ADRD participants with hands-on assistance with activities of daily living, inclusive of the provision of urinary and bowel incontinence care.
- (f) Use assessment tools that identify the ADRD participant's cognitive deficits and identify the specialized and

Interpretive Guideline

Does the Center offer Specialized ADRD Services? If so, observe participants with ADRD to ensure staff are meeting the specialized requirements.

Review participant records to ensure required documentation is included in the record.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 47 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

individualized needs of the ADRD participant and the caregiver. This assessment shall be conducted when the ADRD participant is initially admitted into the center and shall be updated when the ADRD participant experiences a significant change, but no less frequently than annually.

(g) Create an individualized plan of care for each ADRD participant which addresses the identified, dementia-specific needs of the ADRD participant and the caregiver. The plan of care shall be established when the ADRD participant is initially admitted into the center and reviewed at least quarterly.

(h) Conduct a monthly health assessment of each ADRD participant which includes, but is not limited to, the ADRD participant's weight, vital signs, and level of assistance needed with activities of daily living.

(i) Complete a monthly update in each ADRD participant's file regarding the ADRD participant's status or progress toward meeting the goals indicated on the individualized plan of care.

(j) Assist in the referral or coordination of other dementia-specific services and resources needed by the ADRD participant or the caregiver, such as medical services, counseling, medical planning, legal planning, financial planning, safety and security planning, disaster planning, driving assessment, transportation coordination, or wandering prevention.

(k) Offer, facilitate, or provide referrals to a support group for persons who are caregivers to ADRD participants.

(l) Provide dementia-specific educational materials regularly to ADRD participants, as appropriate, and their caregivers.

(m) Routinely conduct and document a count of all ADRD participants present in the center throughout each day. This count must be compared to each ADRD participant's attendance record in order to ensure that an ADRD participant is not missing from the center.

(n) Be a secured unit or have working alarm or security

**Agency for Health Care Administration
ASPEN: Regulation Set (RS)**

Printed 05/24/2024

Page 48 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

devices installed on every door that is accessible to the ADRD participant and provides egress from the center or areas of the center designated for the provision of adult day care - specialized Alzheimer's services.

(o) Not allow an ADRD participant to administer his or her own medication.

(p) Condition the ADRD participant's eligibility for admission on whether the ADRD participant has a coordinated mode of transportation to and from the adult day care center, to ensure that the participant does not drive to or from the center.

ST - D0708 - Alzheimer's Services

Title Alzheimer's Services

Type Rule

429.918(3)(a)

Regulation Definition

The adult day care center must notify the agency at least 30 days prior to initial licensure under s. 429.907 or, if already licensed, at least 6 months prior to the expiration of a license issued under s. 429.907, that the adult day care center is seeking a designation as a specialized Alzheimer's services adult day care center.

Interpretive Guideline

Observe participants for appropriateness for daycare setting.

ST - D0709 - Nursing staff Requirements

Title Nursing staff Requirements

Type Rule

429.918(6)(a)

Regulation Definition

(6) An adult day care center having a license designated under

Interpretive Guideline

Surveyor Probes:

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 49 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

this section must provide the following staff training and supervision:

Review the nurse credentials and facility schedule.

(a) A registered nurse or licensed practical nurse must be on site daily for at least 75 percent of the time that the center is open to ADRD participants. Each licensed practical nurse who works at the center must be supervised in accordance with chapter 464.

ST - D0800 - Basic Services

Title Basic Services

Type Rule

59A-16.105(1)(a-e)

Regulation Definition

(1) To be licensed as an Adult Day Care Center, the following minimum Basic Services shall be provided:

(a) A protective environment that promotes a non-institutional atmosphere where supervision for the health, safety and well-being of adults who have Functional Impairments is provided;

(b) A variety of therapeutic, social and health activities and services which help to restore, remediate, or maintain optimal functioning of the Participants and to increase interaction with others. Examples of such programs include exercise, health screening, health education, interpersonal communication, and behavior modification;

(c) Leisure-time activities or spectator or Participant programs designed to assist Participants' self-expression, enhance self-esteem and provide mental stimulation or social participation. Examples of such programs include opportunities for arts and crafts; daily exercise as can be tolerated by the Participant or as prescribed by the Participant's physician; development of hobbies; excursions or outings to points of interest to the Participants; and other

Interpretive Guideline

Observe participants to determine basic services are being provided.

