

Title 310 - Oklahoma State Department of Health

Chapter 605 - Adult Day Care Centers

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[**Authority:** 63 O.S., §§ 1-104 et seq. and 1-870 et seq.]

[**Source:** Codified 6-11-92]

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Subchapter 1 - General Provisions

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310:605-1-1. Purpose

The standards in this Chapter are promulgated, as provided for by the Adult Day Care Act (Title 63 O.S. Section 1-870 et seq.) to establish criteria for issuance or renewal of an adult day care center license. These standards also provide the criteria which will be used in enforcing the provisions of the Act as deemed necessary, and to carry out its purpose which is to:

- (1) Provide a protective social environment which may include health remedial, restorative, and social services designed to maintain maximum independence and to prevent premature or inappropriate institutionalization of functionally impaired elderly or disabled adults.
- (2) Provide periods of relief for family caregivers, sometimes called respite care, to enable them to continue caring for an impaired person at home.
- (3) Enable family caregivers to continue gainful employment.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 18 Ok Reg 2492, eff 6-25-01]

310:605-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Adult Day Care Aide" means an individual who has met the state qualifications for certification and who assists the professional staff members in the implementation of the programs and services of the center, and has completed an orientation program provided by the center.

"Adult Day Care Center" or **"center"** means a facility which provides basic day care services to unrelated impaired adults for more than four (4) hours in a twenty-four-hour period. A center shall be a distinct entity, either freestanding or a separate program of a larger organization. A center shall have a separately verifiable staff, space, budget and participant record system. The terms "adult day care center" or "center" shall not include retirement centers and senior citizen centers [63:1-872].

"Adult Day Care Provider" means the person, corporation (for profit or not for profit), partnership, association, or organization legally responsible for the overall operation of the adult day care center, who has a current license.

"Associated day care program" is an adult day care center which is physically attached with another organization established primarily to offer other services (such as medical care or long term care) but has distinctly designated space and staff for an adult day care program which is in addition to the existing space and staffing requirements for the residents, patients, or clients.

"Basic Day Care Services" means supervised health, social supportive, and recreational services in a structured daytime program which serves functionally impaired adults who cannot take care of themselves who continues to live in their own homes, usually with the aid of family caregivers.

"Caregiver" means a person who is responsible for the care of the participant in the home.

"Case Manager" means an individual who is responsible for providing and/or coordinating individual and group counseling to participants and family or caregiver, and who assists the participant in obtaining needed resources within the community.

"Department" means the State Department of Health.

"Dietary or Food Service Supervisor" means an individual qualified by training or experience who is responsible for food service in the center.

"Direct Care Staff" means those staff (paid and volunteer) assigned to take care of the direct needs of participant.

"Free-Standing Adult Day Care Center" means a center which does not share staffing or licensed space or any physical components of space, equipment, furnishings, dietary, security, maintenance or utilities used in the provision of services with any other organization, or service.

"Functionally impaired adult" means an individual aged eighteen years or older who requires care and/or supervision.

"Medication Aide" means an individual who has received certification to administer medications from a program approved by the Department.

"Nurse" means a licensed practical nurse or registered nurse currently licensed in the State of Oklahoma.

"Participant" means a person who attends an adult day care center.

"Participant's Guardian" means a court appointed guardian.

"Participant's Representative" means an individual designated in writing by the participant to act as responsible party to act in his/her stead.

"Qualified Dietitian" means an individual who is registered as a dietitian by the American Dietetic Association, or has a baccalaureate degree with major studies in food and nutrition, dietetics, or food service management, has one year of supervisory experience in the dietetic service of a health care institution, and participates annually in continuing dietetic education.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 18 Ok Reg 2492, eff 6-25-01; Amended at 20 Ok Reg 1182, eff 5-27-03]

Subchapter 3 - Rights

Section 310:605-3-1

Participant rights

310:605-3-1. Participant rights

Each participant of the adult day care program shall be assured of the following rights:

- (1) To be treated as an adult, with respect and dignity regardless of race, color, or creed.
- (2) To participate in a program of services and activities which promote positive attitudes regarding ones usefulness and capabilities.
- (3) To participate in a program of services designed to encourage learning, growth, and awareness of constructive ways to develop ones interests and talents.
- (4) To maintain ones independence to the extent that conditions and circumstances permit, and to be involved in a program of services designed to promote personal independence.
- (5) To be encouraged to attain self-determination within the adult day care setting, including the opportunity to participate in developing ones care plan for services; to decide whether or not to participate in any given activity; and to be involved in the extent possible in program planning and operation.
- (6) To be cared for in an atmosphere of sincere interest and concern in which needed support and services are provided.
- (7) To have privacy and confidentiality.
- (8) To be free of mental and physical abuse.
- (9) To be free of restraint unless under physician's order as indicated in individual care plan.
- (10) To have access to telephone to make or receive calls, unless necessary restrictions are indicated in the individual care plan.
- (11) To be free of interference, coercion, discrimination or reprisal.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92]

Subchapter 5 - Licensure Requirements

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310:605-5-1. License required

(a) It shall be unlawful to operate an adult day care center without possessing a current, valid license issued pursuant to the Adult Day Care Act. It shall be unlawful for any holder of a license issued pursuant to the Adult Day Care Act to advertise or hold out to the public that it holds a license for a center other than that for which it actually holds a license.

