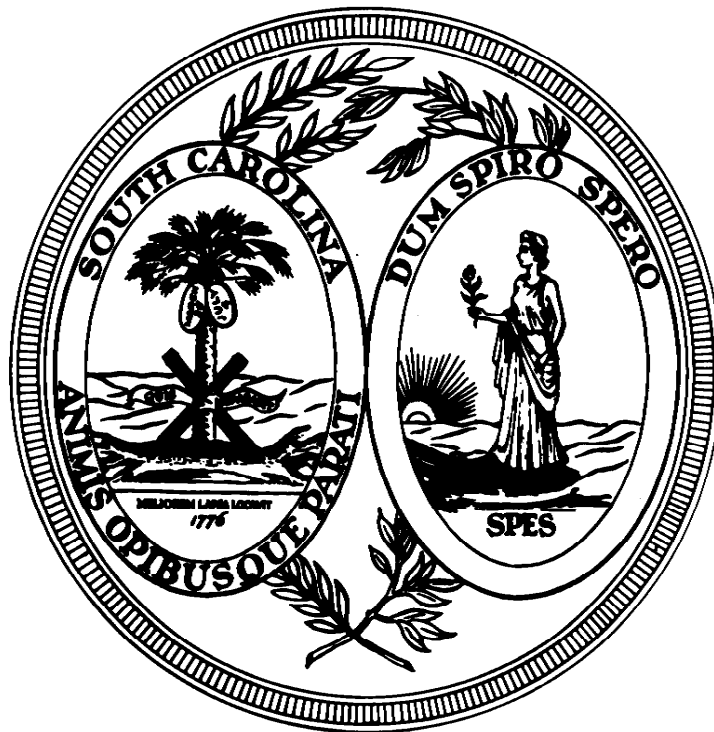




Regulation Number 61-17 Standards for Licensing Nursing Homes



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REGULATION 61-17
STANDARDS FOR LICENSING
NURSING HOMES

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SECTION 100 - DEFINITIONS AND REFERENCES

101. Definitions

For the purpose of this regulation, the following definitions shall apply:

A. Abuse. Physical abuse or psychological abuse.

1. Physical Abuse. The act of intentionally inflicting or allowing to be inflicted physical injury on a resident by an act or failure to act. Physical abuse includes, but is not limited to, slapping, hitting, kicking, biting, choking, pinching, burning, actual or attempted sexual battery, use of medication outside the standards of reasonable medical practice for the purpose of controlling behavior, and unreasonable confinement. Physical abuse also includes the use of a restrictive or physically intrusive procedure to control behavior for the purpose of punishment except that a therapeutic procedure prescribed by a physician or other legally authorized healthcare professional or that is part of a written ICP by a physician or other legally authorized healthcare professional is not considered physical abuse. Physical abuse does not include altercations or acts of assault between residents.

2. Psychological Abuse. The deliberate use of any oral, written, or gestured language or depiction that includes disparaging or derogatory terms to a resident or within the resident's hearing distance, regardless of the resident's age, ability to comprehend, or disability, including threats or harassment or other forms of intimidating behavior causing fear, humiliation, degradation, agitation, confusion, or other forms of serious emotional distress.

B. Activities of Daily Living (ADL). Those personal functions performed by an individual in the course of a day that include, but are not limited to, walking; bathing; shaving; brushing teeth; combing hair; dressing; eating; getting in or getting out of bed; toileting; ambulating and other similar activities.

C. Administering Medication. The direct application of a single dose of a medication to the body of a resident by injection, ingestion, or any other means. It includes the acts of preparing and giving medications in accordance with the orders of a physician or other legally authorized healthcare provider as to medication, dosage, route and frequency; observing, recording, and reporting desired effects, adverse reactions, and side effects of medication therapy; intervening when emergency care is required as a result of medication therapy; appropriately instructing the resident regarding his or her medication; recognizing accepted prescribing limits and reporting deviations to the prescriber.

D. Administrator. The individual designated by the licensee who has the authority and responsibility to manage the facility, who is in charge of all functions and activities of the facility, and who is appropriately licensed as a nursing home administrator by the South Carolina State Board of Long-Term Health Care Administrators.

E. Adult. A person eighteen (18) years of age or older.

F. Advance Directive. Any document recognized under state law indicating a resident's choice with regard to a specific service, treatment, medication or medical procedure option that may be implemented in the future, such as power of attorney, healthcare directive, limited or restricted treatment cardio-pulmonary resuscitation (CPR), do not resuscitate (DNR), and organ tissue donation.

G. Airborne Infection Isolation (AII). A room designed to maintain Airborne Infection Isolation, formerly called a negative pressure isolation room. An Airborne Infection Isolation room is a single-occupancy resident-care room used to isolate persons with suspected or confirmed infectious tuberculosis (TB) disease. Environmental factors are controlled in Airborne Infection Isolation rooms to minimize the transmission of infectious agents that are usually spread from person-to-person by droplet nuclei associated with coughing or aerosolization of contaminated fluids. Airborne Infection Isolation rooms may provide negative pressure in the room (so that air flows under the door gap into the room), an air flow rate of six to twelve (6–12) air changes per hour (ACH), and direct exhaust of air from the room to the outside of the building or recirculation of air through a high efficiency particulate air (HEPA) filter.

H. Annual (Annually). A time period that requires an activity to be performed at least every twelve to thirteen (12 to 13) months.

I. Application. A completed application form and any supplemental documentation and information required by this regulation, e.g., fee, emergency evacuation plan.

J. Assessment. A procedure for determining the nature and extent of the problem(s) and needs of a resident and/or a potential resident to ascertain if the facility can adequately address those problems, meet those needs, and to secure information for use in the development of the ICP. Included in the process is an evaluation of the physical, emotional, behavioral, social, spiritual, nutritional, recreational, and, when appropriate, pain management, vocational, educational, legal status/needs of a resident and/or a potential resident. Consideration of each resident's needs, strengths, and weaknesses shall be included in the assessment.

K. Blood Assay for *Mycobacterium tuberculosis* (BAMT). A general term to refer to *in vitro* diagnostic tests that assess for the presence of tuberculosis (TB) infection with *M. tuberculosis*. This term includes, but is not limited to, IFN- γ release assays (IGRA).

L. Certified Nurse Aide (CNA). A person whose duties are assigned by a licensed nurse and who has successfully completed a state-approved training program or course with a curriculum prescribed by the South Carolina Department of Health and Human Services, holds a certificate of training from that program or course and is listed on the South Carolina Registry of Certified Nurse Aides.

M. Change in Controlling Interest. The acquisition of a healthcare facility or legal entity owning a healthcare facility directly or indirectly by purchase, lease, gift, donation, inheritance, sale of stock, or comparable arrangement, including arrangements where the licensee does not change.

N. Change of Licensee. Where any of the following occurs:

1. A change in the controlling interest even if, in the case of a corporation or partnership, the legal entity retains its identity and name.

2. A change of the legal entity, e.g., sole proprietorship to or from a corporation, partnership to or from a corporation, even if the controlling interest does not change.

3. In a new or change in management agreement, if the ultimate authority for the operation of the facility is surrendered and transferred from the licensee to a new manager, then a change of licensee has occurred.

O. Consultation. A visit by Department representatives who will provide information to the licensee in order to facilitate compliance with these regulations.

P. Contact Investigation. Procedures that occur when a case of infectious TB is identified, including finding persons (contacts) exposed to the case, testing and evaluation of contacts to identify Latent TB Infection (LTBI) or TB disease, and treatment of these persons, as indicated.

Q. Controlled Substance. A medication or other substance included in Schedule I, II, III, IV, and V of the Federal Controlled Substances Act and the South Carolina Controlled Substances Act.

R. Controlling Interest. In the case of a corporation, controlling interest means more than fifty percent (50%) of the total combined voting power of all classes of stock of the corporation entitled to vote or more than fifty percent (50%) of the capital, profits or beneficial interest in the voting stock of the corporation. In the case of a partnership, association, trust or other entity, controlling interest means more than fifty percent (50%) of the capital, profits or beneficial interest in the partnership, association, trust or other entity.

S. Dentist. A person currently licensed to practice dentistry by the South Carolina Board of Dentistry.

T. Department. The South Carolina Department of Health and Environmental Control (DHEC).

U. Designee. A physician, dentist, osteopath, podiatrist, physician's assistant, or advanced practice registered nurse selected by a prescriber to sign orders for medication or treatment in the prescriber's absence.