Interview staff about what basic services are provided.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 50 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

outside activities which may include picnics and cookouts;
(d) Self-care training activities designed to assist Adults with Functional Impairments to restore or maintain the ability to perform Activities of Daily Living;
(e) Rest or period of relaxation or inactivity during the day, that meets the needs of the individual Participants;

ST - D0801 - Food Service

Title Food Service

Type Rule

59A-16.105(2)(b) & (d)4

Regulation Definition

(b) The Dietary Reference Intakes Requirement shall be met by offering a variety of foods adapted to the food habits, preferences, and physical abilities of the Participants and shall be prepared using standardized recipes. A copy of the DGAs, which are hereby incorporated by reference, shall be available at no cost by writing to the Department of Elder Affairs, 4040 Esplanade Way, Tallahassee, Florida 32399-7000 or at: <http://www.flrules.org/Gateway/reference.asp?No=Ref-05616>.

(d) When food service is provided by the Center, the following requirements shall be met:

(4)4. Menus not approved by or meeting the requirements of Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be reviewed by a registered or Florida licensed dietitian or a dietetic technician supervised by a registered or Florida licensed dietitian to ensure that the menus are commensurate with the Dietary Reference Intakes as referenced in the DGA, adjusted for age, sex and activity. Documentation of review of the menus shall be maintained in the Center files and shall include the signature and registration or license number of the reviewer and date reviewed. Menus

Interpretive Guideline

The most recent Food Service inspection report(s) should be on file or posted within the center. If deficiencies were cited, the facility should have a copy of an inspection report verifying correction of deficiencies.

Surveyor Probes:

Examine menus to determine if requirements are satisfied.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 51 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

shall be kept on file for one year and shall be accessible to Participants and families of Participants.

ST - D0802 - Nutrition/Diet. Std

Title Nutrition/Diet. Std

Type Rule

59A-16.105(1)(f-g) & (2)(a)(d)

Regulation Definition

59A-16.105(1)

(f) Nutritional services or food provided or prepared in a central location in a Center or by formal agreement with a third party; the activities performed and the resources utilized in the planning, processing, preparing, and serving of meals or snacks; nutritional education; and nutritional counseling.

(g) In-facility Respite Care for Adults with Functional Impairments for the purpose of relieving the primary caregiver.

59A-16.105(2)

To be licensed as an Adult Day Care Center, the following nutrition services shall be provided by the Center:

(a) Participants attending or in transit to the Center for four or more hours daily shall be served a meal which shall adhere to the U.S. Department of Health and Human Services and U.S. Department of Agriculture's Dietary Guidelines for Americans 2010 (DGAs) and provides at least one-third of the Dietary Reference Intakes as referenced in the DGAs, adjusted for age, sex and activity. Modified diets, if required, shall meet these nutritional standards to the extent medically possible. Menus approved and provided by Title III-C of the Older Americans Act or the Adult Care Food Program of USDA shall be evidence of meeting the one-third of the Dietary Reference Intakes requirement.

Interpretive Guideline

Surveyor Probes:

Determine meal times by observing a meal and by asking participants.

Observe any meals provided by the Center to ensure the food is stored and served in a safe and sanitary manner.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 52 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

(d) When food service is provided by the Center, the following requirements shall be met:

1. The Owner or Operator or person designated by the Owner or Operator shall be responsible for the total food service and the day-to-day supervision of food services Staff.
2. The Owner or Operator shall be responsible for: coordinating food services with other services; developing work assignments; purchasing food; and orienting, training and supervising food service employees.
3. The Owner or Operator or the person designated by the Owner or Operator as responsible for food service shall perform their duties in a safe and sanitary manner, be knowledgeable of foods that meet regular diet requirements, participate in on-going orientation and training, and participate in biennial in-service provided by a registered dietitian.

ST - D0803 - Snack Requirement

Title Snack Requirement

Type Rule

59A-16.105(2)(c)

Regulation Definition

(c) Participants in the Center three hours before the noon meal or two hours after the noon meal, must be provided a snack consisting of at least two servings from the following four food groups: milk, bread or bread alternate, meat or meat alternate, and vegetables or fruits.

Interpretive Guideline

Surveyor Probes:

Determine snack time by observing snack interval and by asking participants.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 53 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0804 - Kitchen Assignments

Title Kitchen Assignments

Type Rule

59A-16.105(2)(f)

Regulation Definition

(f) Duty Assignments for the people designated by the Owner or Operator as responsible for food service shall be posted in the kitchen area in Centers having five or more food service Staff.

Interpretive Guideline

Surveyor Probes:

Check to see where duty assignments are posted; review against what the employees are doing to see if they are valid.

ST - D0805 - Catered Food

Title Catered Food

Type Rule

59A-16.105(2)(e)

Regulation Definition

(e) If food is catered from outside sources, no warewashing may take place on-site. Catered food, once delivered to an Adult Day Care Center, must be adequately protected. In order to provide catered meals through a third party, there must be a formal contract between the Center and the third party provider containing assurances that the provider will meet all food service and dietary standards.