(b) Centers to be licensed shall include all adult day care centers. Sheltered workshops and senior recreational centers which do not receive participant fees for services are not required to be licensed. It shall be unlawful to operate a center without first obtaining a license for such operation as required by the Adult Day Care Act, regardless of other licenses held by the operator. Organizations operating more than one center shall obtain a license for each site. [63:1-873.B]

(c) The license for operation of a center shall be issued by the State Department of Health. The license shall:

- (1) Not be transferable or assignable;
- (2) Be posted in a conspicuous place on the licensed premises;
- (3) Be issued only for the premises named in the application; and
- (4) Expire on July 31 of each year, provided an initial license shall expire one hundred eighty (180) days after the date of issuance. [63:1-873.C]

(d) The issuance or renewal of a license after notice of a violation has been sent shall not constitute a waiver by the State Department of Health of its power to subsequently revoke the license or take other enforcement action for any violations of the Adult Day Care Act committed prior to issuance or renewal of the license. [63:1-873.F]

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 18 Ok Reg 2492, eff 6-25-01]

310:605-5-2. Application for license or renewal

(a) An applicant for a license to operate an adult day care center must file an application on a form provided by the State Department of Health and pay an initial license fee of seventy-five dollars (\$75.00).

(b) Application for license renewal must be filed at least forty-five (45) days before the expiration date of the current license on a form approved by the Department and a license fee of seventy-five dollars (\$75.00) must be paid.

(c) The fee for renewal of a license that expires before July 31 shall be prorated based on the number of days from the expiration date of the license until the next July 31.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 18 Ok Reg 2492, eff 6-25-01]

310:605-5-3. Inspections

(a) The Department shall at least annually, and whenever it deems necessary, inspect each adult day care center to determine compliance with the Adult Day Care Act and rules and regulations promulgated thereto.

(b) Any licensee or applicant for a license shall be deemed to have given consent to any duly authorized employee or agent of the Department to inspect and enter the center in accordance with the Adult Day Care Act or rules promulgated thereto. Refusal to permit such entry or inspection may constitute grounds for the denial, nonrenewal, suspension or revocation of a license.

(c) A notice of violation shall be sent to any adult day care center when violations are cited as a result of an inspection. The center shall have ten (10) days after receipt of the notice of violation in which to prepare and submit a plan of correction. The plan of correction shall include a fixed time period not in excess of thirty (30) calendar days, within which the violations are to be corrected.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92]

310:605-5-4. Sanctions

(a) The Department may deny, suspend, deny renewal, or revoke the license of an applicant or a licensed adult day care center which fails to comply with the licensing requirements and rules and regulations specified by the provisions of the Adult Day Care Act.

(1) The Department shall give a center thirty (30) days written notice that its license is to be suspended or revoked, and shall take action at the end of that time if the center is still out of compliance. However, if the health and safety of participants are threatened, the suspension or revocation shall be effective immediately, and the center closed.

(2) Holders of suspended or revoked licenses shall be entitled to a hearing before Department licensure officials if requested within ten (10) days of their notification. The hearing shall be held at least ten (10) days before final action is taken and conducted pursuant to the Administrative Procedures Act.

(3) Suspended licenses may be reinstated if deficiencies are corrected within a time frame established by the Department.

(b) Any person who has been determined to have violated any provision of the Adult Day Care Act or any rules, regulations, or order issued pursuant thereto may be liable for an administrative penalty of not more than five hundred dollars (\$500.00) for each day that said violation continues. The amount of the penalty shall be assessed by the Department, after notice and hearing. In determining the amount of the penalty, the Department shall include but not be limited to consideration of:

(1) the nature, circumstances, and gravity of the violation and, with respect to the persons found to have committed the violation, the degree of culpability.

(2) the effect on ability of the person to continue to do business.

(3) any show of good faith in attempting to achieve compliance with the provisions of the Adult Day Care Act.

(c) Any license holder may elect to surrender his/her license in lieu of said fine but shall be forever barred from obtaining a reissuance of said license.

(d) Any person who violates any of the provisions of the Adult Day Care Act, upon conviction shall be guilty of a misdemeanor. Each day upon which such violation occurs shall constitute a separate violation.

(e) The Attorney General or the district attorney of the appropriate district court of Oklahoma may bring an action in a court of competent jurisdiction for the prosecution of a violation by any person of a provision of the Adult Day Care Act or any rule, regulation, or order issued pursuant thereto.

(f) Enforcement of any action for equitable relief or redress or restrain a violation by any person of a provision of the Adult Day Care Act or for an injunction or recovery of any administrative or civil penalty assessed pursuant to the Adult Day Care Act may be brought by:

(1) the district attorney of the appropriate district court of the State of Oklahoma.

(2) the Attorney General on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma.

(3) the Department on behalf of the State of Oklahoma in the appropriate district court of the State of Oklahoma or as otherwise authorized by law.

