

TITLE 7 HEALTH
CHAPTER 9 NURSING HOMES AND INTERMEDIATE CARE FACILITIES
PART 2 REQUIREMENTS FOR LONG TERM CARE FACILITIES

7.9.2.1 ISSUING AGENCY: New Mexico Department of Health, Public Health Division, Health Facility Licensing and Certification Bureau.
[10-31-96; 7.9.2.1 NMAC – Rn, 7 NMAC 9.2.1, 8-31-00]

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.
[7-1-60, 5-2-89; 7.9.2.2 NMAC – Rn, 7 NMAC 9.2.2, 8-31-00]

7.9.2.3 STATUTORY AUTHORITY: The regulations set forth herein are promulgated by the Secretary of the New Mexico Department of Health, pursuant to the general authority granted under Section 9-7-6 (E) of the Department of Health Act, NMSA 1978, as amended; and the authority granted under Sections 24-1-2 (D), 24-1-3 (I) and 24-1-5 of the Public Health Act, NMSA 1978, as amended.
[7-1-60, 5-2-89; 7.9.2.3 NMAC – Rn, 7 NMAC 9.2.3, 8-31-00]

7.9.2.4 DURATION: Permanent
[10-31-96; 7.9.2.4 NMAC – Rn, 7 NMAC 9.2.4, 8-31-00]

7.9.2.5 EFFECTIVE DATE: October 31, 1996, unless a different date is cited at the end of a Section or Paragraph.
[10-31-96; 7.9.2.5 NMAC – Rn, 7 NMAC 9.2.5, 8-31-00]

7.9.2.6 OBJECTIVE:

- A.** Establish minimum standards for long term care facilities in the State of New Mexico.
B. Monitor long term care facilities with these regulations through surveys to identify any areas which could be dangerous or harmful to the residents or staff.
C. Encourage the maintenance of long term care facilities that will provide quality services which maintain or improve the health and quality of life to the residents.
[7-1-60, 7-1-64, 5-2-89; 7.9.2.6 NMAC – Rn, 7 NMAC 9.2.6, 8-31-00]

7.9.2.7 DEFINITIONS: For purposes of these regulations the following shall apply:

A. "ABUSE" means any act or failure to act performed intentionally, knowingly, or recklessly that causes or is likely to cause harm to a resident, including but not limited to:

- (1) Physical contact that harms or is likely to harm a resident of a care facility.
- (2) Inappropriate use of physical restraint, isolation, or medication that harms or is likely to harm a resident.
- (3) Inappropriate use of a physical or chemical restraint, medication or isolation as punishment or in conflict with a physicians order.
- (4) Medically inappropriate conduct that causes or is likely to cause physical harm to a resident.
- (5) Medically inappropriate conduct that causes or is likely to cause great psychological harm to a resident.
- (6) An unlawful act, a threat or menacing conduct directed toward a resident that results and might reasonably be expected to result in fear or emotional or mental distress to a resident.