

TITLE 175 - HEALTH CARE FACILITIES AND SERVICES LICENSURE

CHAPTER 5 - ADULT DAY SERVICES

001. SCOPE AND AUTHORITY. These regulations govern licensing of adult day services under the Health Care Facility Licensure Act, Nebraska Revised Statutes (Neb. Rev. Stat.) §§ 71-401 to 71-479. These regulations do not apply to adult day services provided in a licensed health care facility to consumers of that licensed facility.

002. DEFINITIONS. The definitions in the Health Care Facility Licensure Act, in 175 Nebraska Administrative Code (NAC) 1, and the following apply to this chapter.

002.01 ABUSE. Any knowing, intentional, or negligent act or omission on the part of a person which results in physical, sexual, verbal, or mental abuse, unreasonable confinement, cruel punishment, exploitation, or denial of care, treatment, or services to a consumer.

002.02 AGREEMENT OF PARTICIPATION. A written agreement negotiated between the adult day service and the consumer served or designee.

002.03 CAREGIVER. For the purpose of this chapter, has the same meaning as caretaker found in Neb. Rev. Stat. § 71-6721.

002.04 COMMUNITY-BASED. Serving consumers at a defined location outside of the consumer's home or a health care facility not licensed as an adult day service.

002.05 DEVICE. An instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is prescribed by a medical practitioner and dispensed by a pharmacist or other person authorized by law to do so.

002.06 EVALUATION. A written action plan based on the identified needs of the consumer and the strategy for providing care to meet those needs.

002.07 EXPLOITATION. The taking of property of a consumer by means of undue influence, breach of a fiduciary relationship, deception, or extortion or by any unlawful means.

002.08 FOOD CODE. As defined in Neb. Rev. Stat. § 81-2,244.01 and as published by the Nebraska Department of Agriculture, except for compliance and enforcement provisions.

002.09 FUNCTIONAL IMPAIRMENT. A condition marked by physical disabilities such as sensory loss, loss of mobility, incontinence, loss of speech, and mental or emotional disabilities such as social isolation, depression, or behavioral disorders.

002.10 MENTAL ABUSE. Humiliation, harassment, threats of punishment or deprivation, or other actions causing mental anguish.

002.11 NEGLECT. A failure to provide care, treatment, or services necessary to avoid physical harm or mental anguish of a consumer.

002.12 PHYSICAL ABUSE. Hitting, slapping, pinching, kicking, or other actions causing injury to the body.

002.13 SERVICE PLAN. A written action plan based on evaluation and assessment data that identifies the consumer's needs and the strategy for addressing care, treatment, and services to meet those needs within the scope of the adult day service.

002.14 SEXUAL ABUSE. Sexual harassment, sexual coercion, or sexual assault.

002.15 SOCIAL SERVICES. Those activities that assist the consumer in carrying out their therapeutic activities as outlined in their agreement of participation.

002.16 SUPERVISION. The daily observation and monitoring of the consumer by direct care staff and oversight of staff by the administrator or administrator's designee.

002.17 SUPPORTIVE SERVICES. Services which support personal care, provision of medications, activities of daily living, and health maintenance activities.

002.18 THERAPEUTIC ACTIVITY. A professionally directed set of actions designed to improve, maintain, or lessen the decline of physical, cognitive, or social functioning.

002.19 VERBAL ABUSE. The use of oral, written, or gestured language including disparaging or derogatory terms to consumers or within hearing distance of the consumer or within the consumer's sight.

002.20 5 RIGHTS. The meaning found in Neb. Rev. Stat. § 71-6721.

003. LICENSING REQUIREMENTS. For all applications for initial licensure, renewal and reinstatement, an applicant or licensee must meet all requirements at 175 NAC 1-003, must meet the setting requirements as shown below, and must include the licensure fees as shown below.