(g) The court has jurisdiction to determine said action, and to grant the necessary or appropriate relief, including but not limited to mandatory or prohibitive injunction relief, interim equitable relief, and punitive damages.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92]

Subchapter 7 - Organization and Administration

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310:605-7-1. Governing body and functions

- (a) The adult day care center shall have a governing body that has full authority and responsibility for operation of the center.
- (b) Centers owned and operated by a sole proprietor may be governed by a single person who assumes all the responsibilities of the governing body.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92]

310:605-7-2. Responsibilities

The governing body of an adult day care shall:

- (1) Ensure continual compliance and conformity with all relevant local, state, and federal laws and regulations.
- (2) Designate a center director who manages the center.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-7-3. Lines of responsibility

- (a) There shall be a clear division of responsibility between the governing body and the adult day care director.
- (b) The director shall be given full authority and responsibility to plan, staff, direct, and implement the program for day to day operation of the center.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92]

310:605-7-4. Development of written policies and procedures

Written policies and procedures shall be developed by the center which include the following:

- (1) **Enrollment criteria.**
 - (A) Each center shall have enrollment policies.
 - (B) The written enrollment policies shall contain specific admission criteria to define the participants who can be served by the center.
 - (C) The center's enrollment policies shall prohibit enrollment of persons whose needs exceed the capability of the center's program, and persons excluded by the Adult Day Care Center Act.
- (2) **Hours and days of operation.** The center shall establish polices and procedures covering the hours and days of operation.
- (3) **Rates and payments.** The center shall establish policies and procedures governing rates and payments which include the following:
 - (A) Charges for basic services.
 - (B) Services that may be obtained on a fee basis, but are not included in the basic services.
 - (C) Public disclosure of the above.
- (4) **Types of services provided.** The center shall have written policies and procedures which contain the range of services provided by the center, including specialized services, i.e., speech

therapy, physical therapy, counseling, transportation, etc., and other services that may be arranged through the center with other resources within the community.

(5) **Medication storage and administration.** The center shall have written policies and procedures governing the storage, maintenance, and administration of medications as stated in section 310:605-13-2(2).

(6) **Admission and discharge.**

(A) **Admission.** The center's policies and procedures for admission and discharge of participants shall include, but not be limited to the following:

(i) An application for enrollment to be completed prior to or upon admission to the center.

(ii) The requirement for a current medical report and medical assessment by the participant's physician to be obtained within 5 working days of admission.

(B) **Discharges.** The written policies and procedures regarding discharge from the center shall include but not be limited to the following:

(i) Provision for emergency discharge of participant to other health care facilities or to caregiver when the health or safety of the participant or other participants is endangered.

(ii) Notice requirements and causes for involuntary termination of services to a participant.

(iii) Discharge planning in accordance with all requirements at 310:605-9-2.

(7) **Personnel policies and practices.** The center shall have written policies and procedures pertaining to personnel practices.

(8) **Personnel records system.** A personnel record shall be established for each employee and each volunteer counted in the staffing ratio.

(9) **General record system.** Each center shall establish a general record system.

(A) Records of any incident or accident involving a participant shall be kept and maintained.

(B) Participant records for social services and medical information shall be maintained.

(C) All records may be kept and maintained electronically in a computer system and in a central storage location, accessible on site. A backup of the computer system shall be maintained.

(D) The employee and participant records shall be retained for not less than five years after the participant's discharge or employee's termination.

(10) **Emergency services.**

(A) Each center shall have written policies for handling emergencies involving participants or staff.

(B) The policies and procedures shall provide instruction on obtaining outside emergency services.

(C) The policies and procedures shall be designed to insure that the family member, caregiver, or responsible party designated in the participant's record is notified when an emergency occurs.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-7-5. Residential and visiting pets

Each center that permits residential or visiting pets shall have written policies and procedures regarding those pets. The center shall not allow any pet to reside in the center unless all of the following requirements are met:

(1) The pet is a dog, cat, fish, or bird. A center may establish a program which includes animals other than dogs, cats, fish, or birds if the center submits its policies, procedures, and program guidelines to the Department and receives written approval from the Department prior to implementation of the program.

- (2) The center has no more than two (2) dogs or cats as residential pets unless the center has received prior approval from the Department as a stated special program pursuant to 310:605-7-5-(a) (1).
- (3) The center's policy ensures non-disruption of the center.
- (4) For each pet, the center has or provides the following:
 - (A) Proof of current rabies immunization and leptospirosis immunizations for dogs and cats administered by a veterinarian licensed to practice in Oklahoma;
 - (B) A statement from a veterinarian licensed to practice in Oklahoma certifying the pet is free from disease communicable to humans;
 - (C) Proof of evaluation by a veterinarian licensed in Oklahoma for presence of internal parasites on a semi-annual basis and for the presence of external parasites as needed; and
 - (D) A statement from a veterinarian licensed in Oklahoma certifying that each bird has been proven free of psittacosis.
- (5) The pet's skin appears normal, and its coat is free of ectoparasites, matted hair, feces, and other debris.
- (6) The center adopts a policy for control of pets to ensure that neither the pet nor the participants are in danger. If necessary, a pet shall be on a leash or harness, muzzled, caged, or in a container. A pet cage or container must not obstruct an exit or encroach on the required corridor width.
- (7) Residential pets shall be the responsibility of the director's designated attendant.
- (8) The center provides for the cleaning and disinfection of any area(s) contaminated by urination or excrement, and the center provides for the cleansing of aviaries, aquariums and fish bowls. The aquariums and fish bowls shall be monitored to prevent bacterial growth in the water.
- (9) Residential dogs and cats shall not be allowed in the participants' areas after the hours of operation. Pets shall not be allowed in the kitchen, dining room or in areas used for food storage or preparation, dining, medication preparation or administration, or clean supply storage.
- (10) The center shall arrange for care of the pet during periods outside of the center's normal operational hours, such as evenings, weekends, and holidays.
 - (A) The center may allow pets to visit the center. A visiting pet shall be under the control of the person who brought the pet into the center. The visiting pet's attendant shall adhere to the center's policies for residential pets.
 - (B) Section 310:605-7-5 does not supersede any local or state requirements regulating animals or pets.

