

NEBRASKA HEALTH AND HUMAN SERVICES
REGULATION AND LICENSURE

175 HEALTH CARE FACILITIES AND SERVICES LICENSURE

CHAPTER 12 SKILLED NURSING FACILITIES, NURSING FACILITIES, AND
INTERMEDIATE CARE FACILITIES

12-002 DEFINITIONS

Abuse means any knowing, intentional, or negligent act or omission on the part of any person which results in physical, sexual, verbal or mental abuse, unreasonable confinement, cruel punishment, exploitation, or denial of essential care, treatment, or services to a resident.

Accident means an unexpected, unintended event that can cause a resident bodily injury.

Activities of daily living (See definition of "Care.")

Adjoining means located to allow access without having to enter a general corridor area used or observed by other facility occupants.

Apartment means a portion of a building that contains: living and sleeping areas; storage room(s); separate room(s) containing a toilet, lavatory, and bathtub or shower; and a kitchen area with a sink and cooking and refrigeration appliances.

Applicant means the individual, government, corporation, partnership, limited liability company, or other form of business organization that applies for a license.

Biological means any virus, therapeutic serum, toxin, antitoxin, or analogous product applicable to the prevention, treatment, or cure of disease or injuries of humans.

Care means the exercise of concern or responsibility for the comfort, welfare, and habilitation of persons, including a minimum amount of supervision and assistance with or the provision of personal care, activities of daily living, health maintenance activities, or other supportive services. For purposes of this chapter:

1. Activities of daily living means transfer, ambulation, exercise, toileting, eating, self-administered medication, and similar activities;
2. Health maintenance activities means noncomplex interventions which can safely be performed according to exact directions, which do not require alteration of the standard procedure, and for which the results and resident responses are predictable; and
3. Personal care means bathing hair care, nail care, shaving, dressing, oral care, and similar activities.

Chemical restraint means a psychopharmacologic drug that is used for discipline or convenience and is not required to treat medical symptoms.

Complaint means any expression of concern or dissatisfaction.

Completed application means an application that contains all the information specified in 175 NAC 12-003 and includes all required attachments, documentation, and the licensure fee.

Department means the Department of Health and Human Services Regulation and Licensure.

Designee means a person who is authorized by law or by the resident to act on his or her behalf, for example, a parent of a minor child, a legal guardian, a conservator, or an attorney in fact named in a durable power of attorney for health care.

Device means an instrument, apparatus, implement, machine, contrivance, implant, in vitro reagent, or other similar or related article, including any component, part, or accessory, which is prescribed by a medical practitioner and dispensed by a pharmacist or other person authorized by law to do so.

Direction and monitoring means, for the purpose of medication administration, the acceptance of responsibility for observing and taking appropriate action regarding any desired effects, side effects, interactions, and contraindications associated with the medication. Direction and monitoring can be done by a:

1. Competent individual for himself or herself;
2. Caretaker; or
3. Licensed health care professional.

Director means the Director of Regulation and Licensure.

Dispensing pharmacy means the pharmacy that provides prescribed medications to residents of the facility or that provides emergency box drugs to an institution pursuant to the Emergency Box Drug Act, Neb. Rev. Stat. §§ 71-2410 to 71-2417.

Drug means substances as defined in Neb. Rev. Stat. § 71-1,142.

Dwelling means a building that contains: living and sleeping areas; storage room(s); separate room(s) containing a toilet, lavatory, and bathtub or shower; and a kitchen area with a sink and cooking and refrigeration appliances.

Emergency box drugs means drugs required to meet the immediate therapeutic needs of residents when the drugs are not available from any other authorized source in time to sufficiently prevent risk of harm to such residents by the delay resulting from obtaining such drugs from such other authorized source.

Existing facility means a licensed facility or a facility whose construction or remodeling plans were approved by the Department prior to the effective date of 175 NAC 12.

Exploitation means the taking of property of a resident by means of undue influence, breach of a fiduciary relationship, deception, extortion, or by any unlawful means.

Facility means a skilled nursing facility, nursing facility, or intermediate care facility as defined.

Five rights means the right medication to the right resident in the right dosage by the right route at the right time.

Food Code means the Nebraska Food Code as defined in Neb. Rev. Stat. § 81-2,244.01 and as published by the Nebraska Department of Agriculture, except for compliance and enforcement provisions.

Foreign when applied to corporations means all those created by authority other than that of the State of Nebraska.

Grievance means any written expression of dissatisfaction which may or may not be the result of an unresolved complaint.

Health care facility means a(n) ambulatory surgical center, assisted-living facility, center or group home for the developmentally disabled, critical access hospital, general acute hospital, health clinic, hospital, intermediate care facility, intermediate care facility for the mentally retarded, long-term care hospital, mental health center, nursing facility, pharmacy, psychiatric or mental hospital, public health clinic, rehabilitation hospital, skilled nursing facility, or substance abuse treatment center.

Health maintenance activity (See definition of "Care".)

Incident means an occurrence likely to have a grave outcome.

Intermediate care facility means a facility where shelter, food, and nursing care or related services are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured, or disabled and do not require hospital or skilled nursing facility care.

Licensed health care professional means an individual for whom medication authorization or administration of medications is included in the scope of practice.

Licensed nurse means a licensed registered nurse or a licensed practical nurse.

Licensee means the individual, government, corporation, partnership, limited liability company, or other form of business organization legally responsible for the operation of the facility and to whom the Department has issued a license.