003.01 ADULT DAY SERVICE SETTINGS. Adult day services may be provided in the following settings:

003.01(A) FREE-STANDING ADULT DAY SERVICE. An adult day service license is required when 4 or more persons are receiving adult day services in a location that is not licensed as another type of health care facility.

003.01(B) ADULT DAY SERVICE IN A LICENSED HEALTH CARE FACILITY. A separate adult day service license is required when a licensed facility provides adult day services to 4 or more consumers who do not reside at the licensed health care facility. The adult day service must have separate identifiable space available for adult day service activities during the hours adult day services are provided.

003.02 INITIAL AND RENEWAL LICENSURE FEES. The following fees apply:

- (A) Programs with license capacity of 4-16 \$200
- (B) Programs with license capacity of 17-50 \$250
- (C) Programs with license capacity of 51 and up \$300

004. INSPECTIONS. The adult day service must meet all inspection requirements shown at 175 NAC 1-004. Reserved for future use.

005. GENERAL REQUIREMENTS. The following requirements are applicable to all licensees.

005.01 NOTIFICATIONS. The licensee must:

- (A) Meet notification requirements at 175 NAC 1-005.01 (A), (D), (E), (F), (G)(i) through (G)(v); and
- (B) Notify the Department in writing at least 30 working days before the facility would like to increase their license capacity, would like a change in the building, would like a change in location, or would like a change in the usage of the building.

005.02 EFFECTIVE DATE AND TERM OF LICENSE. The adult day service license expires on July 31 of each year.

005.03 CHANGE OF OWNERSHIP. Change of ownership or premises terminates the license. If there is a change of ownership and the adult day service remains on the same premises, the inspection in 175 NAC 1-004 and 175 NAC 5-004 is not required. If the adult day service changes premises, it must pass the inspection specified in 175 NAC 1-004 and 175 NAC 5-004.

005.04 OCCUPANCY. The adult day service must not serve more consumers at 1 time than the maximum occupancy for which the adult day service is licensed.

006. CONSTRUCTION. In new construction, the licensee must:

- (A) Provide a conveniently located sink for soaking and hand washing of laundry, when laundry services are provided on-site at the adult day service; and
- (B) Locate toilet rooms no more than 40 feet from program and activity areas.

007. PHYSICAL PLANT. When an adult day service is located in a licensed health care facility or shares space with another entity, the licensee must

ensure the adult day service has a unique physical address to ensure mail is secured against unauthorized access and must ensure a separate entrance to the adult day service space to ensure verbal communications are protected against unauthorized access. A licensee must maintain the facility it operates in a manner that is safe, clean, and functional and meets the requirements in this chapter.

007.01 LINENS. The licensee must provide a supply of clean linens and maintain all linens in good repair. The licensee must implement procedures for the storage and handling of soiled and clean linens.

007.02 DIETARY. If food preparation is provided on site, there must be dedicated space and equipment for the preparation and serving of meals. Such food preparation, serving, physical environment, and equipment must comply with the Food Code.

007.03 DESIGNED AND EQUIPPED. A site must be designed to meet the needs of consumers served. The licensee service must consider factors such as appropriate and sufficient space, accessibility, equipment, furnishings, lighting, noise control, room temperatures, and ventilation. The licensee must implement a written process for routine and preventative maintenance of equipment, fixtures, and furnishings to assure each are safe for use by staff and consumers and function in accordance with manufacturer's recommendations.

007.04 LAUNDRY. If laundry services are provided, these services may be provided by contract or on-site by the adult day service.

007.04(A) CONTRACT. If contractual laundry services are used, areas for soiled linen awaiting pickup and separate areas for storage and distribution of clean linen must be provided and used.

007.04(B) ON-SITE. If on-site laundry services are provided, areas dedicated to laundry that include a washer and dryer must be provided and used.

007.05 CONSUMER LIVING AREAS. Living areas must have chairs, sofas, tables, and storage items that are comfortable and reflective of individual needs. A garage, barn, shed, or similar structure cannot be used as a consumer living area.