[Source: Added at 14 Ok Reg 3144, eff 7-25-97; Amended at 16 Ok Reg 2513, eff 6-25-99; Amended at 18 Ok Reg 2492, eff 6-25-01; Amended at 20 Ok Reg 1182, eff 5-27-03]

Subchapter 9 - Admissions and Discharges

Section 310:605-9-1

Admission

Section 310:605-9-2

Discharge

310:605-9-1. Admission

(a) A signed application for participation and current medical information shall be obtained. The medical information shall be obtained from or verified by the participant's physician and shall include the following:

- (1) Physician's name and telephone number.
- (2) Date of last visit.
- (3) Current illnesses or health problems.
- (4) Current medication.
- (5) Dietary restrictions, if any.

(b) A current medical report and a medical assessment by the participant's physician of the participant's medical condition shall be obtained within five (5) days of the participant's entry into the adult day care program.

(c) Each participant shall have an individualized written plan of care developed within ten (10) days following participant's entry into the adult day care program. The plan of care shall be reviewed at least every six (6) months and updated as warranted by changes in the participant's condition.

(d) If a participant is not under a physician's care nor is taking any medications, the center may substitute a nursing assessment by a registered nurse for the medical assessment required in subsection (b) of this Section. In this case, the center may also verify the medical information with family or friends of the participant. If the nursing assessment reveals medical problems, the participant shall not be admitted to the center without the medical assessment.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 11 Ok Reg 901, eff 12-17-93 (emergency); Amended at 11 Ok Reg 2635, eff 6-25-94; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-9-2. Discharge

(a) A participant, his or her family member, guardian, and/or representative shall be given a minimum of two weeks notice of the center's intent to terminate services to the participant unless continued attendance would infringe on the safety or well being of other participants or staff.

(b) There shall be a detailed report of circumstances leading to each unplanned discharge.

(c) Prior to a planned discharge of a participant, the staff shall develop an aftercare plan of supports and resources provided to the participant.

(d) A discharge summary to accompany a participant going to another center of health care shall include the needs of the participant, his/her medication history, social needs, and other data that will assist in his/her care at the new location.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

Subchapter 11 - Staffing Requirements

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310:605-11-1. Staffing requirements

Each adult day care center shall have a staff adequate in number, and appropriately qualified and trained to provide the essential services of the center.

- (1) Each adult day care center shall have the following positions:
 - (A) A director who shall have the authority and responsibility for managing and implementing the day care program.
 - (B) An activity director.
 - (C) A social services coordinator or case manager.
 - (D) A dietary supervisor. Centers that are a part of larger organization which provides food service to the center, or centers that contract with an outside service for food service may employ a part time dietary supervisor.
- (2) Each center shall employ additional staff, such as nurses, therapists, consultants, drivers, etc., as needed.
- (3) Staff who serve in more than one staff position shall meet the minimum qualifications for each position served.
- (4) Centers that administer medication shall have a registered nurse (R.N.), licensed practical nurse (L.P.N.), certified medication aide (CMA), or a medication administration technician (MAT) who has successfully completed a course of training in administration of medications approved by the Department. Monthly consultation by an R.N. or L.P.N. shall be required for centers where medications are administered by a certified medication aide (CMA), or a medication administration technician.
- (5) Staff who have direct contact with participants shall be free of communicable disease.
- (6) Each center shall be in compliance with the criminal arrest check, training, examination, application, registration and certification requirements in 63 O.S. Section 1-1950.1, 1-1950.3, 1-1950.4, and 1-1951.
- (7) Each paid day care center staff person (professional or non-professional) shall arrange for an employment examination within 72 hours of employment which shall include but not be limited to a test for tuberculosis. All tests and examinations shall be in conformance with the 2019 Guidelines for preventing the transmission of *mycobacterium tuberculosis* in healthcare settings as published by the Centers for Disease Control and Prevention.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03; Amended at 37 Ok Reg 1420, eff 9-11-20]

310:605-11-2. Staff ratios

- (a) There shall be provided a sufficient number of direct care staff on duty at all times to meet the needs of each participant. There shall be a minimum of one full time equivalent direct care staff person for every eight (8) participants who are present and one (1) additional direct care staff person for a major portion of eight (8) additional participants present.