Interpretive Guideline

Surveyor Probes:

Is there a formal contract between the center and the food service provider?

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 54 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D0806 - Modified diets

Title Modified diets

Type Rule

59A-16.106(5)

Regulation Definition

(5) Modified diets or diets based on the normal diet and designed to meet the requirements of a given situation such as altering individual nutrients, caloric values, consistency, flavor, techniques of service or preparation, content of specific foods, or a combination of these factors, may be provided as an optional service. When modified diets are provided, a physician's written or documented oral order for each Participant receiving a modified diet shall be on file. A menu including types and amounts of food to serve will be on file in the food service area. Diets shall be prepared and served as ordered by the physician.

Interpretive Guideline

Surveyor Probes:

Review participant files for physician diet orders.

Interview food service personnel to see if they are aware of the diet order.

Observe food being prepared to see if it matches the diet that has been ordered.

Modified diets are an optional service. However, if ordered by a physician and provided by the center, all requirements must be met.

ST - D0900 - MAINTENANCE AND HOUSEKEEPING STANDARD

Title MAINTENANCE AND HOUSEKEEPING STANDARD

Type Rule

59A-16.109(14-15)

Regulation Definition

(14) Furniture to be used by Participants shall be sturdy, clean, comfortable and in good repair.

(15) Every Center shall be maintained for the comfort and safety of the Participants and shall have an effective written maintenance plan that ensures preventive maintenance as well as immediate attention to and correction of hazardous or

Interpretive Guideline

Surveyor Probes:

Review maintenance plan for verification of written policy and procedures.

Observation through tour of interior and exterior and participant interviews.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 55 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

potentially hazardous conditions. The plan shall provide for:

(a) Keeping the building in good repair and free of hazards such as: cracks in floors, walls, or ceilings; warped or loose boards, tile, linoleum, handrails or railings; broken window panes; and any similar hazards.

(b) Keeping all heating, air conditioning, electrical, mechanical, water supply, fire protection and sewage disposal systems in a safe and functioning condition. Electrical wiring cords and appliances shall be maintained in a safe condition. Emergency generators, where existing, shall be tested monthly.

(c) Keeping all plumbing fixtures in good repair, properly functioning and satisfactorily provided with protection to prevent infiltration and contamination of the water supply.

(d) Painting the interior and exterior of the building as needed to keep it reasonably attractive. Loose, cracked or peeling wallpaper or paint shall be promptly replaced or repaired to provide a satisfactory finish.

(e) Keeping all furniture and furnishings clean and in good repair.

(f) Keeping the grounds and buildings in a safe, sanitary and presentable condition. Grounds and buildings shall be kept free from refuse, litter, and insect and rodent breeding areas.

ST - D1000 - PHYSICAL PLANT STANDARD

Title PHYSICAL PLANT STANDARD

Type Rule

59A-16.109(10)

Regulation Definition

(10) All areas used by Participants shall be suitably lighted and ventilated and maintained at a minimum inside temperature of 72 degrees Fahrenheit, when outside temperatures are 65 degrees Fahrenheit or below, and all areas

Interpretive Guideline

Surveyor Probes:

Tour facility and interview participants about the comfort level. Complaints may warrant further investigation.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 56 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

used by Participants must not exceed 90 degrees Fahrenheit. Mechanical cooling devices must be provided when indoor temperatures exceed 84 degrees Fahrenheit. The facility shall have a thermometer which accurately identifies the temperature.

ST - D1001 - Net Floor Space

Title Net Floor Space

Type Rule

59A-16.109(1-3)

Regulation Definition

(1) The Center shall provide adequate, safe and sanitary facilities appropriate for the services provided by the Center and for the needs of the Participants. All Centers receiving federal funds shall meet regulations for access to the handicapped in compliance with the Americans With Disabilities Act of 1990.

(2) The Participant Capacity shall be determined by the total amount of Net Floor Space available for all of the Participants. Centers licensed prior to the effective date of this rule shall provide 30 square feet of net floor area per Participant. For Centers initially licensed after November 9, 1995, there shall not be less than 45 square feet of net floor area per Participant. Centers shall be required to provide additional floor space for special target populations to accommodate activities required by Participant care plans. A change in space usage that increases or decreases the Participant Capacity must continue to comply with all requirements of part III of chapter 429, F.S., and this rule.