007.06 DINING AREAS. Space for dining, socialization, and leisure activities must be provided. Dining areas must:

- (A) Have tables and chairs that meet the consumers' needs;
- (B) Not be used for sleeping, offices, or as a corridor; and
- (C) Be arranged so that all consumers are able to eat meals at an appropriate time by having:

- (i) All consumers eat at the same time;
 - (ii) Consumers eat in different shifts; or
 - (iii) Open times for consumer meals.

007.07 ACTIVITY AREAS. The activity areas must:

- (A) Have furnishings to accommodate group and individual activities;
- (B) Not be used for sleeping, offices, or as a corridor; and
- (C) Be available to all consumers.

007.08 TOILET ROOMS. 1 toilet fixture for every 10 consumers must be provided. Hand washing sinks must be located near the toilet fixtures.

007.09 SLEEPING AREAS. The licensee must provide adult day services for a period of less than 24 consecutive hours. If consumers are served overnight, the adult day service must provide a sleeping area which affords privacy, provides access to furniture, and accommodates the care, treatment and services provided to the consumers. Sleeping rooms must:

- (A) Not be located in a garage, storage area, shed, or similar detached buildings; and
- (B) Not be accessed through a bathroom, food preparation area, laundry, or bedroom.

007.10 CONSUMER STORAGE. Storage for consumers' belongings must be provided.

007.11 DOORS. Doors must be wide enough to allow passage and be equipped for privacy, safety, and with assistive devices to minimize consumer injury, including the following:

- (A) Toilet and bathing room doors must provide privacy yet not create seclusion or prohibit staff access for routine or emergency care; and
- (B) The door of a toilet or bathing room with less than 50 square feet of clear floor area and dedicated to consumer use must not swing inward.

007.12 BATHING ROOMS. If the licensee provides bathing services, the bathing room must have a tub or shower. Tubs and showers used by consumers must be equipped with handgrips or other assistive devices as needed by the consumer. The bathing room must not open directly into a dining or kitchen area.

007.13 ADDITIONAL SERVICES. If the licensee provides additional medical or therapy services, there must be space provided to assure privacy and appropriate care.

007.14 OUTDOOR AREAS. When the licensee provides an outdoor area for consumer use, it must be equipped and situated to allow for consumer safety and abilities.

008. RECORDKEEPING. When an adult day service is located in a licensed health care facility or shares space with another entity, the licensee must ensure all adult day service records are maintained at the unique physical address shown on the active adult day service license and must prevent unauthorized access to such records by other entities sharing the space.

009. ENVIRONMENTAL SERVICES. The licensee must implement a written process for routine and preventative maintenance of equipment and furnishings to ensure the equipment and furnishings are safe and function to meet the intended use.

010. STANDARDS OF OPERATION AND CARE. All licensees must meet the following requirements.

010.01 LICENSEE. The licensee is responsible for implementing written policies and procedures to ensure compliance with statutes and regulations as per 175 NAC 1, the Health Care Facility Licensure Act, and this chapter and is responsible for making such available to staff and consumers. The licensee's responsibilities include:

- (A) Ensure all services are provided in accordance with accepted standards of practice and oversee the management and fiscal affairs of the adult day service;
- (B) Ensure the quality of all care, treatment, and services provided to consumers, whether furnished by the adult day service staff or through contract with the adult day service;
- (C) Ensuring consumers are provided with a stable and supportive environment, through respect for the rights of consumers and responsiveness to consumer needs;
- (D) Ensuring that staff levels are sufficient to meet the consumers' needs;
- (E) Monitoring policies and procedures to assure the appropriate administration and management of the adult day service;
- (F) Designating an administrator who is responsible for the day-to-day management of the adult day service and defining the duties, qualifications, and responsibilities of the administrator in writing;
- (G) Establishing policies and procedures to implement its program description as described in 175 NAC 5;
- (H) Reviewing all elements of the program description as described in 175 NAC 5 at least annually and must include, in this review process, relevant findings from its quality assurance and improvement program for the purpose of improving consumer services and resolving problems in consumer care, treatment and services; and
- (I) Ensuring maintenance of documentation to demonstrate compliance with statutes and regulations as per 175 NAC 1, the Health Care Facility Licensure Act, and this chapter.