(b) There shall be at least two (2) responsible persons at the center when participants are present; one shall be a staff member.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 11 Ok Reg 901, eff 12-17-93 (emergency); Amended at 11 Ok Reg 2635, eff 6-25-94; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-11-3. Staff qualifications

(a) **Director.** The Director shall have at a minimum a Bachelor's degree and one year supervisory experience in a social or health services setting, or a minimum of a high school diploma plus five consecutive years supervisory work experience (full-time or equivalent) in a long term care or geriatric setting.

(b) **Social Services Coordinator or Case Manager.** The social services coordinator or case manager shall have a minimum of a bachelor's degree, or a minimum of a high school diploma plus five consecutive years of work experience in a long term care or geriatric setting.

(c) **Nurse.** A nurse shall be a registered or a licensed vocation/practical nurse who is currently licensed by the State of Oklahoma and has experience working with the aging and chronically impaired adult.

(d) **Activities Director.** The activities director shall be qualified by training or experience in recreation or related area.

(e) **Dietary Supervisor.** A food service supervisor shall be qualified by training or experience.

(f) **Adult day Care Aide.** An Adult Day Care Aide who provides direct personal care services shall be Certified at least to the Adult Day Care level of nursing aide training.

(1) Each certified adult day care aide employed by the Center shall be in compliance with the criminal arrest check, training, examination, application, registration and certification requirements in 63 O.S. Section 1-1950.1, 1-1950.3, 1-1950.4, and 1-1951.

(2) The Center shall contact the Department's nurse aide registry prior to employing a nurse aide to determine whether the person is listed on the registry, and if there is a confirmed finding of abuse, neglect, or misappropriation of property.

(3) The Center shall ensure that the certification for each nurse aide is current.

(g) **Therapist.** Physical therapists, occupational therapists, recreational therapists, and speech therapists who provide services to the Center and/or its participants shall have valid state credentials. Staff may work independently under directions of the licensed therapist.

(h) **Consultant.** The individual consultant shall be available to provide services to the participant as prescribed by the physician in order to supplement professional staff. Consulting services may be done on an individual basis or by contract or written agreement with a community group source or individual.

(i) **Volunteers.** Volunteer staff who are counted in the staffing ratio shall be qualified by training and/or experience to perform duties and responsibilities required by the written job description.

(j) **Direct care.** Direct care paid staff shall be at least eighteen (18) years of age and qualified for the position held.

(k) **Driver.** Each driver shall have a valid and current state driver's license appropriate for the position, a safe driving record, and training in first aid and CPR.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 11 Ok Reg 901, eff 12-17-93 (emergency); Amended at 11 Ok Reg 2635, eff 6-25-94; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-11-4. Orientation and training

(a) All staff, prior to performing job responsibilities, including non-direct care, direct care, and volunteers, shall be given a general orientation to the program, its policies, fire, safety, and emergency procedures.

(b) In-service training for each staff person shall be provided quarterly.

(c) Each staff member shall be competent, ethical, shall hold personal information regarding participants in confidence, and treat all participants with respect and dignity.

(d) Documentation of attendance and content for all orientation and training shall be maintained by the center.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-11-5. Personnel records

Individual personnel records for both paid and volunteer staff counted in the staffing ratio shall include:

- (1) A valid form of photo identification;
- (2) Position title;
- (3) Job description;
- (4) Copies of license(s) or certification(s) of professional qualification(s) applicable to the position;
- (5) Education background;
- (6) Employment history and references;
- (7) Results of criminal background check, if applicable.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 18 Ok Reg 2492, eff 6-25-01; Amended at 20 Ok Reg 1182, eff 5-27-03]

Subchapter 13 - Services

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310:605-13-1. Required services

Each adult day care center shall provide supervision of participants, assistance with activities of daily living, planned activities, social services, nutritious meals, and emergency and first aid services.

- (1) **Supervision of participants.** Supervision and monitoring of participants shall include, but not be limited to, the following:
 - (A) Knowledge of participant's whereabouts while attending the program.
 - (B) Assistance as needed in interaction with other participants and staff.
 - (C) Observing functional status to determine if a change in the participant's plan of care is needed.
- (2) **Activities of daily living.** Provisions shall be made for assistance and training in walking, feeding, toileting, personal care, and other activities of daily living according to each participant's plan of care. Assistance shall be provided by those qualified by licensure or certification.
- (3) **Planned activities.**
 - (A) The adult day care center shall provide planned activities during at least one-half (1/2) of daily operations, with a minimum of four (4) hours of planned activities.
 - (B) Activities shall be planned to meet the needs, interests and abilities of participants.
 - (C) Participants shall be encouraged but may refuse to participate in any given activity.
 - (D) All activities shall be adequately supervised by program staff.
 - (E) A monthly schedule of activities shall be planned and shall be displayed prior to the first day of the month.
 - (F) Daily activities shall be posted in a visible location.
- (4) **Social services.**
 - (A) The center may, upon request by a participant or his or her legal guardian, recommend to participants and their family available counseling services, if needed and desired, either within the center or by arrangement with resources in the community.
 - (B) Social services shall be directed toward the following:
 - (i) Maintaining the maximum social functions of the participant.
 - (ii) Assisting with personal, family, and adjustment problems.
 - (iii) Safeguarding and fostering the human and civil rights, human dignity and personal worth of each participant.
- (5) **Nutrition and food service.**
 - (A) The adult day care center shall provide or make arrangements for a minimum of one meal daily which is of suitable quality and quantity for participants who are in the center for four (4) or more hours. The meal shall meet at least one-third (1/3) of an adult's current recommended dietary allowance (RDA) of the Food and Nutrition Board, National Academy of Sciences-National Research Council.
 - (B) Food shall be stored, prepared, and served in accordance with the Rules and Regulations for Food Service Establishments adopted by the State Board of Health.
 - (C) Food that is not prepared on site shall be prepared in a facility which meets the local and state health regulations.
 - (D) Poisons and other dangerous materials shall be stored in a non-food preparation and/or storage area.