V. Dietitian. An individual who is registered by the Commission on Dietetic Registration.

W. Direct Care Staff Member and Direct Care Volunteer. A licensed nurse, or nurse aide; any other licensed professional who provides to residents 'hands on' direct care or services and includes, but is not limited to, a physical, speech, occupational, or respiratory care therapist; a person who is not licensed but provides 'hands on' physical assistance or care to a resident. It does not include a family member, a faculty member or student enrolled in an educational program, including clinical study in a nursing home.

X. Discharge. The termination of resident or outpatient status in a facility by which the facility no longer maintains active responsibility for the care of the resident or outpatient.

Y. Dispensing Medication. The transfer of possession of one (1) or more doses of a medication or device by a licensed pharmacist or individual as permitted by law, to the ultimate consumer or his or her agent pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to, or use by a resident.

Z. Do Not Resuscitate (DNR) Order. An order entered by the resident's attending physician in the resident's record that states that in the event the resident suffers cardiac or respiratory arrest, cardio-pulmonary resuscitation should not be attempted. The order may contain limiting language to allow only certain types of cardio-pulmonary resuscitation to the exclusion of other types of cardio-pulmonary resuscitation.

AA. Electronic Signature. An electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by an individual with the legal authority to sign the record.

BB. Existing Facility. A facility that was in operation and/or one that began the construction or renovation of a building (for which the licensee received written approval from the Department's Division of Health Facilities Construction, DHFC), for the purpose of operating the facility, prior to the effective date of this regulation. The licensing standards governing new facilities apply if and when an existing facility is not continuously operated and licensed under this regulation.

CC. Exploitation. 1) Causing or requiring a resident to engage in an activity or labor that is improper, unlawful, or against the reasonable and rational wishes of a resident. Exploitation does not include requiring a resident to participate in an activity or labor that is a part of a written ICP or that is prescribed or authorized by the resident's attending physician; 2) an improper, unlawful, or unauthorized use of the funds, assets, property, power of attorney, guardianship, or conservatorship of a resident by an individual for the profit or advantage of that individual or another individual; 3) or causing a resident to

purchase goods or services for the profit or advantage of the seller or another individual through undue influence, harassment, duress, force, coercion, or swindling by overreaching, cheating, or defrauding the resident through cunning arts or devices that delude the resident and cause him or her to lose money or other property.

DD. Facility. A nursing home licensed by the Department.

1. Proposed Facility. A location for which the Department has received application for licensing as a nursing home.

2. Unlicensed Facility. A location for which the Department has determined that nursing care is being provided to two (2) or more individuals unrelated to the owner/operator who has not received a license to provide such nursing care at that location.

EE. Family Council. A group of individuals, family members or responsible parties of the residents, meeting as a group, having the right to express grievances and to make recommendations and to suggest ways to improve resident care and services.

FF. Feeding Assistant. A person who is paid to feed or provide assistance with feeding residents of a nursing home. The feeding assistant shall not perform other nursing or nursing-related duties, *e.g.*, measuring or recording output, transferring and toileting.

GG. Fire Resistant. The ability of a structure, material, or assemblage to resist the effects of a large-scale severe fire exposure.

HH. Fire-Resistive Rating. The time in hours or fractions thereof that materials and their assemblies will resist fire exposure as determined by fire tests conducted in compliance with recognized standards, *i.e.*, NFPA, ASTM.

II. Health Assessment. An evaluation of the health status of a staff member or volunteer by a physician, other legally authorized healthcare provider, or registered nurse, pursuant to written standing orders and/or protocol approved by a physician's signature.

JJ. Incident. An unusual unexpected adverse event, including harm, injury, or death of staff or residents, accidents, *e.g.*, medication errors, adverse medication reactions, elopement of a resident.

KK. Individual Care Plan (ICP). A documented regimen of appropriate care, treatment, services or written action plan prepared by the facility for each resident, based on assessment data, *e.g.*, social services, which is to be implemented for the benefit of the resident.

LL. Inspection. A visit by a Department representative(s) for the purpose of determining compliance with this regulation.

MM. Institutional Nursing Home. A nursing home (established within the jurisdiction of a larger nonmedical institution) that maintains and operates organized facilities and services to accommodate only students, residents or inmates of the institution.

NN. Interdisciplinary Team. A group designated by the facility to provide or supervise care, treatment, and services provided by the facility. The group normally includes the following persons: a registered nurse, dietary, social services, direct care staff members, nurse aides, and activity professionals.

OO. Investigation. An official inquiry by an authorized individual(s) to a licensed or unlicensed facility for the purpose of determining the validity of allegations received by the Department relating to this regulation.

PP. Isolation. The separation of individuals known or suspected (via signs, symptoms, or laboratory criteria) to be infected with a contagious disease to prevent them from transmitting disease to others.

QQ. Latent TB Infection (LTBI). Infection with *M. tuberculosis*. Persons with Latent TB Infection carry the organism that causes TB but do not have TB disease, are asymptomatic, and are noninfectious. Such persons usually have a positive reaction to the tuberculin skin test.

RR. Legally Authorized Healthcare Provider. An individual authorized by law and currently licensed in South Carolina to provide specific medical treatments, care, or services to staff members and/or residents, e.g., advanced practice registered nurses, physicians' assistants.

SS. Legend Drug.

1. A medication required by federal law to be labeled with any of the following statements prior to being dispensed or delivered:

- a. "Caution: Federal law prohibits dispensing without prescription";
- b. "Rx only"; or

2. A medication required by federal or state law to be dispensed pursuant to a prescription medication order or restricted to use by practitioners only; or

3. Any medication products designated by the South Carolina Board of Pharmacy to be a public health threat; or

4. Any prescribed compounded prescription within the meaning of the South Carolina Pharmacy Practice Act.

TT. License. A printed certificate issued by the Department to the licensee that authorizes the operation of a nursing home.

UU. Licensed Bed. A bed set up, or capable of being set up, within twenty-four (24) hours in a nursing home for the use of one (1) resident.

VV. Licensed Nurse. A person licensed by the South Carolina Board of Nursing as a registered nurse or licensed practical nurse.

WW. Licensee. The individual, corporation, organization, or public entity that has received a license to provide care, treatment, and services at a facility and with whom rests the ultimate responsibility for compliance with this regulation. The licensee shall be the entity to which the Certificate of Need has been issued or that has been exempted from Certificate of Need review.

1. Proposed Licensee. The individual, corporation, organization, or public entity that has submitted and the Department has received an application to obtain a license to operate a facility.

2. Unlicensed Facility Owner. The individual, corporation, organization, or public entity that has been identified by the Department as the owner/operator at a location where nursing care is being provided to two (2) or more individuals unrelated to the owner/operator, and who has not been issued a license to provide nursing care at that location by the Department.

XX. Medication. A substance that has therapeutic effects, including, but not limited to, legend drugs, nonlegend and herbal products, vitamins, and nutritional supplements, *etc.*

YY. Monitoring. The observation of a resident including psychological variables, such as behavior and observable affective state, and the values of certain physiologic variables, such as pulse, blood pressure, oxygen saturation, and respiration, by using instruments to display and/or record (continuously or intermittently).

ZZ. Monthly. A time period that requires an activity to be completed at least twelve (12) times a year within intervals ranging from twenty-five to thirty-five (25 to 35) days.

AAA. Neglect. The failure or omission of a direct care staff member or direct care volunteer to provide the care, goods, or services necessary to maintain the health or safety of a resident including, but not limited to, food, clothing, medicine, shelter, supervision, and medical services. Neglect may be repeated conduct or a single incident that has produced or could result in physical or psychological harm or

substantial risk of death. Noncompliance with regulatory standards alone does not constitute neglect.

BBB. New Facility. All buildings or portions of buildings, new and existing building(s), that are:

1. Being licensed for the first time;
2. Providing a different service that requires a change in the type of license; or
3. Being licensed after the previous licensee's license has been revoked, suspended, or after the previous licensee has voluntarily surrendered the license and the facility has not continuously operated.

CCC. Nonlegend Medication. A medication that may be sold without a prescription and that is labeled for use by the consumer in accordance with the requirements of the laws of this State and the federal government.

DDD. Nursing Care. A degree of care provided to a resident that reaches a level that such care, due to the degree of complexity required, can only be safely and effectively carried out by a licensed nurse or other legally authorized healthcare provider in accordance with South Carolina law.

EEE. Nursing Home. A facility with an organized nursing staff to maintain and operate organized care and services to accommodate two (2) or more unrelated individuals over a period exceeding twenty-four (24) hours that is operated either in connection with a hospital or as a freestanding facility for the express or implied purpose of providing nursing care for individuals who are not in need of hospital care. Rehabilitative therapies may be provided on an outpatient basis.