010.02 ADMINISTRATOR. In a free-standing adult day service site, the administrator or equally qualified back-up administrator must be onsite during the hours of operation. The administrator is responsible for planning, organizing, and directing the day-to-day operation of the adult day service. The administrator must report all matters related to the maintenance, operation, and management of the adult day service and be directly responsible to the licensee or to the person, or persons, delegated governing authority by the licensee. The administrator's responsibilities include:

- (A) Being responsible for the adult day service's compliance with rules and regulations;
- (B) Being responsible for the adult day service's promotion of consumer self-direction and participation in decisions which incorporate independence, individuality, privacy, and dignity;
- (C) Maintaining sufficient number of staff with appropriate training and skills to meet consumers' needs and to implement each consumer's agreement of participation and service plan;
- (D) Providing written personnel policies, job descriptions, and current service policies and procedures, all of which are consistent with prevailing professional and practice standards and that are made available to all personnel;
- (E) Maintaining personnel and administrative records;
- (F) Providing orientation for new staff, schedule in-service education programs and opportunities for continuing education for the staff;
- (G) Designating an equally qualified backup administrator to act in the administrator's absence who must be responsible for and accountable for management of the adult day service;
- (H) Monitoring that agreements of participation and service plans are established, implemented, and revised, as necessary, to meet the consumers' needs;
- (I) Monitoring staff, including contracted staff, identify and review incidents and accidents, consumer complaints and concerns, patterns, and trends in overall operation such as provisions of consumer care, treatment, and service, and take action to alleviate problems and prevent recurrence;
- (J) Developing procedures that require the reporting of any evidence of abuse, neglect or exploitation of any consumer served by the adult day service in accordance with Neb. Rev. Stat. § 28-372 of the Adult Protective Services Act or in the case of a person under the age of 18, in accordance with Neb. Rev. Stat. § 28-711;
- (K) Ensuring an investigation is completed on suspected abuse, neglect, exploitation, or misappropriation of money or property and take action to prevent recurrence until the investigation is completed;
- (L) Ensuring written policies, procedures and forms are individualized for the adult day service and contain effective dates and revisions dates;
- (M) Ensuring the adult day service maintains a copy of all active policies, procedures and forms which are available for staff use; and
- (N) Ensuring the adult day service maintains a copy of all inactive policies, procedures, and forms for a minimum of 7 years after the document becomes inactive.

010.03 STAFF REQUIREMENTS. The licensee must have staff with the required training and skills to provide care, treatment, and services in a safe and timely manner to meet each consumer's needs and to implement each consumer's agreement of participation and service plan.

010.03(A) EMPLOYMENT ELIGIBILITY. Each licensee must ensure and maintain evidence of the following:

010.03(A)(i) CRIMINAL BACKGROUND CHECKS. Complete pre-employment criminal background checks on each direct care staff member must be made through a governmental law enforcement agency or a private entity that maintains criminal background information.

010.03(A)(ii) REGISTRY CHECKS. Complete pre-employment checks on each direct care staff for adverse findings on the following Nebraska registries:

- (1) Nurse Aide Registry;
- (2) Adult Protective Services Central Registry;
- (3) Central Registry of Child Protection Cases; and
- (4) Sex Offender Registry.

010.03(A)(iii) HIRING DECISIONS. The licensee must:

- (1) Determine how to use the criminal background and registry information, except for the Sex Offender Registry and Nurse Aide Registry, in making hiring decisions;
- (2) Decide whether employment can begin prior to receiving the criminal background and registry information; and
- (3) Document any decision to hire a person with a criminal background or adverse registry findings, except for the Sex Offender Registry and the Nurse Aide Registry. The documentation must include the basis for the decision and how it will not pose a threat to consumer safety or consumer property.