- (E) Potable water shall be available to all participants as needed.
 - (F) Menus shall be planned and written for a minimum of a two-week cycle, if meals are prepared on site.
 - (G) The menu shall be dated for the week of service and posted in a prominent area for the availability to the participant, family, or participant's designated representative.
 - (H) A therapeutic diet shall be provided for a participant when prescribed in writing by a physician.
 - (I) A qualified dietitian/nutritionist shall be provided for consultation with staff on basic and special nutritional needs and proper food handling techniques.
 - (J) Appropriate food containers and utensils shall be available as needed for use by handicapped participants
 - (K) Dining areas shall be sufficiently equipped with tables and chairs to meet the needs of each participant including participants using wheelchairs.
 - (L) Garbage shall be stored, bagged, and disposed of in accordance to local and state health regulations.
- (6) **Emergencies and first aid.**
- (A) Written detailed plans for handling emergencies shall be established and shall be displayed in a conspicuous place within the facility.
 - (B) The plan shall relate to non-medical and medical emergencies and the responsibilities of each staff position shall be specified.
 - (C) All staff shall be knowledgeable about the plan.
 - (D) Each participant shall provide an emergency information sheet, medical history, and a signed liability release form for use in an emergency.
 - (E) The name and telephone number of participant's family member, caregiver, or responsible party shall be on file and retrievable by the staff.
 - (F) Emergency phone numbers shall be conspicuously posted to include ambulance, hospital, fire, and police when 911 is not available.
 - (G) There shall be at least one staff person on duty at all times who is trained in CPR.
 - (H) There shall be conducted regular drills for all staff in handling different kinds of emergencies and documented as to date, kind of emergency, and individual receiving training. Emergency drills shall be conducted at least once every three months.
 - (I) Any sickness, or accidents involving a participant, resulting in physical injury or suspected physical injury to the participant shall be reported to the director who shall arrange for appropriate action.
 - (J) Any participant who shows symptoms of illness or infectious disease shall be given the necessary attention and/or removed from the group.
 - (K) The provider shall have available a room for participants who require removal from the group due to temporary illness.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 11 Ok Reg 901, eff 12-17-93 (emergency); Amended at 11 Ok Reg 2635, eff 6-25-94; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-13-2. Additional Services

Adult day care centers shall provide the following as indicated by the center's program goals and the individual needs of the participants served:

- (1) **Health Monitoring.**
 - (A) The health, functional, and psychosocial status of each participant shall be observed for significant changes and documented in the participant's record at least monthly by the designated professional staff. Each family and/or physician shall be notified of such changes.

- (B) The staff shall arrange for contacts with health professionals as needed by each participant.
 - (C) There shall be proper administration of medications as prescribed by the physician.
 - (D) Written policies and procedures shall be developed and implemented for participants self-medication administration and staff medication administration.
- (2) **Medications.**
- (A) Participants shall be encouraged to retain and administer their own medications while attending the adult day care program.
 - (B) When a participant has been determined to be unable to be responsible for his medication, the following procedures shall be followed:
 - (i) The medication shall be retained in a safe, secure, locked area for storing medications or drugs until prescribed time.
 - (ii) Medications maintained by the center shall be retained in containers in which they were dispensed from the pharmacy. The containers shall be labeled with the participant's full name, the name and strength of the medication, and the dosage and administration instructions.
 - (iii) Medications may not be administered without an order from a physician.
 - (iv) Physician's phone orders may be taken only by a licensed nurse.
 - (v) The phone orders shall be signed and dated by the physician within three (3) working days after giving the phone order. Orders by facsimile are acceptable as original signatures.
 - (vi) Phone orders shall be written into the participant's record and date noted by the licensed nurse who received them.
 - (vii) Orders regarding medications and treatments shall be in effect as indicated by the physician for a specified number of days.
 - (viii) Changes in health status, including reaction to medication and/or treatments, shall be communicated immediately to the participant's physician by the licensed nurse. If the facility is unable to contact the participant's personal physician, emergency medical procedure shall be followed.
 - (ix) All medications shall be packaged and labeled in accordance with professional pharmacy standards, state and federal drug laws and regulations, and the United States Pharmacopeia (USP). Labeling shall include cautionary instructions, as well as expiration date, when applicable, and name of medication specified by the physician.
 - (x) Over the counter drugs for individual participants shall be labeled with at least the participant's name.
 - (xi) Schedule II drugs shall be kept in a locked box.
 - (xii) Medications requiring refrigeration shall be kept refrigerated in a locked refrigerator or in a locked box within the refrigerator or in a refrigerator within a locked room.
 - (xiii) The temperature range of the medication refrigerator shall be 36° F. (2° C) to 48° F. (8° C).
 - (xiv) No food shall be stored with refrigerated medication except for food used for medication and administration.
 - (xv) The administration and storage medication system shall be reviewed by a licensed nurse not less than every three (3) months.
 - (xvi) A written medication administration record shall be maintained for medications administered.
 - (xvii) Documentation of medications administered shall be done within one hour after administration of medication.
 - (xviii) Records of all Schedule II drugs shall be maintained.

