003. LICENSURE.

03. Issuance of License.

...c. The facility license shall be framed and posted so as to be visible to the general public. (1-1-88)

009. CRIMINAL HISTORY AND BACKGROUND CHECK REQUIREMENTS.

01. Criminal History and Background Check. A skilled nursing and intermediate care facility must complete a criminal history and background check on employees and contractors hired or contracted with after October 1, 2007, who have direct patient access to residents in the skilled nursing and intermediate care facility. A Department check conducted under IDAPA 16.05.06, “Criminal History and Background Checks,” satisfies this requirement. Other criminal history and background checks may be accepted provided they meet the criteria in Subsection 009.02 of this rule and the entity conducting the check issues written findings. The entity must provide a copy of these written findings to both the facility and the employee. (3-26-08)

02. Scope of a Criminal History and Background Check. The criminal history and background check must, at a minimum, be a fingerprint-based criminal history and background check that includes a search of the following record sources: (3-26-08) a. Federal Bureau of Investigation (FBI); (3-26-08) b. Idaho State Police Bureau of Criminal Identification; (3-26-08) c. Sexual Offender Registry; (3-26-08) d. Office of Inspector General List of Excluded Individuals and Entities; and (3-26-08) e. Nurse Aide Registry. (3-26-08)

03. Availability to Work. Any direct patient access individual hired or contracted with on or after October 1, 2007, must self-disclose all arrests and convictions before having access to residents. The individual is allowed to only work under supervision until the criminal history and background check is completed. If a disqualifying crime as described in IDAPA 16.05.06, “Criminal History and Background Checks,” is disclosed, the individual cannot have access to any resident. (3-26-08)

04. Submission of Fingerprints. The individual’s fingerprints must be submitted to the entity conducting the criminal history and background check within twenty-one (21) days of his date of hire. (3-26-08)

05. New Criminal History and Background Check. An individual must have a criminal history and background check when: (3-26-08) a. Accepting employment with a new employer; and (3-26-08) b. His last criminal history and background check was completed more than three (3) years prior to his date of hire. (3-26-08)

06. Use of Criminal History Check Within Three Years of Completion. Any employer may use a previous criminal history and background check obtained under these rules if: (3-26-08) a. The individual has received a criminal history and background check within three (3) years of his date of hire; (3-26-08) b. The employer has documentation of the criminal history and background check findings; (3-26-08) c. The employer completes a state-only background check of the individual through the Idaho State Police Bureau of Criminal Identification, and (3-26-08) d. No disqualifying crimes are found. (3-26-08)
07. Employer Discretion. The new employer, at its discretion, may require an individual to complete a criminal history and background check at any time, even if the individual has received a criminal history and background check within the three (3) years of his date of hire. (3-26-08)

100. ADMINISTRATION.

01. Governing Body. Each facility shall be organized and administered under one (1) authority which may be a proprietorship, partnership, association, corporation or governmental unit. (1-1-88)

a. If other than a single owner or partnership, the facility shall have a governing board which assumes full legal responsibility for the overall conduct of the facility and for full compliance with these rules and minimum standards. (1-1-88)

c. The names, addresses, and titles of offices held by all members of the facility's governing authority shall be submitted to the Department. (1-1-88)

d. There shall be available for review by the Department a copy of the lease (if a building or buildings are leased to a person or persons to operate as a facility) showing clearly in the context which party to the agreement is to be held responsible for the maintenance and upkeep of the property to meet minimum standards. Terms of the financial arrangement may be omitted from the copy of the lease available to the Department. (1-1-88)

