

DELAWARE

1.0 Scope

1.1 A Nursing facility (NF) is a residential institution, as defined in 16 **Delaware Code**, §1102(4), which provides services to residents which include resident beds, continuous nursing services, and health and treatment services for individuals who do not currently require continuous hospital care. Care is given in accordance with a physician's orders and requires the competence of a registered nurse (RN).

1.2 Nursing facilities shall be subject to all applicable local, state and federal code requirements. The provisions of 42 CFR Ch. IV Part 483, Subpart B, requirements for Long Term Care Facilities, and any amendments or modifications thereto, are hereby adopted as the regulatory requirements for skilled and intermediate care nursing facilities in Delaware. Subpart B of Part 483 is hereby referred to, and made part of this Regulation, as if fully set out herein. including but not limited to the All applicable code requirements of the State Fire Prevention Commission are hereby adopted and incorporated by reference.

2.0 Definitions

2.1 Activities of Daily Living (ADLs) - Normal daily activities including but not limited to ambulating, transferring, range of motion, grooming, bathing, dressing, eating and toileting.

2.2 Advance Directive - Written instructions such as a living will or durable power of attorney for health care, in accordance with 16 **Delaware Code**, Chapter 25, relating to the provision of health care should the individual become incapacitated.

2.3 Associated Entity - The partially or wholly owned subsidiary, parent company or partner of the applicant for licensure or any other entity identified on the corporation formation documents.

2.4 Department/DHSS - Department of Health and Social Services

2.5 Division - Division of Long Term Care Residents Protection

2.6 Extensive Remodeling - Renovations or alterations within the facility that modify the square footage of any room intended for resident use.

2.7 Food Service Manager -

2.7.1 For facilities subject to 16 **Delaware Code**, §1164, an individual who meets the statutory requirements for a food service manager. A facility may seek a

waiver of the statutory requirements if an insufficient pool of applicants exists. The facility must demonstrate the inability to hire a person who meets the requirements after a recruitment process of at least 90 days duration that included advertising in at least two newspapers of general circulation and one trade journal, offering a competitive salary. If those conditions are met, the Division may waive the education requirement for an applicant who meets the requirements of a "person in charge" as defined in the current Delaware Food Code.

2.7.2 For facilities not subject to 16 **Delaware Code**, §1164, an individual who, at a minimum, meets the requirements of a "person in charge" as defined in the current Delaware Food Code.

2.8 Full-time - Forty hours per week or the standard workweek established by the facility.

2.9 Incident - An occurrence or event, a record of which must be maintained in facility files, which includes all reportable incidents and the additional occurrences or events listed in Section 10.5 9.7 of these regulations. (Also see Reportable Incident, Section 10.6.)

2.10 Nursing Home Administrator - A licensee of the Delaware Board of Examiners of Nursing Home Administrators who manages the facility on a full-time basis, and is responsible for the delivery quality care to its residents and for the implementation of the policies and procedures of the facility.

2.11 Nursing Services - Those curative, restorative, preventive or palliative health care services provided by certified nursing assistants, licensed practical nurses and registered nurses to assist a resident to attain or maintain his or her highest practicable physical, mental, and psychosocial well-being as determined by the resident's assessment and individual care plan.

2.12 Pediatric resident - A person residing in a nursing facility who is under 18 years of age and for who there is a care plan including medical care, treatment and other related services in accordance with the Regulations for Nursing Homes Admitting Pediatric Residents.

2.13 Physician - A medical doctor or doctor of osteopathy licensed to practice medicine in the State of Delaware.

2.14 Rehabilitation - The actions and services such as physical therapy, occupational therapy, speech therapy and psychosocial services provided or required to restore an ill or injured person to self-sufficiency at his or her highest attainable level.

2.15 Reportable Incident - An occurrence or event which must be reported immediately to the Division and for which there is reasonable cause to believe that a resident has been abused, neglected, mistreated or subjected to financial exploitation/misappropriation of their property as those terms are defined in 16 **Delaware Code**, §1131 and/or 42 CFR 483.13(c). Reportable incident also includes an occurrence or event listed in Section 10.6 9.8 of these regulations. (Also see Incident, Section 2.9.)

2.16 Resident - A person admitted to a nursing facility because of illness or impairment, under a physician's care, for whom there is planned continuing health care directed toward improvement in health or for whom palliative medical and nursing measures are required.

2.17 Restraint - A physical or chemical means of restricting or controlling a resident. Specifically, a mechanical device, material or equipment attached or adjacent to a resident's body that the resident cannot remove easily, and which restricts freedom of movement or normal access to the resident's body.

2.18 Satisfactory Compliance History - A sworn affidavit, as required by 16 **Delaware Code**, §1104(d), attesting to a licensure applicant's provision of quality care in a nursing facility, during the five years preceding the initial application, as determined by the absence of the following:

2.18.1 Termination or denial of participation in the Medicare or Medicaid program

2.18.2 State licensure revocation

2.18.3 Financial insolvency

2.18.4 Outstanding civil actions for debt

2.18.5 Outstanding civil money penalty

2.19 Social worker - For facilities subject to 16 **Delaware Code**, §1165, with at least 100 beds, an individual with a bachelor's degree in social work, or a bachelor's degree in a human services field including, but not limited to, sociology, special education, rehabilitation counseling, and psychology; and one year of supervised social work experience in a health care setting working directly with individuals. For facilities with fewer than 100 beds, the facility may designate the director of admissions or a nurse to assume the duties of the social worker.

2.20 Supervision - The oversight and direction of personnel necessary to ensure the safety, comfort and well-being of residents.