NYS Department of Health
Divisions of ACF/Assisted Living
Surveillance

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Mission Statement

The Division of Adult Care Facilities/Assisted Living and the Community Transitions Program will ensure residents of NYS Adult Care facilities receive high quality services through:

- Compliance with State regulatory and statutory requirements;
- Promotion of innovative and technological practices;
- Quality assurance and improvement activities; and
- Fostering of continuous improvements through collaboration with the long term care community stakeholders.
Recent Accomplishments

- Streamlined Reporting of Annual Census
- Streamlined the ACF Licensure Application
- Implemented the Electronic Statements of Deficiencies
- Implemented the Quarterly Statistical Information Reports (QSIRs)
- Released the ALP 4500 Conversion Initiative
- Released the 2013-14 EQUAL Funds
- Updated Reporting Forms
- Implemented the Justice Center
- Implemented E-Finds
2014-15 Division Goals

- Implement electronic streamlining forms and application process
- Expedite processing of licensure applications
- Increase consistency/standardization of surveillance functions
- Initiate review of Adult Care Facility regulations
- Continue to increase Provider communications (Association)
- Continue to automate communications to ACFs
Ongoing Efforts To Improve Quality

- Ensuring the survey has an impact on sustainable improvement in performance.

- Working with Adult Care Facilities that have repeat deficiencies and/or serious conditions.

- Effectively using Directed Plans of Correction as a quality improvement tool.

- Holding Leaders Accountable.
Surveillance

Total number of surveys (Exit Date 06/01/2013 - 6/01/2014)

- Complete: 291
- Complaint: 806
- Follow-Up: 195
- Other: 77

- Total surveys conducted: 1,369

- 2013 Total Surveys Conducted: 1,359
  *Exit Date 01/01/2013 - 12/31/2013*
Surveillance Cont.

- Complete Inspections

  - **2011:**
    - 329 inspections/1,121 violations or 3.4 violations per inspection

  - **2012:**
    - 283 inspections/963 violations or 3.4 violations per inspection

  - **2013:**
    - 273 inspections/1,004 violations or 3.7 violations per inspection
Surveillance: Most Common Citations

- **Resident Services**: 480
  - Medication & case management & supervision

- **Environmental Standards**: 280
  - Maintenance of building, grounds & equipment, housekeeping (including vermin) & smoke & fire protection

- **Food Service**: 148
  - Food Purchasing, storage & preparations, prescribed diets & food allergies

- **Admission Standards**: 87
  - Retaining individuals beyond retention standards, medical and mental health evaluations not completed

- **Personnel**: 436
  - Trained in basic first aid & employee health statement
Surveillance: Most Common Citations

- **Records and Reports:** 59
  - Maintenance & availability of resident records

- **Disaster and emergency planning:** 34
  - Fire dills & approved written disaster plan

- **Resident Protections:** 33
  - Courteous, fair & respectful treatment & executing admission agreements

- **Admission and Retention Standards:** 33
  - Inappropriate admission

- **Resident Funds and Valuables:** 16
  - Personnel Allowance Accounts

TOTAL: 1308; average 2.1/survey (all surveys - 2014)
Chairfast Residents

- A-07755 Signed into law October 23, 2013
- Amended the Social Services Law by authorizing an Assisted Living Program (ALP) to admit or retain residents who are chairfast, and provide one or two person assistance with transfers, so long as the facility is staffed to meet the needs of the resident and the resident's physician approves the placement.
- Section 1 amends Social Services Law § 461-1(d) to add persons who are chronically chairfast to the definition of "eligible person" in an assisted living program (ALP). Section 2 provides for an immediate effective date.
- A current ALP must notify the Department of Health of its intention and capability to admit and/or retain such residents prior to doing so.
- The amendment permits such residents to reside in a more home-like setting.
Division of ACF/Assisted Living Updates

Creation of ACF/Assisted Living Surveillance Committee to review existing surveillance policies & procedures and identify areas for potential revisions to:

- Facilitate a quality survey;
- Meet existing state regulatory requirements; and
- Optimize efficiencies in the surveillance process

Review of the survey process will include but not be limited to:

- Team composition
- Sample size selection
- Record review procedure and criteria
- Resident interview procedure
- Content & format of survey reports (Statement of Deficiencies)

The committee is comprised of statewide surveillance staff and central office program staff

The committee will present recommendations to central and regional office leadership for review and approval by late summer.
EALR Workgroup

- The mission of the EALR Workgroup was to address ELAR regulatory, policy and operational issues.
- Membership on the workgroup was comprised of representatives from the NYS DOH, Adult Care Facility Associations and Adult Care Facility operators.
- FAQ document is pending approval.
- Specific concerns discussed by the workgroup include:
  - HHA training, recertification, scope of practice and supervision
  - Cross training needs & scope of practice for PCAs, RCA,s CNAs & HHAs
  - Use of electronic health records (EHRs)
  - LPN scope of practice & RN supervision
  - PRN medications
  - Locating EALR residents on the first floor
  - Required transition paperwork (existing ALR requires services of EALR)
  - Coordination of care between EALR staff and Hospice staff.
- Additional EALR questions should be e-mailed to: acfinfo@health.state.ny.us
EQUAL - Enhancing the Quality of Adult Living

- Total appropriation was $5,671,100
- Payments authorized for 231 ACFs
- 12,060 Supplemental Security Income (SSI)/Safety Net residents (SN) residents will benefit from EQUAL funds
- Must engage Resident Council in discussions for the purposes of utilizing funds consistent with their desires
- Surveillance protocol in place to assess appropriate use of funds