010.03(A)(iv) ADVERSE FINDINGS. The licensee must not employ a person with adverse findings on the Sex Offender Registry or on the Nurse Aide Registry regarding consumer abuse, neglect, or misappropriation of property.

010.03(A)(v) HEALTH STATUS. The licensee:

- (1) Must complete a health screening for each staff person prior to having contact with clients and prior to beginning his or her job responsibilities; and
- (2) May, in its discretion, based on the health screening, require a staff person to have a physical examination.

010.03(B) STAFF TRAINING. Staff must have sufficient training to meet consumer needs for care, treatment, and services.

010.03(B)(i) ORIENTATION. The licensee must provide staff with orientation prior to staff having direct responsibility for care, treatment, or services to consumers. The training must include:

- (1) Job duties, qualifications, and responsibilities;
- (2) Consumer rights;
- (3) Consumers agreement of participation and service plan;

- (4) Infection control practices including hand washing techniques, personal hygiene, and disposal of infectious material;
- (5) Information on any physical and mental special care needs of the consumers;
- (6) Emergency procedures and information regarding advance directives;
- (7) Personnel policies and procedures;
- (8) Consumer policies and procedures;
- (9) Information on abuse, neglect, and misappropriation of money or property of a consumer and reporting procedures; and
- (10) Disaster preparedness plans.

010.03(B)(ii) ONGOING TRAINING. Ongoing and continuous in-services or continuing education must be provided for staff. The adult day service must maintain a record of such education, including the date of the training, the topic, and participants.

010.03(C) STAFFING RESOURCES. The licensee must ensure care, treatment, and services meet the needs of the consumer, be provided in a safe and timely manner, and in accordance with physician orders, and instructions and directions from the consumer and caregiver.

010.03(C)(i) SUPERVISION. The adult day service must establish and revise, as necessary, policies and procedures regarding appropriate consumer supervision.

010.03(D) EMPLOYMENT RECORD. A current employment record must be maintained for each staff person. The record must contain information on orientation, in-services, employment eligibility information, and health history screening.

010.04 CONSUMER RIGHTS. Each licensee must protect and promote each consumer's rights. This includes the establishment and enforcement of written policies and procedures to ensure the operations of the adult day service afford consumers the opportunity to exercise their rights. Each consumer must have the right to:

- (A) Respectful and safe care, treatment, and services by competent personnel;
- (B) Be free from abuse, neglect, exploitation, and to be treated with dignity;
- (C) Receive adult day services without discrimination based upon race, color, religion, sex, or national origin;
- (D) Confidentiality of all records, communications, and personal information, except as otherwise provided by law;
- (E) Be free of chemical and physical restraints;
- (F) Be informed of changes in agency policies, procedures, and charges for care, treatment, and services; and
- (G) Voice complaints or grievances and suggest changes without fear of reprisal.

010.05 DESIGNEE OR CAREGIVER RIGHTS. Each designee or caregiver must have the right to:

- (A) Be informed of any changes in the adult day service description;
- (B) Voice complaints without discrimination or reprisal against themselves or the consumer and have those complaints addressed;
- (C) Be informed of consumer and designee or caregiver rights during admittance; and
- (D) Be informed of changes in agency policies, procedures, and charges for care, treatment, and services.

010.06 DESIGNEE RIGHTS. Each designee must have the right to formulate advance directives and have the adult day service comply with the directives unless the adult day service notifies the designee of their inability to do so.

