

within forty-eight (48) hours following admission unless an examination was performed within fifteen (15) days before admission.

(2) Evaluation: Within forty-eight (48) hours after admission the physician or physician extender shall complete the resident's medical history and physical examination record. If copies of previous evaluations are used, the physician must authenticate such findings within forty-eight (48) hours of admission.

D. "RESIDENT ASSESSMENT": A comprehensive accurate assessment of each resident's functional capacity and impairment, as basis for care delivery, shall be conducted by designated qualified staff. A preliminary assessment shall be completed within forty-eight (48) hours of admission, a comprehensive assessment within thirty (30) days of admission, after significant change and repeated at least annually.
[7-1-60, 5-2-89; 7.9.2.37 NMAC – Rn, 7 NMAC 9.2.37, 8-31-00]

7.9.2.38 REMOVALS FROM THE FACILITY: The provisions of this section shall apply to all resident removals.

A. CONDITIONS: No resident may be temporarily or permanently removed from this facility except:

(1) Voluntary removal: Upon the request or with the informed consent of the resident or guardian.

(2) Involuntary removal:

(a) For nonpayment of charges, following seven (7) days notice and opportunity to pay any deficiency.

(b) If the resident requires care other than that which the facility is licensed to provide.

(c) For medical reasons as ordered by a physician.

(d) In case of a medical emergency or disaster.

(e) For the resident's welfare or the welfare of other residents.

(f) If the resident does not need nursing home care, and alternate placement is identified and arrangements for transfer have been completed.

(g) If the short-term care period for which the resident was admitted has expired; and

(h) As otherwise permitted by law.

(3) Alternate placement: Except for removal under the preceding section, no resident may be involuntarily removed unless an alternate placement is arranged for the resident.

B. PERMANENT REMOVALS:

(1) Notice: The facility shall provide a resident, the resident's physician and guardian, relative, or other responsible person, at least thirty (30) days notice of removal under Subsection A of 7.9.2.38 NMAC, except Subparagraph (a) of Paragraph (2) of Subsection A of 7.9.2.38 NMAC, unless the continued presence of the resident endangers the health, safety, or welfare of the resident or other residents.

(2) Removal procedures:

(a) The resident, shall be given a notice containing the time and place of a planning conference; a statement informing the resident that any persons of the resident's choice may attend the conference; and the procedure for submitting a complaint to the Department.

(b) Unless the resident is receiving respite care or unless precluded by circumstances posing a danger to the health, safety, or welfare of a resident, prior to involuntary removal under Section 7.9.2.38A NMAC a planning conference shall be held at least three (3) days before removal with the resident, guardian, if any, any appropriate county agency, and others designated by the resident, including the resident's physician, to review the need for relocation, assess the effect of relocation on the resident, discuss alternative placements, and develop a relocation plan which includes at least those activities listed below.

(c) Removal activities shall include: counseling regarding the impending removal; arrangements for the resident to visit the potential alternative placement and/or meeting with that facility's admissions staff, unless medically contra-indicated or waived by the resident; assistance to the resident in planning the moving of belongings and funds to the new facility or quarters; and provisions for needed medications and treatments during relocation.

(d) Discharge records. Upon removal of a resident, all relevant documents shall be prepared and provided to the facility admitting the resident.

[5-2-89; 7.9.2.38 NMAC – Rn, 7 NMAC 9.2.38, 8-31-00]