(3) Specialized services.

(A) A planned program of activities shall be available to all participants in accordance to participant's plan of care.

(B) The following services which are designed to improve or maintain participant's independent functional ability may be arranged and secured through qualified community resources: physical therapy, occupational therapy, recreational therapy, and speech therapy.

(4) Transportation. The following requirements must be met if transportation is provided by the adult day care center to ensure the health and safety of the participants:

(A) The number of participants allowed in a car, station wagon, van, bus, or whatever the type of transportation used shall not exceed the number for which the vehicle is designed. Each person transported must have a seat.

(B) There shall be provisions made to accommodate participants who use assistive devices for ambulation.

(C) Participants shall be offered an opportunity to have a rest stop when being transported for more than one hour.

(D) The center shall be sufficiently staffed to ensure the safety of participants being transported by facility vehicles.

(E) The provider shall conform to all state laws regarding regulations, drivers, vehicles, and insurance.

(F) The center shall maintain the vehicle in good repair.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 11 Ok Reg 901, eff 12-17-93 (emergency); Amended at 11 Ok Reg 2635, eff 6-25-94; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-13-3. Participant records

All adult day care centers shall maintain an individual folder for each participant. Each record shall include but not be limited to the following:

(1) Admission information including medical and social history and identification.

(2) Physician's orders for medications, treatments, diet, rehabilitation, and special medical procedures.

(3) Current health evaluations.

(4) A chart of medications administered and any reactions, if applicable.

(5) A written plan of care.

(6) Copies of initial and periodic examinations, evaluations, and progress notes.

(7) An authorization statement for emergency medical assistance including the name of a designated physician.

(8) Name, address, and phone number of at least two (2) family members, guardians, and/or other persons designated to be contacted in an emergency.

(9) Discharge plan and summary, when appropriate.

[Source: Added at 11 Ok Reg 901, eff 12-17-93 (emergency); Added at 11 Ok Reg 2635, eff 6-25-94; Amended at 20 Ok Reg 1182, eff 5-27-03]

Subchapter 15 - Physical Facility

Section 310:605-15-1	General criteria
Section 310:605-15-2	Buildings and grounds
Section 310:605-15-3	Space requirements
Section 310:605-15-4	Location
Section 310:605-15-5	Furnishings and equipment
Section 310:605-15-6	Sanitation and housekeeping
Section 310:605-15-7	Fire safety
Section 310:605-15-8	General safety

310:605-15-1. General criteria

The facility and grounds shall be safe, clean, and designed with consideration for the special needs and interests for the aging, disabled, and handicapped adult participants.

- (1) The center shall comply, when applicable, with all local and state laws and codes and ordinances as pertain with this occupancy.
- (2) A telephone shall be available to participants to make and receive calls.
- (3) A cooling, heating, and ventilation system shall provide comfort and shall accommodate all participants.
- (4) Room temperature shall be maintained between sixty-eight degrees Fahrenheit (68° F.) and eighty-five degrees Fahrenheit (85° F.).
- (5) Lighting shall be adequate in all areas.
- (6) A method shall be provided to control excessive noises.
- (7) Equipment and supplies shall be adequate to meet the needs of participants.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-15-2. Buildings and grounds

- (a) The building must meet the approval of local building and fire inspectors or the state fire marshal's office.
- (b) On and after the effective date of this subsection, each center that undergoes design changes or construction and each newly licensed center shall be designed and constructed in conformity with requirements for accessibility to physically disabled persons as specified in Chapter 11 of the International Building Code, 2003 Edition, published by the International Code Council.
- (c) The building shall be designed or adapted to meet heating, air conditioning, and water supply approved by the Department according to rules and design standards of the Board of Health.
- (d) There shall be at least two (2) exits from the center which can be used as disaster escape routes.
- (e) The heating system shall comply with local and state codes. Heating pipes, radiators or hot water pipes in rooms and areas used by participants shall be covered or protected.
- (f) Portable space heaters shall not be used.
- (g) Plumbing and plumbing fixtures shall conform to local and state codes. There shall be no cross-connection between the potable water supply and any pollution source through which the potable water might become contaminated.