010.07 PROGRAM DESCRIPTION. The licensee must have a written program description available to staff, consumers, caregivers, designees, and members of the public that explains the range of adult day services that can be provided. The licensee will revise the program description, as necessary, to accurately reflect care, treatment, and services the adult day service is providing for consumers. The program description must include the following:

- (A) The goals and objectives of the licensee;
- (B) The hours and days when care, treatment or services are provided;
- (C) The description of the types of consumers to be served, including age, sex, care needs, and any other relevant characteristics;
- (D) The composition of staff and their qualifications;
- (E) The job responsibilities of staff;
- (F) The system used for the reporting, investigating, and resolving allegations of consumer abuse, neglect, and exploitation;
- (G) The description of planned activities provided for consumers by the adult day service. These planned activities must:
 - (i) Meet consumers' interests;
 - (ii) Promote consumers' physical, mental, and psychosocial wellbeing; and
 - (iii) Be ongoing;
- (H) The plan for providing emergency care, treatment, and services, including use of facility approved interventions to be used by staff in an emergency situation;
- (I) The admission and discharge criteria and process; and
- (J) The process for consumer's pre-admission, admission, and ongoing assessment to determine appropriateness for admission and to develop and update the consumer-specific agreement of participation and service plan.

010.08 ADMISSION, EVALUATION, ASSESSMENT, AND DISCHARGE OF CONSUMERS. The licensee must ensure a written, consumer-specific

agreement of participation and service plan is prepared after a consumer assessment is performed by a qualified staff member and before providing care, treatment, or services for the consumer.

010.08(A) ADMISSION CRITERIA AND DECISIONS. The licensee must have written criteria for admission of consumers that includes each level and components of care, treatment and services provided. The licensee must make the decision on whether to admit a consumer based upon the admission criteria and the licensee's capability to meet the identified needs of the consumer.

010.08(B) AGREEMENT OF PARTICIPATION. An agreement of participation must be negotiated with the consumer or designee. This agreement must be updated, as needed, to ensure it meets the consumers' needs. This agreement must meet the following requirements:

- (i) The service to be provided within the scope of the adult day service; and
- (ii) The responsibilities of the consumer or designee.

010.08(C) SERVICE PLAN. The licensee must evaluate each consumer, and when necessary, have the consumer assessed by a licensed professional of the appropriate discipline, and have a written service plan which identifies how care, treatment, and services are to be provided to the consumer by the licensee to meet the consumers' needs. The service plan must be updated, as needed, to ensure it meets the consumers' needs. The service plan must meet the requirements within the scope of the adult day service and address the following basic needs of the consumer:

- (i) Health;
- (ii) Psychosocial; and
- (iii) Functional.

010.08(D) DISCHARGE CRITERIA AND DECISIONS. The licensee must have written criteria for the discharge of consumers. The licensee must ensure the decision to discharge a consumer is based upon the discharge criteria.

010.09 ADMINISTRATION OR PROVISION OF MEDICATIONS. Consumers must receive medications only as legally prescribed by a medical practitioner in accordance with the five rights and with prevailing professional standards.

010.09(A) METHODS OF ADMINISTRATION OF MEDICATION. When the licensee is responsible for the administration of medication, it must be accomplished by the following methods:

010.09(A)(i) SELF-ADMINISTRATION OF MEDICATIONS. Consumers must be permitted to self-administer medications, with or without visual supervision, when the licensee determines that the consumer is competent and capable of doing so safely. Written policies and procedures must be implemented and revised, as necessary,

regarding self-administration of medication and must include the following:

- (1) Storage and handling of medications;
- (2) The licensee's written determination that the consumer may self-administer medication in the consumer's individualized service plan; and
- (3) Monitoring the consumer's individualized service plan to assure continued safe administration of medications by the consumer.

010.09(A)(ii) LICENSED HEALTH CARE PROFESSIONAL. When the licensee uses a licensed health care professional for whom medication administration is included in the scope of practice, the licensee must ensure the medications are properly administered in accordance with prevailing professional standards and state and federal law.

010.09(A)(iii) PROVISION OF MEDICATION BY A PERSON OTHER THAN A LICENSED HEALTH CARE PROFESSIONAL. When the licensee uses a person other than a licensed health care professional in the provision of medications, the licensee must only use individuals who are registered medication aides and must comply with the Medication Aide Act at Neb. Rev. Stat. §§ 71-6718 to 71-6742, and 172 NAC 95 and 96.