Medical practitioner means any licensed physician, osteopathic physician, dentist, podiatrist, optometrist, chiropractor, physician assistant, certified registered nurse anesthetist, advanced practice registered nurse, or certified nurse midwife.

Medication means any prescription or nonprescription drug intended for treatment or prevention of disease or to affect body function in humans.

Medication administration includes, but is not limited to:

1. Providing medication for another person according to the five rights;
2. Recording medication provision; and
3. Observing, monitoring, reporting, and otherwise taking appropriate actions regarding desired effects, side effects, interactions, and contraindications associated with the medication.

Medication aide means an individual who is listed on the medication aide registry operated by the Department as provided in 172 NAC 95 and 96.

Medication error is the preparation, provision or administration of medications which is not in accordance with:

1. Physician orders;
2. Manufacturers specifications regarding the preparation and administration of the drug or biological; or
3. Accepted professional standards and principles that apply to professionals providing services.

Medication error rate is determined by calculating the percentage of errors. The numerator is the total number of errors that the survey team observes, both significant and non-significant. The denominator is called "opportunities for error" and includes all the doses the survey team observed being administered plus the doses ordered but not administered.

Medication provision means the component of the administration of medication that includes giving or applying a dose of medication to an individual and includes helping an individual in giving or applying such medication to himself or herself.

Medically related social services means services provided by the facility's staff to assist residents in maintaining or improving their ability to manage their everyday physical, mental, and psychosocial needs.

Mental abuse means humiliation, harassment, threats of punishment or deprivation, or other action causing mental anguish.

Misappropriation of money or property means the deliberate misplacement, exploitation, or use of a resident's belongings or money without the resident's consent.

NAC means Nebraska Administrative Code.

Neglect means a failure to provide care, treatment, or services necessary to avoid physical harm or mental anguish of a resident.

New construction means a facility or a distinct part of a facility in which care and treatment is to be provided and which is enlarged, remodeled, or altered in any fashion or is built from the ground up on or after the effective date of 175 NAC 12.

New facility means a facility or a distinct part of a facility in which care and treatment is to be provided and which is not currently licensed as a health care facility. New facility also includes those facilities, which were previously licensed for care and treatment in another licensure category, that now intend to seek licensure in a different category.

Nursing facility means a facility where medical care, nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured, or disabled.

Personal care (See definition of "Care.")

Physical abuse means hitting, slapping, pinching, kicking, or other actions causing injury to the body.

Physical restraint means any manual method or physical or mechanical device, material, or equipment attached or adjacent to the resident's body that he or she cannot remove easily and that restricts freedom of movement or normal access to his or her own body.

Premises means a facility, the facility's grounds and each building or grounds on contiguous property used for administering and operating a facility.

PRN means an administration scheme in which a medication is not routine, is taken as needed, and requires assessment for need and effectiveness.

Qualified dietitian means a Registered Dietitian or a Licensed Medical Nutrition Therapist.

Qualified inspector means a professional architect or engineer licensed to practice in Nebraska, an official or employee of a local jurisdiction authorized by that jurisdiction to make inspections of particular building equipment or systems, or an individual certified by a nationally recognized organization to make such inspections.

Qualified personnel means that professional staff are licensed, certified or registered to provide specialized therapy/rehabilitative services in accordance with applicable state laws.

Resident means a person residing and receiving care and/or treatment as recommended by a medical practitioner at a skilled nursing facility, nursing facility, or intermediate care facility.

Schematic plans means a diagram of the facility which describes the number and location of beds, the location of care and treatment rooms, Life Safety Code construction and occupancy classifications locations, fire compartments, and Fire Marshal-approved points of safety.

Sexual abuse means sexual harassment, sexual coercion, or sexual assault.

Significant change means a major change in the resident's status that is not self-limiting, impacts on more than one area of the resident's health status, and requires interdisciplinary review and/or revision of the care plan.

Significant medication error means one which jeopardizes a resident's health and safety.

Significant weight loss is 5% loss of body weight in one month, 7.5% loss of body weight in three months, or 10% body weight loss in six months.

Skilled nursing facility means a facility where medical care, skilled nursing care, rehabilitation, or related services and associated treatment are provided for a period of more than 24 consecutive hours to persons residing at such facility who are ill, injured, or disabled.

Specialized rehabilitative services means services provided by qualified personnel such as, but not limited to, physical therapy, speech-language pathology, occupational therapy, and mental health rehabilitative services for mental illness and mental retardation.

Sufficient fluid means the amount of fluid needed to prevent dehydration (output of fluids far exceeds fluid intake) and maintain health. The amount needed is specific for each resident, and fluctuates as the resident's condition fluctuates.

Therapeutic diet means a diet ordered by a physician as part of treatment for a disease or clinical condition, to increase, decrease or eliminate certain substances in the diet, or to provide food the resident is able to eat.

Treatment means a therapy, modality, product, device, or other intervention used to maintain well being or to diagnose, assess, alleviate, or prevent a disability, injury, illness, disease, or other similar condition.

Unlicensed direct care staff means personnel who are not licensed or certified under the

Uniform Licensing Law or other state laws governing the practice of health care and whose primary responsibility is to manage, supervise, and/or provide direct care to residents. Unlicensed direct care staff includes nursing assistants, medication aides, and other personnel with this responsibility and with job titles designated by the facility.

Verbal abuse means the use of oral, written, or gestured language including disparaging and derogatory terms to residents or within their hearing distance.