(3) The Participant Capacity of facilities that are exempt from licensure as an Adult Day Care Center pursuant to section 429.905, F.S., shall be determined by the total amount of Congregate Space available to the Participants. Such Facilities

Interpretive Guideline

Surveyor Probes:

Review center floor plan with square footage measurement. If in doubt measure.
Length (Inches) x Width (inches)= total (inches) /144= total /35

$245 \times 287 = 70315 / 144 = 488 / 35 = 35$ participants

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 57 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

shall utilize separate space over and above the minimum requirement needed to meet their own licensure certification approval requirements.

ST - D1002 - Bathrooms

Title Bathrooms

Type Rule

59A-16.109(8)

Regulation Definition

(8) Bathrooms shall be ventilated and have hot and cold running water, supplying hot water at a minimum of 105 degrees Fahrenheit and a maximum of 115 degrees Fahrenheit. Facilities licensed prior to the effective date of this rule are exempt from the requirement for hot running water only.

Interpretive Guideline

ST - D1003 - Laundry

Title Laundry

Type Rule

59A-16.109(13)

Regulation Definition

(13) Centers that provide their own laundry services shall have a sufficient area and the appropriate equipment for the laundry to be processed by the Center.

Interpretive Guideline

Surveyor Probes:

During the tour and interviews, question participants regarding laundry procedures, complaints, etc.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 58 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D1004 - Resting Space

Title Resting Space

Type Rule

59A-16.109(7)

Regulation Definition

(7) Each Participant shall be provided with adequately padded, clean, comfortable seating, with support meeting the needs of each Participant. Rest areas shall be provided for at least one-fourth of the Participants who are present for four or more hours a day, or as needed by the Participants. Seating options may include:

- (a) Bed and mattress, or
- (b) Recliner, or
- (c) Sofa, or
- (d) Chair with back and arm support.

Interpretive Guideline

Surveyor Probes:

During the tour, determine if rest areas are available for participants.

ST - D1005 - Fire safety protection

Title Fire safety protection

Type Rule

59A-16.107(11)

Regulation Definition

(11) Fire safety protection shall be governed by the local fire code applicable to Adult Day Care Centers. In areas where no local fire code applies, the standards contained in chapter 69A-40, F.A.C., Uniform Fire Safety Standards for Assisted Living Facilities, may be used to determine compliance with fire safety standards. In every instance, a Center shall comply with local and state standards before a license may be issued.

Interpretive Guideline

Surveyor Probes:

Review the latest fire safety inspection to ensure the center has received a satisfactory inspection.

Review the records of each fire drill to ensure the fire drills are being conducted as required.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 59 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

- (a) A fire evacuation drill shall be conducted once a month for the Staff and once every three months for Participants;
- (b) A written record of each fire drill, indicating the date, hour and general description of each drill, the extent of Staff involvement, and the name of the person in charge shall be maintained and available for review;
- (c) Evacuation routes shall be posted conspicuously in the Center.

ST - D1006 - Center Requirements

Title Center Requirements

Type Rule

59A-16.109(5); 59A-16.102(1)(b)

Regulation Definition

59A-16.109

(5) Center facilities shall consist of, but not be limited to, the following:

- (a) Bathrooms;
- (b) Dining areas;
- (c) Kitchen areas;
- (d) Rest areas; and,
- (e) Recreation and leisure time areas.

59A-16.102

(1)(b) Provision is made for a safe physical plant equipped and staffed to maintain the Center and services provided as defined in this rule chapter.

Interpretive Guideline

Tour the Center to ensure the physical plant meets the requirements.

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 60 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

ST - D1007 - Private Areas

Title Private Areas

Type Rule

59A-16.109(6)

Regulation Definition

(6) A private area shall be available for the provision of first aid, special care and counseling services when provided, or as necessary for other services required by Participants. This area shall be appropriately furnished and equipped.

Interpretive Guideline

Observe the Center for a private area for participants receiving special care.

ST - D1008 - Storage

Title Storage

Type Rule

59A-16.109(12)

Regulation Definition

(12) Medicines, cleaning supplies, flammables and other potentially poisonous or dangerous supplies shall be stored out of the Participant's reach, and in such manner as to ensure the safety of Participants.

Interpretive Guideline

Observe the storage of medication, cleaning supplies and flammables to ensure they are stored appropriately.

ST - D1009 - Physical Plant Maintenance

Title Physical Plant Maintenance

Type Rule

59A-16.109(4)

Agency for Health Care Administration
ASPEN: Regulation Set (RS)

Printed 05/24/2024

Page 61 of 61

Aspen State Regulation Set: D 2.08 Adult Day Care Center

Regulation Definition

(4) The Center shall have available and shall make accessible to the Agency written policies and procedures for the cleaning of the physical plant and equipment and for the maintenance of such.

Interpretive Guideline

Review policies and procedures for cleaning and maintenance of the physical plant and equipment.

Interview staff.