FFF. Occupational Therapist. A person currently licensed as such by the South Carolina Board of Occupational Therapy Examiners.

GGG. On Call. The continuous availability in person, by telephone, or by telecommunication to staff who are on duty in the facility and are immediately available to go on duty in the facility upon short notice.

HHH. On Duty. Staff members and volunteers who are in the building of a facility and immediately available.

III. Outpatient. A person who has been admitted for specific care and services only at a nursing home where the person leaves the facility the same day and such daily routine may be repeated until the person is discharged.

JJJ. Personal Care. The provision of one (1) or more of the following services, as required by the ICP or orders by the physician or other legally authorized healthcare provider or as reasonably expected by the resident or responsible party, including:

1. Assisting and/or directing the resident with activities of daily living;
2. Being aware of the resident's location;

3. Monitoring the activities of the resident while on the premises of the residence to assure his or her health and safety.

KKK. Pharmacist. A person currently registered as such by the South Carolina Board of Pharmacy.

LLL. Physical Examination. An examination of a resident that addresses those issues identified in Section 1200 of this regulation.

MMM. Physical Therapist. A person currently licensed as such by the South Carolina Board of Physical Therapy Examiners.

NNN. Physician. A person currently licensed as such by the South Carolina Board of Medical Examiners.

OOO. Physician Order. A physician's written authorization or prescription for the provision of services.

PPP. Physician's Assistant. A person currently licensed as such by the South Carolina Board of Medical Examiners.

QQQ. Quality Improvement Program. The process used by a facility to examine its methods and practices of providing care, treatment, and services, identify the ways to improve its performance, and take actions that result in higher quality of care and services for the facility's residents.

RRR. Quarterly. A time period that requires an activity to be performed at least four (4) times a year within intervals ranging from eighty-one to ninety-nine (81 to 99) days.

SSS. Ramp. An inclined accessible route that facilitates entrance to or egress from or within a facility.

TTT. Repeat Violation. The recurrence of any violation cited under the same section of the regulation within a thirty-six-month (36-month) period. The time period determinant of repeat violation status is not interrupted by licensee changes.

UUU. Resident. Any person, other than a staff member or volunteer, who resides in a facility and occupies a licensed bed.

VVV. Resident Council. A group of residents having the right to meet as a group to address resident issues and to make recommendations and suggest ways to improve resident care and services.

WWW. Resident Room. An area enclosed by four (4) ceiling high walls (or as determined by the Department) that can house one (1) or more residents of the facility.

XXX. Respite Care. Short-term care (a period of six (6) weeks or less) provided to an individual to relieve the family members or other individuals caring for the individual, but for not less than twenty-four (24) hours.

YYY. Responsible Party. A person who is authorized by the resident or by law to make decisions on behalf of a resident, to include, but not be limited to, a court-appointed guardian (or legal guardian as referred to in the Bill of Rights for Residents of Long-Term Care Facilities) or conservator, or individual with a healthcare power of attorney or other durable power of attorney.

ZZZ. Restraint. Any means by which movement of a resident is inhibited, *i.e.*, physical, mechanical, chemical. In addition, devices shall be considered restraints if a resident is unable to easily release from the device. Wrist bands or devices that trigger electronic alarms to warn staff that a resident is leaving a chair, bed, or room that do not restrict freedom of movement are not considered restraints.

AAAA. Revocation of License. An action by the Department to cancel or annul a license by recalling, withdrawing, or rescinding a facility's authority to operate.

BBBB. Risk Assessment. A periodic comprehensive process of gathering, organizing, and analyzing tuberculosis data by a qualified individual or group of individuals, *e.g.*, epidemiologists, infectious disease specialists, pulmonary disease specialists, infection-control practitioners, health-care administrators, occupational health personnel, or local public health personnel, to establish the probability of adverse health impacts and to determine the current risk for transmission of tuberculosis in all areas of the facility.

CCCC. Self-Administration. A procedure in which any medication is taken orally, injected, inserted, or topically or otherwise administered by a resident to himself or herself without prompting. The procedure is performed without staff assistance and includes removing an individual dose from a previously dispensed and labeled container (including a unit dose container), verifying it with the directions on the label, taking it orally, injecting, inserting, or applying topically or otherwise administering the medication.

DDDD. Shifts. Shift one (1) is a work period that occurs primarily during the daytime hours including, but not limited to, seven a.m. to three p.m. (7:00 a.m. to 3:00 p.m.); Shift two (2) is a work period that generally includes both daytime and evening hours

including, but not limited to, three p.m. to eleven p.m. (3:00 p.m. to 11:00 p.m.); Shift three (3) is a work period that occurs primarily during the nighttime hours including, but not limited to, eleven p.m. to seven a.m. (11:00 p.m. to 7:00 a.m.) In those facilities utilizing two (2) twelve-hour (12-hour) shifts, shift one (1) is the twelve-hour (12-hour) shift occurring primarily during the day, and the next shift is the twelve-hour (12-hour) shift occurring primarily during the night (See Section 606.C).

EEEE. Signal System. A system that visibly and audibly registers nurse calls electronically from the resident's bed, toilet, or bathing area to the staff work area.

FFFF. Signature. At least the first initial and full surname and title, e.g., R.N., L.P.N., D.D.S., M.D., or D.O., of a person, written with his or her own hand. A controlled electronic representation of the signature or an approved rubber stamp signature may be used as legally appropriate.

GGGG. Staff Member. A person who is a compensated employee of the facility on either a full or part-time basis.

HHHH. Staff Work Area. A designated functional unit of the facility with ancillary, administrative, service facilities, communication and recording tools and equipment essential for providing nursing services to the residents.

III. Suspension of License. An action by the Department terminating the licensee's authority to admit new residents or readmit former residents for a period of time until the Department rescinds that restriction. It may also require the transfer or relocation of residents or the discontinuance of the services, treatment or care provided to residents. Suspension of license also includes instances when the Department determines that an immediate threat to the residents exists and residents are appropriately transferred, per S.C. Code Ann. Section 44-7-320(A) (1976, as amended).

JJJJ. Tuberculin Skin Test (TST). A diagnostic aid for detecting *M. tuberculosis* infection. A small dose (0.1 mil) of purified protein derivative (PPD) tuberculin is injected just beneath the surface of the skin (by the Mantoux method), and the area is examined for induration (hard, dense, raised area at the site of TST administration) by palpation forty-eight to seventy-two (48-72) hours after the injection (but positive reactions can still be measurable up to a week after TST administration). The size of the indurated area is measured with a millimeter ruler after identifying the margins transverse (perpendicular) to the long axis of the forearm. The reading is recorded in millimeters, including zero (0) mm to represent no induration. Redness/erythema is insignificant and is not measured or recorded.

KKKK. Two-Step Testing. Procedure used for the baseline skin testing of persons who may periodically receive TST to reduce the likelihood of mistaking a boosted reaction for a new infection. If the initial TST result is interpreted as negative, a second test is repeated one to three (1-3) weeks after the initial test. If the initial TST result is interpreted as positive, then the reaction shall be documented and followed up as

positive; this reaction will serve as the baseline and no further skin testing is indicated. If the second test is given and its result is interpreted as positive, then the reaction shall be documented and followed up as positive; this reaction will serve as the baseline reading and no further skin testing is indicated. In general, the result of the second TST of the two-step procedure shall be used as the baseline reading.

LLLL. Unit Dose. The ordered amount of a drug in a prepackaged dosage form ready for administration to a particular individual by the prescribed route at the prescribed time in accordance with all applicable laws and regulations governing these practices.

MMMM. Unrelated (As in kinship). All degrees of kinship that are not included “within the third degree of consanguinity,” *i.e.*, a spouse, son, daughter, sister, brother, parent, aunt, uncle, niece, nephew, grandparent, great-grandparent, grandchild, or great-grandchild.

NNNN. Volunteer. An individual who performs tasks at the facility at the direction of facility staff without compensation.

OOOO. Weekly. A time period that requires an activity to be completed at least fifty-two (52) times a year within intervals ranging from six to eight (6 – 8) days.

PPPP. Written. Any worded or numbered expression, that can be read, reproduced, and later communicated, and includes electronically transmitted and stored information.

