

He-P 803.03 Definitions.

(a) "Abuse" means any one of the following:

(1) "Emotional abuse" means the misuse of power, authority, or both, verbal harassment, or unreasonable confinement which results or could result in the mental anguish or emotional distress of residents;

(2) "Physical abuse" means the misuse of physical force which results or could result in physical injury to residents; or

(3) "Sexual abuse" means contact or interaction of a sexual nature involving residents without his or her informed consent.

(b) "Administer" means an act whereby one or more doses of a medication is instilled into the body, applied to the body of, or otherwise given to a person for immediate consumption or use by an individual

authorized by law, including RSA 318-B and RSA 326-B.

(c) "Administrator" means the nursing home administrator licensed under the laws of the State of New Hampshire pursuant to RSA 151-A:2 and appointed by the licensee to be responsible for all aspects of the

daily operation of the nursing home.

(d) "Admission" means accepted by a licensee for the provision of services to a resident.

(e) "Advance directive" means a directive, pursuant to RSA 137-J, allowing a person to give directions about future medical care or to designate another person to make medical decisions if he or she

should lose the capacity to make health care decisions. The term "advance directive" includes, but is not limited to, living wills and durable powers of attorney for health care.

(f) "Affiliated or related parties" means companies or individuals that serve as operators, landlords, management companies or advisors, real estate or consulting companies, members of limited liability companies, administrative services companies, lenders and companies providing financial guarantees, captive

or affiliated insurance companies or other companies as the commissioner shall decide that have an ownership

interest in the nursing home.

(g) "Agent" means an adult to whom authority to make health care decisions is delegated under an activated durable power of attorney for health care executed in accordance with RSA 137-J.

(h) "Applicant" means an individual, agency, partnership, corporation, federal state, county or local government entity, association, or other legal entity seeking a license pursuant to RSA 151.

(i) "Assessment" means a systematic data collection which enables facility personnel to plan care that allows the resident to reach his or her highest practicable level of physical, mental, and psychosocial functioning.

(j) "Business day" means a 24-hour period, Monday through Friday, except for NH state holidays.

(k) "Care plan" means a documented guide developed, as a result of the assessment process, for the provision of care and services to a resident.

(l) "Certified nursing home" means a nursing home accredited by the organizations deemed by the Centers for Medicare and Medicaid Services (CMS) as accrediting organizations.

(m) "Change of ownership" means the transfer of a controlling interest in a sole proprietorship, joint venture, partnership, corporation, limited liability company or any other kind of entity to another sole proprietor, joint venture, partnership, corporation, limited liability company or any other kind of entity.

(n) "Chemical restraint" means any drug or medication prescribed to control a resident's behavior or emotional state without a supporting diagnosis, or without the presence of a hospice plan of care, or for the convenience of program personnel.

(o) "Commissioner" means the commissioner of the department of health and human services or his or her designee.

(p) "Core services" means those services provided by the licensee that are included in the basic rate.

(q) "Days" means calendar days, unless otherwise specified.

(r) "Deficiency" means any action, failure to act or other set of circumstances that cause a licensee to be out of compliance with RSA 151, He-P 803, or other federal and state requirements.

(s) "Department" means the New Hampshire department of health and human services at 129 Pleasant Street, Concord, NH.

(t) "Direct care personnel" means any person providing hands-on care to a resident.

(u) "Directed plan of correction" means a plan developed and written by the department that specifies the actions the licensee must take to correct identified deficiencies.

(v) "Do not resuscitate order (DNR order)", also known as "Do not attempt resuscitation order (DNAR order)", means an order, signed by a licensed practitioner, that, in the event of an actual or imminent

cardiac or respiratory arrest, chest compression and ventricular defibrillation will not be performed, the resident will not be intubated or manually ventilated, and there will be no administration of resuscitation

drugs.

(w) "Emergency" means an unexpected occurrence or set of circumstances, which require immediate remedial attention.

(x) "Emergency plan" means a document outlining the responsibilities of personnel in an emergency.

(y) "Employee" means anyone employed by the nursing home and for whom the facility has direct supervisory authority.

(z) "Exploitation" means the illegal use of a resident's person or property for another person's profit or advantage, or the breach of a fiduciary relationship through the use of a person or person's property for any

purpose not in the proper and lawful execution of a trust, including, but not limited to, situations where a

person obtains money, property, or services from a resident through the use of undue influence, harassment,

duress, deception, or fraud.

(aa) "Governing body" means the persons designated by the owner(s) of a nursing home to ensure compliance with all applicable rules and provide for the fiscal and physical management of the facility.

(ab) "Guardian" means a person appointed in accordance with RSA 463 for a minor, RSA 464-A for an incapacitated adult, or the laws of another state, to make informed decisions over the resident's person and/or estate.

(ac) "Infectious waste" means those items specified by Env-Sw 103.28.

(ad) "Informed consent" means the decision by a resident or his or her guardian or agent to agree to a proposed course of treatment, after the resident, guardian or agent has received full disclosure of the facts, including information about risks and benefits of the treatment and available alternatives, needed to make the decision intelligently.

(ae) "In-service" means an educational program, which is designed to increase the knowledge, skills, and overall effectiveness of personnel.