SFY 2014-15 EQUAL:
- Considering an electronic application similar to the census that will pre-populate data elements
- Initiate application process in the summer to allow for an increased application timeframe for submission.
Justice Center Update

- 32 ACF's under the conjoined jurisdiction of the New York State Department of Health and NYS Justice Center for the Protection of People with Special Needs that meet the following criteria:
  
  - 80 beds or more
  - 25% SMI or greater
  - 54% or lower ALP

- **Investigation updates:**
  
  - 14 NYCRR Part 702 authorizes collection of Social Security Numbers (SSN) or Alien Registration Number (ARN) for custodians identified as suspects in reportable incidents.
  - DOH may collect this information as a “delegate investigatory entity”
  - SSNs/ARNs will be used to verify identity
  - To date, over 1,907 referrals to DOH.
The Division of Adult Care Facility/Assisted Living Surveillance is responsible for investigating written and/or verbal complaints received by the ACF Central Complaint Hotline concerning both licensed and unlicensed adult care facilities.

Complaints are triaged on intake and assigned a level of severity which determines the timeframe in which the complaint is investigated. All relevant information provided is entered into the Aspen Complaint and Incident Tracking System (ACTS) and assigned to one of the Department’s four regional offices for investigation. The results and findings of each investigation are then documented in the ACTS database.

The ACF Central Complaint Hotline is answered by ACF staff from 8:45 AM to 4:45 PM Monday through Friday, excluding holidays. Complaints made after hours are left on the hotline voicemail system and retrieved the next morning. The voice mail account is also checked twice weekends and holidays. Complaints received during these times which have been determined to be of an emergency nature will be immediately referred to the regional office contact person.

Hotline Number: (1-866-893-6772)
New York State Department of Health Adult Care Facility Surveillance Central Complaint Hotline

- Commenced Operation: 11/15/02
- Total Number of Hotline Staff: 3
- Additional Assignment: Home Care Information Hotline
- Total Complaints Processed through 12/31/13: 10,993
- Total Allegations Reported through 12/31/13: 29,213
- Average Allegations per Complaint through 12/31/13: 2.6
Complaint Allegations 2002 - 2013

- Resident Rights/Grievances: 13%
- Case Management: 10%
- Supervision: 11%
- Admission/Retention: 8%
- Medication Management: 8%
- Personnel Staffing/Training: 7%
- Food Sanitation/Menu Plans: 7%
- Facility Maintenance: 9%
- Housekeeping: 5%
- Personal Care: 5%
- Resident Funds/PNA: 5%
- Records/Reports: 3%
- Other Allegations: 3%
- Resident Termination: 3%
- Environmental-Other: 3%
Dear Administrator Letters Issued (6/13- Present)

- DAL 13-13: Revised ALP Medical Evaluation DSS4449C (5/13)
- DAL 13-14: Quarterly Statistical Information Report
- DAL 13-16: Justice Center Operational Date
- DAL 13-17: Liquid Oxygen and Oxygen Concentrators
- DAL 13-18: Revised Equivalency List
- DAL 13-19: Revised ALP Medical Evaluation DSS4449C (9/13)
- DAL 13-20: Justice Center: OCFS Registration and Clarification
- DAL 13-21: Transfer of Responsibilities from NYS CQC and Advocacy for People with Disabilities to the NY Justice Center for People with Special Needs
- DAL 13-22: Annual ACF Financial Reports
- DAL 13-24: SSI COLA Adjustment
- DAL 13-25: Cold Weather Advisory
- DAL 13-26: 2012 ACF Annual Census Report
- DAL 13-27: Revised Equivalency List
- DAL 13-28: Electronic Statement of Deficiency
- DAL 14-02: 2013 ACF Annual Census Report
- DAL 14-03: Enhancing the Quality of Adult Living (EQUAL) Program for SFY 2013-14
- DAL 14-04: Transitional Adult Homes (TAH) Compliance Plans
- DAL 14-06: Revised ACF Closure Guidelines
Upcoming DALs

- DAL 14-05: Revised ACF/DOH approved forms: DSS 934, 2853, 2854, 2855 and 3027
- DAL 14-07: Chair-fast guidance
- DAL 14-08: Revised Mental Health Evaluation Guidance & DOH standard evaluation tool (addresses maintaining CV on file)
- DAL 14-10: Revised ALP Medical Evaluation - Interim (DSS-4568)
- DAL 14-11: Safe Recordkeeping
- EALR Q&As
- ACF Licensure Streamlining forms, guidance & next steps
- SFY 2014-15 Budget Highlights including Criminal History Record Checks
Safe Recordkeeping

- Operators are responsible to have policies and procedures in place to ensure that resident and facility records, under their custody, are:

  - Stored in a secure location which maintains the physical integrity of the records
  - Safeguarded from the potential for environmental damage.
  - Take the appropriate action to save the records in accordance with the various record retention requirements.
Criminal History Record Check Program (CHRC) Policies and Procedures To Include:

- Determining who is subject
- Retaining Consent forms (CHRC 102)
- Supervising employees while awaiting results
- Reporting employee terminations and separations
- Timeliness of scheduling fingerprint appointments and rescheduling when needed.
- Recognition that charging costs to employees is not permitted
THANK YOU FOR YOUR CONTINUED SUPPORT!!

QUESTIONS?