102. References

A. The following Departmental standards and/or publications are referenced in these regulations:

1. Regulation 61-4, Controlled Substances;
2. Regulation 61-19, Vital Statistics;
3. Regulation 61-20, Communicable Diseases;
4. Regulation 61-25, Retail Food Establishments;
5. Regulation 61-51, Public Swimming Pools;
6. Regulation 61-58, State Primary Drinking Water Regulations;
7. Regulation 61-67, Standards for Wastewater Facility Construction;
8. Regulation 61-79, Hazardous Waste Management Regulations;

9. Regulation 61-105, Infectious Waste Management;
 10. South Carolina Guidelines for Prevention and Control of Antibiotic Resistant Organisms.
- B. Non-Departmental standards, publications, or organizations:
1. Alzheimer's Special Care Disclosure Act;
 2. American Association of Blood Banks (AABB) (Blood Products Advisory Committee, March 14, 2002);
 3. American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE);
 4. American Society for Testing and Materials (ASTM);
 5. Bill of Rights for Residents of Long-Term Care Facilities;
 6. Bloodborne Pathogens Standards, Occupational Safety and Health Act of 1970 (OSHA 29 CFR 1910.1030, April 3, 2006);
 7. Centers for Disease Control and Prevention (CDC) (CDC Personnel Health Guideline, June, 1998);
 8. Centers for Medicare and Medicaid Services (CMS);
 9. Civil Rights Act of 1964;
 10. Compressed Gas Association (CGA);
 11. Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences;
 12. Guidelines for Preventing the Transmission of Mycobacterium tuberculosis in Health-Care Settings, 2005;
 13. National Fire Protection Association (NFPA) (NFPA 25, 2002; NFPA 30, 2003; NFPA 701, 2004; NFPA 70, 99, 2005; NFPA 101, 2006; NFPA 10, 13, 14, 15, 72, 2007);
 14. National Sanitation Foundation (NSF International);
 15. Occupational Safety and Health Act of 1970 (OSHA);
 16. Omnibus Adult Protection Act;

17. South Carolina State Fire Marshal Regulations.

C. The Department shall, at its discretion, enforce new laws that may amend the above-noted references.

SECTION 200 - LICENSE REQUIREMENTS AND FEES

201. License Requirements

A. License. No person, private or public organization, political subdivision, or governmental agency shall establish, operate, maintain, or represent itself (advertise or market) as a nursing home in South Carolina without first obtaining a license from the Department. Admission of residents or the provision of care, treatment, and/or services to residents prior to the effective date of licensure is a violation of S.C. Code Ann. Section 44-7-260(A) (1976, as amended). (I)

1. When it has been determined by the Department that nursing care is being provided at a location to accommodate two (2) or more unrelated persons over a period exceeding twenty-four (24) hours, and the owner has not been issued a license from the Department to provide such care, treatment, and/or services, the owner shall cease operation immediately and assure the health and safety of the residents. (I)

2. A facility shall provide only the care, treatment, and/or services of which it is capable and equipped to provide, and has been authorized by the Department to provide pursuant to the definitions in Sections 101.DDD and 101.JJJ of this regulation. (I)

3. Current or previous violations of the South Carolina Code of Laws and/or Department regulations may jeopardize the issuance of a license for the facility or the licensing of any other facility or activity or addition to an existing facility that is owned or operated by the licensee. (I)

4. No license may be issued, reissued, or renewed until all monetary penalties finally assessed against a facility have been paid and/or other enforcement actions resolved.

B. Compliance. A license shall not be issued to an owner and/or operator until the owner and/or operator has demonstrated to the Department that the proposed facility is in substantial compliance with the licensing standards. In the event a licensee who already has a facility or activity licensed by the Department makes application for another facility or activity or increase in licensed capacity, the currently licensed facility or activity shall be in substantial compliance with the applicable standards prior to the Department issuing a license to the proposed facility or activity or an amended license to the existing facility. Facilities shall comply with applicable State, Federal, and local laws, codes, and regulations. (II)

1. A copy of the licensing regulation for nursing homes in South Carolina and a current copy of R.61-25 shall be maintained in the facility by the licensee.

2. The license is considered property of the Department and may not be duplicated in such a manner that it cannot be distinguished from the original. (II)

C. Compliance with Architectural Standards. Licensed facilities shall be allowed to continue utilizing the previously-licensed structure without architectural modification and shall comply with the remainder of the standards within this regulation. Proposed facilities for which the licensee has received written approval from the Department's Division of Health Facilities Construction prior to the effective date of this regulation shall be allowed to comply with the previously-approved architectural standards and shall comply with the remainder of the standards within this regulation. Existing facilities are not required to modify square footage of resident rooms, sitting areas, and maximum number of beds in resident rooms. (II)

D. Licensed Bed Capacity. No facility that has been licensed for a set number of licensed beds, as identified on the face of the license, shall exceed the licensed bed capacity. No facility shall establish new care or services or occupy additional beds or renovated space without first obtaining authorization from the Department. Beds for use of staff members and volunteers are not included in the licensed bed capacity number, provided such beds and locations are so identified and used exclusively by staff members and volunteers. (II)

E. Persons Received in Excess of Licensed Bed Capacity. No facility shall receive for care, treatment, or services persons in excess of the licensed bed capacity. As an exception, in the event that the facility temporarily provides shelter for evacuees who have been displaced due to a justified emergency, e.g., disaster, then for the duration of that emergency, provided the health and safety of all residents are reasonably accommodated, it is permissible to temporarily exceed the licensed capacity for the facility in order to accommodate these persons (See Section 1503). (I)

F. Issuance and Terms of License. A license is issued by the Department and shall be posted in a conspicuous place in a public area within the facility. (II)

1. The issuance of a license does not guarantee adequacy of individual care, treatment and/or services, personal safety, and fire safety of any resident or occupant of a facility. (II)

2. A license is not assignable or transferable and is subject to suspension or revocation at any time by the Department for the licensee's failure to comply with the laws and regulations of this State. (II)

3. A license shall be effective for a specified facility, at a specific location(s), for a specified period following the date of issue as determined by the Department. A license

shall remain in effect until the Department notifies the licensee of a change in that status. (II)

4. Facilities owned by the same entity but not located on the same adjoining or contiguous property shall be separately licensed. Roads or local streets, except limited access, *e.g.*, interstate highways, shall not be considered as dividing otherwise adjoining or contiguous property.

5. Separate licenses are not required, but may be issued, for separate buildings on the same or adjoining grounds where a single level or type of care is provided.

6. Multiple types of facilities on the same premises shall be licensed separately even though owned by the same entity.

G. Facility Name. No proposed facility shall be named nor shall any existing facility have its name changed to the same or similar name as any other facility licensed in South Carolina. The Department shall determine if names are similar. If an entity owns multiple facilities and elects to use a common name for two (2) or more of the facilities, the geographic area in which the facilities is located may be part of the name.

H. Application. Applicants for a license shall submit to the Department a completed application on a form prescribed and furnished by the Department prior to initial licensing and periodically thereafter at intervals determined by the Department. The application includes both the applicant's oath assuring that the contents of the application are accurate and true, and that the applicant will comply with this regulation. The application shall be signed by the owner(s) if an individual or partnership; in the case of a corporation, by two (2) of its officers; or in the case of a governmental unit, by the head of the governmental department having jurisdiction. The application shall set forth the full name and address of the facility for which the license is sought and of the owner in the event his or her address is different from that of the facility, the names of the persons in control of the facility. The Department may require additional information, including affirmative evidence of the applicant's ability to comply with this regulation. Corporations or partnerships shall be registered with the South Carolina Office of the Secretary of State. Other required application information includes:

1. A copy of the business license, as applicable;
2. A copy of the facility's emergency evacuation plan (See Section 1502);
3. A copy of the Nursing Home Administrator's license;
4. Articles of Incorporation or Partnership documents, as applicable;
5. A licensing fee (See Section 202);

6. A written agreement with a public fire department arranging for emergency response in case of fire, if applicable (See Section 1601.B).

I. Licensee. The Licensee shall: (II)

1. Have reputable and responsible character;
2. Be knowledgeable of the content of this regulation; and
3. Be responsible for implementing this regulation in the facility.

J. License Renewal. For a license to be renewed, applicants shall file an application with the Department, pay a licensing fee, and shall not be under consideration for or undergoing enforcement actions by the Department. (II)

K. Change of License. A licensee shall request issuance of a new or amended license by application to the Department prior to any of the following circumstances: (II)

1. Change of licensee (requires a new license number);
2. Change of licensed bed capacity;
3. Change of facility location from one geographic site to another (requires a new license number).