010.09(B) MAINTAIN OVERALL SUPERVISION, SAFETY, AND WELFARE OF CONSUMERS. When the licensee is not responsible for medication administration or provision, the licensee still retains the responsibility for overall supervision, safety, and welfare of the consumer.

010.09(C) REPORTING OF MEDICATION ERRORS AND ADVERSE REACTIONS TO A MEDICATION BY THE CONSUMER. When the licensee provides for medication administration or provision, the licensee must implement a written process for reporting any adverse reactions to a medication by a consumer and any medication errors in administration or provision of any medications to the consumer, the consumer's designee, and the consumer's licensed practitioner immediately upon discovery. A written report of the adverse reaction and medication error must be completed immediately upon discovery and kept in the consumer's record. Errors must include any variance from the five rights or the prescription and the administration or provision of the medication.

010.09(D) STORAGE OF MEDICATION. The licensee must ensure all medications are stored in locked areas and stored in accordance with the manufacturer's instructions for temperature, light, humidity, or other storage instructions.

010.09(E) ACCESS TO MEDICATION. The licensee must ensure only authorized staff who are designated by the licensee to be responsible for administration or provision of medications have access to medications.

010.09(F) MEDICATION RECORD. The licensee must maintain records with sufficient detail to assure that:

- (i) Consumers receive the medications authorized by a licensed health care professional;
- (ii) The licensee is alerted to theft or loss of medication; and
- (iii) An individual medication administration record must be kept for each consumer. This record must include:

- (1) Identification of the consumer;
- (2) Name of the medication given;
- (3) Date, time, dosage, and method of administration for each medication administered or provided;
- (4) Identification of the person who administered or provided the medication;
- (5) Any refusal by the consumer; and
- (6) Consumer's medication allergies and sensitivities, if any.

010.09(G) DISPOSAL OF MEDICATIONS. The licensee must destroy medications that are discontinued by the licensed health care professional and those medications which are beyond expiration date. The licensee must implement and revise, as necessary, policies and procedures to identify who will be responsible for disposal of medications and how disposal will occur.

010.09(H) MEDICATION PROVISION DURING TEMPORARY ABSENCES. The licensee must put medications scheduled to be taken by the consumer in a container identified for the consumer when a consumer is temporarily absent from the adult day service.

010.10 FOOD SERVICE. The licensee must provide food service as specified in the consumer service plan, agreement of participation, and may include special diets. When the licensee provides food service, meals and snacks must be appropriate to the consumer's needs and preferences and must meet daily nutritional requirements.

010.10(A) MENUS. Menus must be planned and written based on the Food Guide Pyramid, or equivalent, and modified to accommodate special diets and texture adaptations as needed by the consumers and show food as served. Menus must be made accessible to consumers, caregivers, and designees.

010.10(B) FOOD SAFETY. The licensee must store, prepare, protect, serve, and dispose of food in a safe and sanitary manner and in accordance with the Food Code. If consumers are involved in food service, the licensee must train consumers on food safety.

010.11 CONSUMER INFORMATION. The licensee must obtain written, accurate consumer information from the caregiver. The licensee must have a permanent record for all consumers. The licensee must establish the record prior to and immediately following the provision of care, treatment,

or services for each consumer.

010.11(A) CONTENT. Consumer records must contain information as required in 175 NAC 1 and the following information:

- (i) Significant medical conditions;
- (ii) Medications and any special diet;
- (iii) Designated physician or registered nurse;
- (iv) Consumer's agreement of participation;
- (v) Consumer's service plan;
- (vi) Any unusual event or occurrence;
- (vii) Daily documentation of care, treatment, services, and supervision provided for the consumer; and
- (viii) Physician orders when the consumer's level of care requires a physician order.

010.11(B) CONSUMER IDENTIFICATION. The licensee must implement and revise, as necessary, system for identifying a consumer when there are multiple consumers at a site.