(af) "Inspection" means the process used by the department to determine a licensee's compliance with RSA 151, He-P 803, and all other federal and state requirements, or to respond to allegations of noncompliance with RSA 151 and He-P 803.

(ag) "License" means the document issued by the department to an applicant authorizing operation in accordance with RSA 151 and He-P 803 and includes the name of the licensee, the name of the business, the physical address, the license category, the effective date and the license number.

(ah) "License certificate" means the document issued by the department to an applicant or licensee that, in addition to the information contained on a license, includes the name of the administrator, the type(s) of services authorized and the number of beds that the hospital is licensed for.

(ai) "Licensed practitioner" means:

(1) Medical doctor;

- (2) Physician's assistant;
- (3) Advanced practice registered nurse;
- (4) Doctor of osteopathy;
- (5) Doctor of naturopathic medicine; or
- (6) Anyone else with diagnostic and prescriptive powers licensed by the appropriate New Hampshire licensing board.

(aj) "Licensed premises" means the building or portion thereof that comprises the physical location the department has approved for the licensee to conduct operations in accordance with its license.

(ak) "Licensee" means any person or legal entity to which a license has been issued pursuant to RSA 151.

(al) "Mechanical restraint" means a device designed to prohibit a resident's free movement, including full bed rails, gates that prohibit a resident's free movement throughout the living areas of a unit, half doors

that prohibit a residents free movement throughout the living areas of a unit, geri chairs, when used in a

manner that prevents or restricts a resident from getting out of the chair at will, wrist or ankle restraints, vests

or pelvic restraints, or other similar devices that prevent a resident's free movement.

(am) "Medical director" means a physician licensed in New Hampshire in accordance with RSA 329 who is responsible for overseeing the quality of medical care and services in a nursing home.

(an) "Medication" means a substance available with or without a prescription, which is used as a curative or remedial substance.

(ao) "Neglect" means an act or omission, which results or could result in the deprivation of essential services necessary to maintain the minimum mental, emotional or physical health and safety of any resident.

(ap) "Nurse" means a person licensed in accordance with RSA 326-B.

(aq) "Nursing home(s)" means "nursing home or facility" as defined by RSA 151-C:2, XXVI.

(ar) "Nutritional requirements" means the necessary food and liquid intake required to maintain acceptable parameters of nutritional status.

(as) "Orders" means prescriptions, instructions for administering or discontinuing treatments, special diets or therapies given by a licensed practitioner, or other health professional according to their legally authorized scope of practice.

(at) "Over-the-counter medications" means non-prescription medications.

(au) "Owner" means a person or organization who has controlling interest in the nursing home.

(av) "Patient rights" means the privileges and responsibilities possessed by each resident provided by RSA 151:21.

(aw) "Personal representative" means a person designated in accordance with RSA 151:19, V, to assist the resident for a specific, limited purpose or for the general purpose of assisting the resident in the exercise of any rights.

(ax) "Personnel" means individual(s), either paid or volunteer, including independent contractors, who provide direct or indirect care or services or both to a resident(s).

(ay) "Physical restraint" means the use of any hands-on or other physically applied techniques to physically limit the resident's freedom of movement, which includes but are not limited to forced escorts, holding, prone restraints or other containment techniques.

(az) "Physician" means a medical doctor or doctor of osteopathy licensed in the state of New Hampshire pursuant to RSA 329, or a doctor of naturopathic medicine licensed in accordance with RSA 328-

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(ba) "Plan of correction (POC)" means a plan developed and written by the licensee, which specifies the actions that will be taken to correct identified deficiencies.

(bb) "Pro re nata (PRN) medication" means medication taken as circumstances may require.

(bc) "Procedure" means a licensee's written, standardized method of performing duties and providing

services.

(bd) "Protective care" means the provision of resident monitoring services, including but not limited to:

- (1) Reasonable knowledge of resident whereabouts; and
- (2) Minimizing the likelihood of accident or injury.

(be) "Resident" means any individual residing in and receiving care from a nursing home licensed in accordance with RSA 151 and all other federal and state licensing requirements.

(bf) "Resident record" means documents maintained for each resident receiving care and services, which includes all documentation required by RSA 151, He-P 803 and all documentation compiled relative to

the resident as required by other federal and state requirements.

(bg) "Service" means a specific activity performed by the licensee, either directly or indirectly, to benefit or assist a resident.

(bh) "Significant change" means a decline or improvement in a resident's status that:

- (1) Will not normally resolve itself without further intervention by personnel or by implementing standard disease-related clinical interventions;
- (2) Impacts more than one area of the resident's health status; and
- (3) Requires interdisciplinary review and/or revision of the care plan.

(bi) "Therapeutic diet" means a diet ordered by a licensed practitioner as part of the treatment for disease or clinical conditions.

(bj) "Unexplained absence" means an incident involving a resident leaving the premises of the nursing home without the knowledge of the nursing home personnel.

(bk) "Unusual incident" means an occurrence of any of the following while the resident is either in the nursing home or in the care of nursing home personnel:

- (1) The unanticipated death of a resident that is not related to their diagnosis or underlying condition;

(2) An unexplained accident or other circumstance that has resulted in an injury that requires treatment in an emergency room by a licensed practitioner; or

(3) An elopement from the nursing home or other circumstances that resulted in the notification and/or involvement of law enforcement or safety officials.

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