L. Change of Facility Name or Address. Changes in facility name or address (as notified by the post office) shall be accomplished by application or by letter from the licensee. (II)

M. Facilities Owned and Operated by the Federal Government. A nursing home license shall not be required for, nor shall such a license be issued to facilities owned and operated by the federal government or facilities providing room, board, and personal care which do not require the technical skill, services or supervision of a licensed nurse.

202. License Fees

A. Licensing Fees. A. Licensing Fees. A nonrefundable initial and annual licensing fee of twenty dollars (\$20.00) per licensed bed, or four hundred dollars (\$400.00), whichever is greater, shall be submitted to the Department. Such fee shall be made payable by credit card, check or money order to the Department.

B. Late Fee. Failure to submit a license renewal application or fee to the Department by the license expiration date may result in a late fee of seventy-five dollars (\$75.00) or twenty-five percent (25%) of the licensing fee amount, whichever is greater, in addition to the licensing fee. Continual failure to submit completed and accurate renewal

applications and/or fees by the time period specified by the Department may result in enforcement actions. (II)

203. Exceptions to Licensing Standards

The Department may make exception(s) to these standards, providing an option for compliance, when it is determined that the health and safety of residents are not compromised and provided the standard(s) is not specifically required by statute. In the event of a licensee change, exceptions are not transferable to the new licensee unless approved by the Department.

SECTION 300 - ENFORCING REGULATIONS

301. General

The Department shall utilize inspections, investigations, consultations, and other pertinent documentation regarding a proposed or licensed facility in order to enforce this regulation.

302. Inspections and Investigations

A. An inspection shall be conducted prior to initial licensing. Inspections shall be conducted as deemed appropriate by the Department. (I)

B. All facilities, proposed facilities, or unlicensed facilities are subject to inspection or investigation at any time without prior notice by individuals authorized by South Carolina Code of Laws. (II)

C. Individuals authorized by the Department shall be granted access to all properties and areas, objects, and records. If photocopies are made for the Department inspector, they shall be used only for purposes of enforcement of regulations and confidentiality shall be maintained except to verify individuals in enforcement action proceedings. Physical area of inspections shall be determined by the extent to which there is potential impact or effect upon residents as determined by the inspector. (I)

D. A facility or proposed facility found noncompliant with the standards of this regulation shall submit an acceptable written plan of correction to the Department that shall be signed by the administrator and returned by the date specified on the report of inspection or investigation. The written plan of correction shall describe: (II)

1. The actions taken to correct each cited deficiency;
2. The actions taken to prevent recurrences (actual and similar);
3. The actual or expected completion dates of those actions.

E. Reports of inspections or investigations conducted by the Department, including the response(s) by the facility or proposed facility, shall be provided to the public upon written request with the redaction of the names of those persons in the report as provided by S.C. Code Ann. Sections 44-7-310 and 44-7-315 (1976, as amended).

303. Consultations

Consultations may be provided by the Department as requested by the facility or as deemed appropriate by the Department.

SECTION 400 - ENFORCEMENT ACTIONS

401. General

A. When the Department determines that a licensee, proposed licensee, or an unlicensed facility owner is in violation of statutory provisions, rules, or regulations relating to the operation of a facility, the Department, upon proper notice to the licensee, may impose a monetary penalty and/or deny, suspend, revoke, or refuse to issue or renew a license.

B. Food service permits may be revoked or suspended for violations in accordance with R.61-25.

402. Violation Classifications

Violations of standards in this regulation are classified as follows:

A. Class I violations are those that the Department determines to present an imminent danger to the health and safety of the persons in the facility or a substantial probability that death or serious physical harm could result therefrom. A physical condition or one (1) or more practices, means, methods or operations in use in a facility may constitute such a violation. The condition or practice constituting a Class I violation shall be abated or eliminated immediately unless a fixed period of time, as stipulated by the Department, is required for correction. When a specific time is designated for correction, each day such violation exists after expiration of the time established by the Department shall be considered a subsequent violation.

B. Class II violations are those, other than Class I violations, that the Department determines to have a negative impact on the health and safety of persons in the facility. The citation of a Class II violation may specify the time within which the violation is required to be corrected. When a specific time is designated for correction, each day such violation exists after expiration of the time established by the Department shall be considered a subsequent violation.

C. Class III violations are those that are not classified as Class I or II in these regulations or those that are against the best practices as interpreted by the

Department. The citation of a Class III violation may specify the time within which the violation is required to be corrected. When a specific time is designated for correction, each day such violation exists after expiration of the time established by the Department shall be considered a subsequent violation.

D. The notations, “(I)” or “(II)” placed within sections of this regulation, indicate those standards are considered Class I or II violations, respectively, if they are not met. Standards not so annotated are considered Class III violations.

E. In arriving at a decision to take enforcement action, the Department will consider the following factors: the number and classification of violations, including repeat violations; specific conditions and their impact or potential impact on health and safety of the residents; efforts by the facility to correct cited violations; behavior of the licensee that would reflect negatively on the licensee’s character, such as illegal or illicit activities; overall conditions of the facility; history of compliance; any other pertinent conditions that may be applicable to statutes and regulations.

F. When a decision is made to impose monetary penalties, the Department may invoke S.C. Code Ann. Section 44-7-320(C) (1976, as amended), to determine the dollar amount or may utilize the following schedule as a guide to determine the dollar amount:

**Frequency of violation
of standard within a
thirty-six-month (36-month) period:**

FREQUENCY	CLASS I	CLASS II	CLASS III
1st	\$500 - 1,500	\$300 - 800	\$100 - 300
2nd	1,000 - 3,000	500 - 1,500	300 - 800
3rd	2,000 - 5,000	1,000 - 3,000	500 - 1,500
4th	5,000	2,000 - 5,000	1,000 - 3,000
5th	7,500	5,000	2,000 - 5,000
6th and more	10,000	7,500	5,000

G. Any Department decision involving the issuance, denial, renewal, suspension, or revocation of a license and/or the imposition of monetary penalties where an enforcement action order has been issued may be appealed by an affected person with standing pursuant to applicable law, including S.C. Code Title 44, Chapter 1; and Title 1, Chapter 23.

SECTION 500 - POLICIES AND PROCEDURES

501. General (II)

A. There shall be written policies and procedures addressing the manner in which the requirements of this regulation shall be met. The written policies and procedures shall accurately reflect actual facility practice regarding care, treatment, procedures, services, record keeping and reporting, admission and transfer, physician services, nursing services, social services, resident rights and assurances, medication management, pharmaceutical services, meal service operations, emergency procedures, fire prevention, maintenance, housekeeping and infection control, the operation of the facility, and other special care and procedures as identified in this section. The policies and procedures shall address the provision of any special care offered by the facility that would include how the facility shall meet the specialized needs of the affected residents such as Alzheimer's disease and/or related dementia, physically or developmentally disabled, in accordance with any laws that pertain to that service offered, e.g., Alzheimer's Special Care Disclosure Act.

B. Specifically, there shall be written policies and procedures to:

1. Assure that residents do not develop pressure-related wounds unless the resident's clinical condition demonstrates that they were unavoidable and to address treatment of existing pressure-related wounds;

2. Address resident exit-seeking and elopement, including prevention and actions to be taken in the event of occurrence;

3. Implement advance directives in accordance with S.C. Code Ann. Sections 44-77-10, *et seq.* (1976, as amended), including provisions to inform and provide written information to all adult residents concerning the right to accept or refuse medical treatment and, at the individual's option, formulate an advance directive. The policies shall not condition treatment or admission upon whether the individual has executed or waived an advance directive;

4. Control the use and application of physical restraints and all facility practices that meet the definition of a restraint, such as bed rails used to keep a resident from getting out of bed;

5. Address the conditions that would be acceptable for the safe operation of a microwave oven in a resident room in accordance with the resident's ICP. A facility may elect to prohibit microwave ovens in resident rooms.

C. All policies and procedures shall:

1. Establish a time period for review of policies and procedures in writing and such reviews shall be documented;

2. Be revised as appropriate in order to reflect actual facility practice;

3. Be accessible to staff, printed or electronically, at all times.

D. If the facility permits any portion of a resident's record to be generated by electronic or optical means, there shall be policies and procedures to prohibit the use or authentication by unauthorized users.

SECTION 600 - STAFF/TRAINING

601. General (II)

A. Appropriate staff members in numbers and training shall be provided to perform those duties that result in compliance with the regulation, to suit the needs and condition of the residents, and to meet the demands of effective emergency on-site action that might arise. Training requirements and qualifications for the tasks performed shall be in compliance with all State, Federal, and local laws, and current professional organizational standards.

