7.9.2.2 SCOPE:

A. Services for residents shall be provided on a continuing twenty-four (24) hour basis and shall maintain or improve physical, mental and psychosocial well-being under plan of care developed by a physician or other licensed health professional and shall be reviewed and revised based on assessment.

B. All facilities licensed as nursing homes pursuant to Section 24-1-5 (A) NMSA 1978, are subject to all provisions of these regulations.

7.9.2.8 LICENSURE:

7.9.2.11 SEPARATE LICENSES: Separate licenses shall be required for facilities which are maintained on separate premises even though they are under the same management. Separate licenses shall not be required for separate buildings on the same ground or adjacent ground.

7.9.2.13 POSTING: The license or a certified copy thereof shall be conspicuously posted in a location or accessible to public view within the facility.

7.9.2.14 REPORT OF CHANGES:

A. The licensee shall notify the department in writing of any changes in the information provided, within ten (10) days of such changes. This notification shall include information and documentation regarding such changes.

B. When a change of administrator occurs, the Department shall be notified within ten (10) days in writing by the licensee. Such writing shall include the name and license number of the new administrator.

C. Each licensee shall notify the Department within ten (10) days in writing of any change of the mailing address of the licensee. Such writing shall include the new mailing address of the licensee.

D. When a change in the principal officer of a corporate license (chairman, president, general manager) occurs the Department shall be notified within thirty (30) days in writing by the licensee. Such writing shall include the name and business address of such officer.

E. Any decrease, or increase in licensed bed capacity of the facility shall require notification by letter to the Department and shall result in the issuance of a corrected license.

7.9.2.20 PROGRAM FLEXIBILITY:

A. All facilities shall maintain compliance with the licensee requirements. If the use of alternate concepts, methods, procedures, techniques, equipment, personnel qualifications or the conducting of pilot projects conflicts with requirements, then prior written approval from the Department shall be obtained in order to ensure provisions for safe and adequate care. Such approval shall provide for the terms and conditions under which the exception is granted. A written request and
substantiating evidence supporting the request shall be submitted by the applicant or licensee to the department.

B. Any approval of the Department granted under this section, or a certified copy thereof shall be posted immediately adjacent to the facility’s license.

7.9.2.26 ADMINISTRATOR/STATUTORY REFERENCE: A nursing home shall be supervised by an administrator licensed under the Nursing Home Administrators Act, Sections 61-13-16 through 61-13-16 NMSA 1978. Supervision shall include, but not be limited to, taking all reasonable steps to provide qualified personnel to assure the health, safety, and rights of the residents.

A. FULL-TIME ADMINISTRATOR: Every nursing home shall be supervised full-time by an administrator licensed under the Nursing Home Administrators Act, except multiple facilities. If more than one nursing home or other licensed health care facility is located on the same or contiguous property, one full-time administrator may serve all the facilities.

B. ABSENCE OF ADMINISTRATOR: A person present in and competent to supervise the facility shall be designated to be in charge whenever there is not an administrator in the facility, and shall be identified to all staff.

C. CHANGE OF ADMINISTRATOR:

(1) Replacement of administrator: If it is necessary immediately to terminate an administrator, or if the licensee loses an administrator for other reasons, a replacement shall be employed or designated as soon as possible within one-hundred twenty (120) days of vacancy.

(2) Temporary replacement: During any vacancy in the position of administrator, the licensee shall employ or designate a person competent to fulfill the functions of an administrator immediately.

(3) Notice of change of administrator: When the licensee loses an administrator, the licensee shall notify the department within two (2) Department working days of such loss and provide written notification to the Department of the name and qualifications of the person in charge of the facility during the vacancy; and the name and qualifications of the replacement administrator, when known.

7.9.2.27 EMPLOYEES: In this section, “employee” means anyone directly employed by the facility on other than a consulting or contractual basis.

A. QUALIFICATIONS AND RESTRICTIONS: No person under eighteen (18) years of age shall be employed to provide direct care to residents.

D. VOLUNTEERS: Facilities may use volunteers provided that the volunteers receive the orientation, training, and supervision necessary to assure resident health, safety and welfare.

E. ABUSE OF RESIDENTS:

...(3) Assignments: Employees shall be assigned only to resident care duties consistent with their training.

(4) Reporting: All employees will be instructed in the reporting requirements of the Adult Protective Services Act of abuse, neglect or exploitation of any resident.
7.9.2.28 RECORDS - GENERAL: The administrator or administrator's designee shall provide the Department with any information required to document compliance with these regulations and shall provide reasonable means for examining records and gathering the information.

7.9.2.29 PERSONNEL RECORDS: A separate record of each employee shall be maintained, be kept current, and contain sufficient information to support assignment to the employee's current position and duties.

7.9.2.33 OTHER RECORDS: The facility shall retain:
A. DIETARY RECORDS: All menus and therapeutic diets for one year.
B. STAFFING RECORDS: Records of staff work schedules and time worked for one year.
C. SAFETY TESTS: Records of tests of fire detection, alarm, and extinguishment equipment.
D. RESIDENT CENSUS: At least a daily census of all residents, indicating number of residents requiring each level of care.
E. PROFESSIONAL CONSULTATIONS: Documentation of professional consultations by:
   (1) A dietician.
   (2) A registered nurse.
   (3) Others, as may be used by the facility.

F. IN-SERVICE AND ORIENTATION PROGRAMS: Subject matter, instructors and attendance records of all in-service and orientation programs.
G. TRANSFER AGREEMENTS: Transfer agreements.
H. FUNDS AND PROPERTY STATEMENT: The statement prepared upon a resident's discharge or transfer from the facility that accounts for all funds and receipted property held by the facility for the resident.
I. COURT ORDERS AND CONSENT FORMS: Copies of court orders or other documents, if any, authorizing another person to speak or act on behalf of the resident.