- (h) An adequate supply of water under sufficient pressure shall be provided to properly serve the participants.
 - (i) At least one toilet and hand washing facility shall be provided for each 12 participants.
 - (j) The lavatory shall have hot and cold running water. Hot water shall not exceed one hundred fifteen degrees Fahrenheit (115 F.).
 - (k) A trash receptacle, soap, toilet paper, and individual paper towels shall be provided at all times and shall be within reach of the participants.
 - (l) The toilet room shall be within easy access to the activity areas and shall provide privacy for the participant.
 - (m) Each toilet room shall be equipped for approved ventilation.
 - (n) There shall be a separate room or partitioned area for temporarily isolating participants in case of illness.
 - (o) Grounds shall be maintained in a clean, orderly, and safe manner.
 - (p) Outside lighting shall be provided at the center's entrances and grounds.
 - (q) There shall be parking available for delivery and pickup of participants.
- [Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03; Amended at 21 Ok Reg 2754, eff 7-12-04]

310:605-15-3. Space requirements

- (a) A minimum of forty (40) square feet of space shall be provided for each participant, excluding hallways, storage areas, offices, rest rooms, and kitchens.
 - (b) Office space shall be provided.
 - (c) Space shall be provided for special therapies and designated areas to permit privacy.
- [Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-15-4. Location

- (a) The site or location of an adult day care center shall be chosen for the accommodation to the program and the participants served.
 - (b) Adult day care centers located in conjunction with another program that is also licensed by the Department shall meet the specific requirements of the adult day care center. The facility or program with which it is located shall meet its own license requirements.
- [Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92]

310:605-15-5. Furnishings and equipment

- (a) The center shall be furnished adequately to meet the needs of the participants.
 - (b) There shall be at least one bed located in a quiet space separate from other program activities.
 - (c) Equipment and supplies shall be adequately provided to meet the needs of all participants.
 - (d) All furnishings and equipment shall be in safe condition and properly maintained.
- [Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-15-6. Sanitation and housekeeping

- (a) Housekeeping and maintenance services shall be sufficiently provided to maintain the center in a clean, orderly, sanitary, and safe manner. The center shall be free of offensive odors.
- (b) Handwashing facilities in bathrooms and kitchens shall at all times be supplied with soap and disposable towels.
- (c) An insect, rodent, and pest control program shall be maintained and conducted regularly in a manner which continually protects the health and well-being of the participant. There shall be documented evidence of routine efforts of an existing pest control program. Opened windows shall be screened.

- (d) Soiled clothing shall immediately be placed in airtight containers. Clean clothing and linen shall at no time be stored in the same room with soiled clothing and linen.
- (e) There shall be procedures used by the kitchen and laundry which prevent cross-contamination between clean and soiled utensils and clean and soiled linens.
- (f) Waste, trash, and garbage shall be disposed of from the center's premises regularly in accordance to local and state regulations. Refuse containers, inside and outside, shall have tightly fitted lids and left in closed position.
- (g) The center's waste water and sewage shall be discharged into a municipal sewerage system approved by local and state regulations. Where such a system is not available, a facility providing sewage treatment must conform to applicable local and state regulations.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-15-7. Fire safety

- (a) Fire safety shall be observed at all times. The center shall have an agreement with the local fire service to respond to the facility in the event of an emergency or have access to a 911 emergency service.
- (b) Electrical, heating, and cooling systems shall be kept in good repair and safely maintained.
- (c) Use of extension cords or temporary wiring shall be prohibited.
- (d) All fires shall be reported to the licensing agency within 72 hours. Fires causing injury or death shall be reported immediately. A written report to the Department shall follow a telephone report.
- (e) Draperies or other window dressings, upholstery, and other fabrics and decorations shall be fire-resistant.
- (f) At least one telephone within the center shall be available to staff in case of an emergency. Emergency telephone numbers shall be posted on the designated emergency telephone to include fire, police, ambulance, and hospital if 911 emergency is not available.
- (g) All facilities shall at a minimum have smoke detectors placed appropriately throughout the facility and maintained in good operation.

[Source: Added at 8 Ok Reg 2983, eff 5-28-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]

310:605-15-8. General safety

- (a) General safety requirements should meet ADA standards and the state minimum standards adopted by the state fire marshal's office.
- (b) The center's exterior site conditions shall be designed, constructed, and maintained with consideration for participants' safety.
- (c) Stairways and hallways shall be well lighted at all times. All stairways shall have non-slip surface.
- (d) All rugs and floor coverings shall be secured to floor. Throw rugs shall not be used.
- (e) Elevators for participants' use shall be maintained in safe condition.
- (f) The hot water system connected to fixtures used by participants shall deliver warm water at a temperature not to exceed 115° F.
- (g) Drugs, cleaning agents, pesticides, and poisonous products shall be stored out of reach of the participants and used in a manner which assures the safety of the participants.
- (h) There shall be no activities adversely affecting the safety of the participant on the premises.

[Source: Added at 8 Ok Reg 2983, eff 5-25-91 (emergency); Added at 9 Ok Reg 1989, eff 6-11-92; Amended at 20 Ok Reg 1182, eff 5-27-03]