B. Staff members of the facility shall not have a prior conviction or pled no contest (nolo contendere) for child or adult abuse, neglect, or mistreatment, or any other felony. The facility shall coordinate with appropriate abuse-related registries prior to the employment of staff. (I)

C. Direct care staff members, in addition to meal service staff, shall have at least the following qualifications: (I)

1. Ability to render care and services to residents in an understanding and gentle manner;

2. Sufficient education to be able to perform their duties;

3. A working knowledge of regulations applicable to their scope of work;

4. Be an adult, or, if not an adult, the facility shall assure that there is compliance with State, Federal, and local laws pertaining to the employment of children.

D. There shall be accurate current information maintained regarding all staff members of the facility that shall include:

1. Name, address and telephone number;

2. Date of hire;

3. Past employment, experience, and education;

4. Professional licensure or registration number or certificate or letter of completion;
 5. Position in the facility and job description;
 6. Documentation of orientation to the facility, including residents' rights, regulation compliance, policies and procedures, job duties, in-service training and on-going education;
 7. Health status, health assessment, and tuberculin testing results;
 8. Evidence that a criminal record check has been completed;
 9. For former staff members, the date of separation;
 10. Date of initial resident contact may be maintained by the facility.
- E. Time schedules shall be maintained indicating the numbers and classification of all staff, including relief staff, who work on each shift of duty. The time schedules shall reflect all changes so as to indicate who actually worked.
- F. Staff members shall not have an active dependency on a psychoactive substance(s) that would impair his or her ability to perform assigned duties.
- G. Staff members shall display identification in accordance with facility policies and procedures that is visible at all times while on duty.
- H. When a facility engages a source other than the facility to provide services normally provided by the facility, *e.g.*, staffing, training, recreation, meal service, social services, professional consultant, maintenance, transportation, there shall be a written agreement with the source that describes how and when the services are to be provided, the exact services to be provided, and the requirement that these services are to be provided by qualified individuals. The source shall comply with this regulation in regard to resident care, treatment, services, and rights.

602. Criminal Record Check (I)

Prior to employing or contracting with any individual, the facility shall conduct a criminal record check in accordance with S.C. Code Ann. Article 23, Section 44-7-2910, *et seq.*, (1976, as amended).

603. Administrator

- A. Each facility shall have a full-time licensed administrator. (II)
- B. The facility administrator shall be licensed as a nursing home administrator in accordance with S.C. Code Ann. Section 40-35-30 (1976, as amended). In addition, all

other applicable provisions of S.C. Code Ann. Title 40, Chapter 35 (1976, as amended), shall be followed. (II)

C. The administrator shall exercise judgment that reflects that he or she is in compliance with these regulations and shall demonstrate adequate knowledge of these regulations. (II)

D. A staff member shall be designated, by name or position, in writing, to act in the absence of the administrator, e.g., a listing of the lines of authority by position title, including the names of the individuals filling these positions. (II)

E. The administrator shall have sufficient freedom from other responsibilities and duties to carry out the functions associated with the position.

F. No individual may be the administrator of more than one (1) nursing home. (II)

604. Direct Care Staff (II)

A. There shall be direct care staff adequate in number and skill in the facility at all times to provide nursing and related care and services to attain or maintain the highest practicable physical, mental, and psychosocial health and safety of each resident, as determined by resident assessments and ICPs. Direct care staff shall be assigned only duties for which they are trained.

B. Licensed nurse staff members shall be currently and continuously licensed to practice nursing in South Carolina during the period they are staff members. Only individuals appropriately licensed may perform duties requiring a registered or licensed practical nurse. (I)

C. Within eighteen (18) months of the effective date of this regulation, persons working in the facility as nurse aides shall be certified in South Carolina. As an exception, facility nonlicensed/noncertified staff who are enrolled in a nurse aide training and competency evaluation program approved by the S.C. Department of Health and Human Services and who have been working in the facility four (4) months or less are exempt from Section 604.C. Licensed nurses or applicants for such licensure who have been granted a permit to practice nursing in accordance with rules adopted by the South Carolina Board of Nursing are exempt from Section 604.C. (I)

605. Medical Staff (I)

The facility shall have a medical director who is a physician who shall be responsible for implementation of policies and procedures that pertain to the care and treatment of the residents and the coordination of medical care in the facility.

606. Staffing (II)

A. Licensed Nursing Staff. An adequate number of licensed nurses shall be on duty to meet the total nursing needs of residents. Licensed nursing staff shall be assigned to duties consistent with their scope of practice as determined through their licensure and educational preparation.

1. The facility shall designate a registered nurse as a full-time Director of Nursing. Another registered nurse, who is employed by the licensee, shall be designated in writing to act in his or her absence. In facilities with a licensed bed capacity of twenty-two (22) or fewer beds, the Director of Nursing may be included in the requirements of Section 606.A.2.

2. There shall be at least one (1) licensed nurse per shift for each staff work area. If there are more than forty-four (44) residents per staff work area, there shall be two (2) licensed nurses on first shift and at least one (1) licensed nurse on second and third shift.

3. At least one (1) registered nurse shall be on duty in the facility, or on call, whenever residents are present in the facility.

4. An administrator who is a registered nurse or licensed practical nurse shall not be included in meeting the staffing requirements of this section.

B. Nonlicensed Nursing Staff. The required number of nurse aides and other nonlicensed nursing staff shall be determined by the number of residents assigned to beds at the facility. Additional staff members shall be provided if the minimum staff requirements are inadequate to provide appropriate care and services to the residents of a facility.

1. Nonlicensed nursing staff shall be provided to meet at least the following resident-to-staff ratio schedule:

- a. Nine to one (9 to 1) for shift one (1);
- b. Thirteen to one (13 to 1) for shift two (2);
- c. Twenty-two to one (22 to 1) for shift three (3).

2. When nonstaff members are utilized as sitters or attendants, they shall comply with facility policies and procedures.

C. In those facilities utilizing two (2) twelve-hour (12-hour) shifts, both the licensed and nonlicensed staffing ratios for shift one (1) apply to the twelve-hour (12-hour) shift occurring primarily during the day, and both the licensed and nonlicensed staffing ratios for shift three (3) apply to the twelve-hour (12-hour) shift occurring primarily during the night.

D. In settings and on a nonroutine basis where there is more than one (1) type of level of care, e.g., community residential care, independent living, staff members from the nursing home may temporarily provide assistance in special situations to one (1) or more of the other areas, but at no time may staffing levels in any area of the nursing home fall below minimum licensing standards or diminish the care and services provided.

607. Inservice Training (II)

A. Staff members shall be provided the necessary training to perform the duties for which they are responsible.

B. Before performing any duties, all newly-hired staff members shall be oriented to the facility organization and physical plant, specific duties and responsibilities of staff members, and residents' needs. All staff members shall be instructed in the provisions of S.C. Code Ann. Section 43-35-5 *et seq.* (1976, as amended), "Omnibus Adult Protection Act" and S.C. Code Ann. Section 44-81-10 *et seq.* (1976, as amended), "Bill of Rights for Residents of Long-Term Care Facilities" as well as other rights and assurances as required in this regulation.

C. All staff shall be provided inservice training programs that identify training needs related to problems, needs, care of residents and infection control and are sufficient to assure staff's continuing competency. Training for the tasks each staff member performs shall be conducted in order to provide the care, treatment, procedures, and/or services delineated in Section 1000.

D. All licensed nurses shall possess a valid Healthcare Provider cardio-pulmonary resuscitation (CPR) certificate within six (6) months of their first day on the job in the facility. (I)

E. Those staff members who operate motor vehicles that transport residents shall have a valid driver's license.

F. Training shall be provided to staff members by appropriate resources, e.g., licensed or registered individuals, video tapes, books, in context with their job duties and responsibilities, prior to their date of initial resident contact (unless otherwise as noted below) and at a frequency determined by the facility, but at least annually. (I)

1. All staff members:

a. Emergency procedures and disaster preparedness to address various types of potential disasters such as evacuation, bomb threat, earthquake, flood, hurricane, tornado and others within forty-eight (48) hours of their first day on the job in the facility (See Section 1500);

b. Fire response training (See Section 1603);

c. Confidentiality of resident information and records and the protection of resident rights (review of “Bill of Rights for Residents of Long-Term Care Facilities,” *etc.*).