02. Administrator. The governing body, owner or partnership shall appoint a licensed nursing home administrator for each facility who shall be responsible and accountable for carrying out the policies determined by the governing body. In combined hospital and nursing home facilities, the administrator may serve both the hospital and nursing home provided he is currently licensed as a nursing home administrator. (1-1-88)

a. In the absence of the administrator, an individual who is responsible and accountable and at least twenty-one (21) years of age shall be authorized, in writing, to act in his behalf to assure administrative direction of the facility. (1-1-88)

b. The administrator shall be responsible for establishing and assuring the implementation of written policies and procedures for each service offered by the facility, or through arrangements with an outside service and of the operation of its physical plant. The policies and procedures shall further clearly set out any instructions or conditions imposed as a result of religious beliefs of the owner or administrator. The administrator shall see that these policies and procedures are adhered to and shall make them available to authorized representatives of the Department. If a service is provided through arrangements with an outside agency or consultant, a written contract or agreement shall be established outlining the expectations of both parties. (1-1-88)

c. The administrator shall be responsible for the completion, keeping, and submission of such reports and records as may be required by the Department. (7-1-93)

d. The administrator, his relatives or employees, shall not act as or become the legal guardian of or have power of attorney for any patients/residents unless specifically adjudicated as such by appropriate legal order. (1-1-88)

e. The administrator shall provide to the public and the patient/resident an accurate description of
the facility services and care. Representation of the facility's services to the public shall not be misleading. (7-1-93)
f. The administrator shall be responsible for providing sufficient and qualified staff to carry out all of the basic services offered by the facility, i.e., food services, housekeeping, maintenance, nursing, laundry, etc. (1-1-88)
g. The administrator, owner and employees of a facility shall be governed by the provisions of Section 15-2-616, Idaho Code, concerning the devise or bequest of a patient's/resident's property by a last will and testament. (1-1-88)

...07. Census Register. A register shall be kept, listing in chronological order, the names of patients/residents, dates of admission and discharge, and daily census. (1-1-88)

105. PERSONNEL.

01. Personnel Policies. Personnel policies shall be developed and implemented and shall include: (1-1-88)
a. The recruitment of qualified personnel (including consultants when utilized); (1-1-88)
b. Orientation of all new employees; (1-1-88)
c. Continuing in-service training for all employees which is consistent with patients'/residents' needs and services offered. A minimum of twenty-four (24) hours of training per year shall be provided to nursing staff; (1-1-88)
d. Competent supervision of all staff; (1-1-88)
e. Uniform rules for each classification of employee concerning hours of work, paydays, overtime and other related personnel matters; and (1-1-88)
f. Employee grievance procedures. (1-1-88)

02. Daily Work Schedules. Daily work schedules shall be maintained in writing which reflect: (1-1-88)
a. Personnel on duty at any given time for the previous three (3) months; (1-1-88)
b. The first and last names of each employee, including professional designation (R.N., L.P.N., etc.) and position; and (1-1-88)
c. Any adjustments made to the schedule. (1-1-88)

03. Job Description. Job descriptions shall be current, on file and shall: (1-1-88)
a. Include the authority, responsibilities and duties of each classification of personnel; (1-1-88)
b. Be given to each employee consistent with his classification. (1-1-88)

04. Organizational Chart. An organizational chart shall be posted or be available to view by all employees, or be in the employee's possession which clearly reflects lines of authority within the facility's organizational structure. (1-1-88)
05. Applicable Idaho and Federal Laws. Applicable Idaho and federal laws shall be observed in relation to employment of any individual. (1-1-88)

06. Age Limitations. No employee, other than licensed personnel, who is less than eighteen (18) years of age shall provide direct resident care except when the employee may be a student or a graduate of a recognized vocational health care training program. (1-1-88)

07. Patient/Resident Employment. Whenever work of economic benefit to the facility is performed by a patient/resident, such work will be subject to the provisions prescribed by law for any employee. (1-1-88)

08. Employee Health...

09. Payroll Records. Payroll records shall be maintained by the facility which reflect an employee's hours of work, paydays, overtime and other related matters. (1-1-88)

10. Personnel Files. Personnel files shall be kept for each employee and each shall contain: (1-1-88)

   a. Name, current address and telephone number of the employee; (1-1-88)
   b. Social security number; (1-1-88)
   c. Qualifications for the position for which the employee is hired, including education and experience; (1-1-88)
   d. If Idaho license is required, verification of current license; (1-1-88)
   e. Position in facility; (1-1-88)
   f. Date of employment; (1-1-88)
   g. Date of termination and reason; (1-1-88)
   h. Verification of TB skin test upon employment and any subsequent test results; and (1-1-88)
   i. Orientation and training documentation reflecting what the employee received when, and the amount of time for each program. (1-1-88)