2. Direct care staff members, all of the training listed in Section 607.F.1, and:

a. Management/care of individuals with contagious and/or communicable disease, *e.g.*, hepatitis, tuberculosis, HIV infection;

b. Use of restraints that promote resident safety, including alternatives to physical and chemical restraints, in accordance with the provisions of Section 1012 (for designated staff members only);

c. Prevention of pressure-related wounds;

d. Aseptic techniques, such as handwashing and scrubbing practices, proper gowning and masking, dressing care techniques, disinfecting and sterilizing techniques, and the handling and storage of equipment and supplies.

608. Health Status (II)

A. All staff members who have contact with residents shall have a health assessment (in accordance with Section 101.II) within three (3) months prior to date of hire or initial resident contact.

B. The health assessment shall include tuberculosis screening in the manner designated by guidelines established by the Department.

C. If a staff member is working at multiple facilities operated by the same licensee, copies of his or her record for tuberculin testing results and the pre-employment health assessment shall be acceptable at each facility.

609. Volunteers

A. If the facility has a volunteer program, a facility staff person shall direct the program. Community groups such as Boy and Girl Scouts, church groups, civic organizations or individuals that may occasionally present programs, activities, or entertainment in the facility shall not be considered volunteers. Volunteers shall be subject to the same standards regarding resident confidentiality and practice as the facility staff. Volunteers shall consult with licensed staff prior to any changes in resident care or treatment. The facility may elect to prohibit volunteers to work in the facility.

B. The licensee is responsible for all the activities that take place in the facility including the coordination of volunteer activities. (II)

1. Volunteers shall receive the orientation, training, and supervision necessary to assure resident health and safety before performing any duties. The orientation program shall include, but not be limited to:

- a. Resident rights;
- b. Confidentiality;
- c. Disaster preparedness;
- d. Emergency response procedures;
- e. Safety procedures and precautions; and
- f. Infection control.

2. There shall be accurate current information maintained regarding all volunteers that shall include:

- a. Name, address and telephone number;
- b. Documentation of orientation to the facility, including residents' rights, regulation compliance, policies and procedures, training, and duties;
- c. Date of initial resident contact may be maintained by the facility, if applicable.

3. Facilities shall require that volunteers sign in and out with staff of the facility upon entering or leaving the facility. Volunteers shall wear legible name and title badges that are visible at all times while on duty.

4. Volunteers and paid feeding assistants (as defined in the federal regulations on paid feeding assistants) shall not be included in the minimum staffing requirements of Section 606.

C. At a minimum, volunteers shall be given information necessary to implement medical and physical precautions related to the residents with whom they work and shall respect all aspects of confidentiality. Volunteers shall not take the place of qualified staff.

D. Direct care volunteers shall have the ability to render care and services to residents in an understanding and gentle manner. (I)

E. Documentation maintained for direct care volunteers shall include: (II)

1. A health assessment (in accordance with Section 608) within three (3) months prior to initial date of volunteering or initial resident contact;

2. Familiarization with the disaster plan (See Section 1502) and documented instructions as to any required actions;

3. Fire response training (See Section 1603) within seven (7) days of his or her first day as a direct care volunteer and at least annually thereafter;

4. A criminal record check (See Section 602) completed prior to working as a direct care volunteer;

5. Determination of TB status (See Section 1803) prior to initial resident contact or his or her first day working as a direct care volunteer;

6. Annual influenza vaccination and hepatitis B vaccination series (See Section 1806) unless the vaccine is medically contraindicated or the person is offered the vaccination and declined. In either case, the decision shall be documented.

610. Private Sitters

A. If a resident or responsible party has not agreed in writing with the facility to not have a private sitter and chooses to employ a private sitter for use in the facility, the facility may establish a formalized private sitter program that shall be directed by a facility staff member.

1. The facility shall assure that private sitters have been chosen in accordance with the Bill of Rights for Residents of Long-Term Care Facilities.

2. The facility shall establish written policies and procedures for the private sitter program that includes an orientation to the facility consisting, at least, of the following:

- a. Residents' rights;
- b. Confidentiality;
- c. Disaster preparedness;
- d. Emergency response procedures;
- e. Safety procedures and precautions; and
- f. Infection control.

3. There shall be accurate current information maintained regarding private sitters including:

- a. Name, address and telephone number;

b. Documentation of orientation to the facility, including residents' rights, regulation compliance, policies and procedures, training, and duties;

c. Date of initial resident contact may be maintained by the facility, if applicable.

B. The facility shall maintain the following documentation regarding private sitters:

1. A health assessment (in accordance with Section 608) within three (3) months prior to initial resident contact or his or her first day working as a private sitter;

2. A criminal record check (See Section 602) completed prior to working as a private sitter;

3. Determination of TB status (See Section 1803) prior to initial resident contact or his or her first day working as a private sitter;

4. Annual influenza vaccination and hepatitis B vaccination series (See Section 1806).

C. Private sitters shall not be included in the minimum staffing requirements of Section 606.

D. Private sitters shall sign in and sign out with facility staff upon entering or leaving the facility. Private sitters shall display identification in accordance with facility policies and procedures that is visible at all times while on duty.

SECTION 700 - REPORTING

701. Incidents

A. A record of each incident involving residents or staff members or volunteers, occurring in the facility or on the facility grounds, shall be reviewed, investigated if necessary, evaluated in accordance with facility policies and procedures, and retained.

B. Serious incidents and/or medical conditions as defined in Section 701.C and any sudden or unexpected illness or medication administration error resulting in death or inpatient hospitalization shall be reported immediately via telephone to the attending physician and the resident's next-of-kin or responsible party. (l)

C. A serious incident is one which results in death or a significant loss of function or damage to a body structure, not related to the natural course of a resident's illness or underlying condition or normal course of treatment, and resulting from an incident occurring within the facility or on the facility grounds. A serious incident shall be considered as, but not limited to:

1. Falls or trauma resulting in fractures of major limbs or joints;

2. Resident suicides;
3. Medication errors;
4. Resident death or injury in restraints;
5. Criminal events or assaults against residents;
6. Medical equipment errors; or
7. Resident neglect or exploitation, suspected or confirmed resident abuse.

D. The Department's Division of Health Licensing shall be notified in writing not later than ten (10) days of the occurrence of a serious incident.

E. Reports submitted to the Department shall contain at a minimum: facility name, resident age and sex, date of incident, location, witness names, extent and type of injury and how treated, *e.g.*, hospitalization, identified cause of incident, internal investigation results if cause unknown, identity of other agencies notified of incident and the date of the report.

F. Incidents where residents have left the premises without notice to staff members of intent to leave and have not returned to the facility within twenty-four (24) hours shall be reported to the administrator or his or her designee, local law enforcement, and the resident's responsible party, when appropriate. The Division of Health Licensing shall be notified in writing not later than ten (10) days of the occurrence.

G. Medication errors and adverse medication reactions shall be reported immediately after discovery to the prescriber and other staff in accordance with facility policies and procedures.

H. Changes in the resident's condition, to the extent that serious health concerns, *e.g.*, heart attack, are evident, shall be reported to the attending physician and the next-of-kin or responsible party in a timely manner, consistent with the severity or urgency of the change in accordance with facility policies and procedures. (I)

I. Abuse and suspected abuse, neglect, or exploitation of residents shall also be reported to the South Carolina Long-Term Care Ombudsman Program in accordance with S.C. Code of Law Section 43-35-25 (1976, as amended).

702. Fire/Disasters (II)

A. The Division of Health Licensing shall be notified immediately via telephone or fax regarding any fire, regardless of size or damage that occurs in the facility, and followed by a complete written report to include fire department reports, if any, to be submitted

within a time period determined by the facility, but not to exceed seven (7) business days.

B. Any natural disaster in the facility which requires displacement of the residents, or jeopardizes or potentially jeopardizes the safety of the residents, shall be reported to the Division of Health Licensing via telephone or fax immediately, with a complete written report that includes the fire department report from the local fire department, if appropriate, submitted within a time period as determined by the facility, but not to exceed seven (7) business days.

703. Communicable Diseases and Animal Bites (I)

All cases of reportable diseases, animal bites, any occurrences such as epidemic outbreaks or poisonings, or other unusual occurrences that threaten the health and safety of residents or staff shall be reported in accordance with R.61-20.

704. Administrator Change

The Division of Health Licensing shall be notified in writing by the licensee within ten (10) days of any change in administrator. The notice shall include at a minimum the name of the newly-appointed individual, the effective date of the appointment, and a copy of the administrator's license.

705. Joint Annual Report

Facilities shall complete and return a "Joint Annual Report" to the Department's Planning and Certificate of Need Division within the time period specified by that Division.

706. Facility Closure

A. Prior to the permanent closure of a facility, the Department's Division of Health Licensing shall be notified in writing of the intent to close and the effective closure date. Within ten (10) days of the closure, the facility shall notify the Division of Health Licensing of the provisions for the maintenance of the facility records as required by regulation. On the date of closure, the current original license shall be returned to the Division of Health Licensing.

B. In instances where a facility temporarily closes, the Division of Health Licensing shall be given written notice within a reasonable time in advance of closure. At a minimum this notification shall include, but not be limited to, the reason for the temporary closure, the manner in which the records are being stored, and the anticipated date for reopening. The Department shall consider, upon appropriate review, the necessity of inspecting and determining the applicability of current construction standards to the facility prior to its reopening.

707. Zero Census

In instances when there have been no residents in a facility for any reason, for a period of ninety (90) days or more, the facility shall notify, in writing, the Department's Division of Health Licensing no later than the one-hundredth (100th) day following the date of discharge or transfer of the last active resident. If the facility has no residents for a period longer than one (1) year, and there is a desire to re-open, the facility shall re-apply to the Department and shall be subject to all licensing requirements at the time of that application, including CON review and construction-related requirements for a new facility. Instances of zero census do not relieve the facility of the requirement to pay licensing fees that may be due during that time.

SECTION 800 - RESIDENT RECORDS

801. Content (II)

A. All entries in the resident record shall be legible and complete, and shall be separately authenticated and dated promptly by the individual, identified by name and discipline, who is responsible for ordering, providing or evaluating the service or care furnished. Authentication may include written signatures or computerized or electronic entries. If an entry is signed on a date other than the date it was made, the date of the signature shall also be entered. Although use of initials in lieu of signatures is not encouraged, initials will be accepted provided such initials can be readily identified within the resident record.

B. Contents of the resident record may be stored in separate files, in separate areas within the facility, and the record shall include the following information:

1. Medical history and physical examination;
2. Consent form for treatment signed by the resident or his or her legal representative;
3. Care and services agreement;
4. Healthcare directives and special information, *e.g.*, advance directive information, do-not-resuscitate (DNR) orders, allergies;
5. Incidents involving the resident; (I)
6. Medical treatment;
7. Orders, including telephone and standing orders, for all medication, care, services, therapy, procedures, and diet from physicians or other legally authorized healthcare providers, which shall be completed prior to, or at the time of admission, and subsequently, as warranted;

8. Individual Care Plan; (I)
9. Provisions for routine and emergency medical care, to include the name and telephone number of the resident's physician;
10. Assessments and progress notes, *e.g.*, dietary, activity, therapy;
11. Record of administration of each dose of medication; (I)
12. Record of the use of restraints, if applicable, including time, type, reason and authority for applying; (I)
13. Treatment, procedure, wound care report (dictated or written into the record after treatment, procedure, or wound care) to include at least: (I)
 - a. Description of findings;
 - b. Techniques utilized to perform treatments and procedures;
 - c. Specimens removed, if applicable;
 - d. Name of provider;
14. Progress notes generated by physicians and healthcare professionals;
15. Notes of observation, including temperature, pulse, respiration, blood pressure and weight when indicated by physician's orders or by a change in the resident's condition; (I)
16. Special procedures and preventive measures performed, *e.g.*, isolation for symptoms, diagnosis, and/or treatment of infectious conditions including but not limited to tuberculosis, influenza, pneumonia, therapies;
17. Reports of all laboratory, radiological, and diagnostic procedures along with tests performed and the results appropriately authenticated; (I)
18. Consultations by physicians or other healthcare professionals;
19. Photograph of resident, if the resident or his or her responsible party approves;
20. Date and hour of discharge or transfer, as applicable;
21. Discharge and/or transfer summary, including care and condition at discharge or transfer, date and time of discharge or transfer, instructions for self-care, instructions

for obtaining post-treatment or procedure emergency care, and signature of physician authorizing discharge or transfer;

22. Date and circumstances of death, as applicable.

C. Except as required by law, records may contain written and interpretative findings and reports of diagnostic studies, tests, and procedures, *e.g.*, interpretations of imaging technology and video tapes without the medium itself.

D. Unauthorized alterations of information in the record are prohibited. Corrections to entry errors shall include the date the correction was made and the signature of the individual making the correction.

E. Records shall be maintained on all outpatients and shall be completed immediately after treatment is rendered. These records shall contain sufficient identification data, a description of what was done and/or prescribed for the outpatient and shall be signed by the attending physician. When an outpatient is admitted as a resident of the facility, all of the outpatient records shall be made a part of his or her permanent resident record.

802. Physician Orders (II)

A. Physician Orders. The resident's physician shall sign and date all treatment, care, and medication orders, including standing orders.

1. The use of a rubber stamp signature or electronic representation is acceptable under the following conditions:

a. The physician whose signature the rubber stamp or electronic representation denotes is the only one who has possession of the stamp or electronic representation and is the only one who uses it; and

b. The physician places in the administrative offices of the facility a signed statement to the effect that he or she is the only one who has the stamp or electronic representation and is the only one who will use it.

2. The use of rubber stamp signatures is not permissible on orders for "controlled substances."

3. Consultative reports and diagnostic procedures requested by a physician, *e.g.*, radiological, laboratory reports, shall be acknowledged by the physician signature. (I)

B. Verbal Orders. (I)

1. All orders for medication, treatment, care and diet shall be signed and dated by the individual receiving the orders.

2. Verbal orders received shall include the date of the order, description of the order, and identification of the physician or other legally authorized healthcare provider and the individual receiving the order.

3. Verbal orders in other specialized departments or services, as authorized in facility policy and procedures, may be received by those departments or services, e.g., orders pertaining to physical therapy may be received by a physical therapist.

4. A committee (to include representation by physicians treating residents at the facility, a pharmacist, and the Director of Nursing) shall identify and list categories of diagnostic or therapeutic verbal orders (associated with any potential hazard to the resident) that shall be authenticated by the prescriber within a limited time period (within two (2) days after the order is given). A copy of this list shall be maintained at each staff work area.

a. Verbal orders designated by the committee as requiring authentication within a limited time period shall be authenticated and countersigned and dated by the prescriber or designee within a time period defined in facility policies and procedures, but in no case more than two (2) days after the order was given.

b. All other verbal orders shall be countersigned and dated by the prescriber or his or her designee within sixty (60) days.

c. Verbal orders for restraints shall be authenticated in the manner prescribed in Section 1012.B.

C. Standing Orders. (I)

1. Physician's standing orders, except for restraints, are permissible but shall take into consideration specific circumstances such as medication allergies, gender-specific orders, and the pertinent physical condition of the resident, when appropriate.

2. Over-the-counter medications may be utilized on a physician's standing orders. Controlled or legend medications shall be an individual order reduced to writing on the physician's order sheet as either a routine or *pro re nata* (prn) order and shall not be utilized on a physician's standing order unless the medications have been identified by the facility as those commonly used in routine situations. Each standing order shall include on the order sheet the following, as appropriate:

- a. Name of the medication;
- b. Strength of the medication;
- c. Specific dose (or dose range) of the medication;

- d. Mode of administration;
- e. Reason for administration;
- f. Time interval between doses for administering the medication; and
- g. Maximum dosage or number of times to be administered in a specific time period.

3. Standing orders shall be signed and dated by the prescribing physician initially and reviewed at least annually thereafter.

D. Standing orders regarding restraints are prohibited.

803. Individual Care Plan (ICP) (II)

A. The facility shall develop an ICP with participation by, and as evidenced by the signatures of the resident or responsible party, or documentation that the facility attempted to obtain the signatures, and an interdisciplinary team of qualified individuals, within fourteen (14) days of admission. The ICP shall be reviewed and/or revised as changes in resident needs occur, but not less than quarterly by the interdisciplinary team.

B. The ICP shall describe:

1. The needs of the resident, including the services that are to be furnished, *i.e.*, what assistance, how much, who will provide the assistance, how often, and when;

2. Advance directives and healthcare power-of-attorney, as applicable;

3. Recreational and social activities that are suitable, desirable, and important to the resident;

4. Dietary needs and preferences of resident as approved by a physician;

5. Discharge planning, to include assessing continuing care needs and developing a plan designed to assure the resident's needs will be met after discharge or transfer.

804. Record Maintenance

A. Organization.

1. The administrator shall designate a staff member the responsibility for the maintenance of resident and outpatient records.

2. Resident and outpatient records shall be properly indexed and filed for ready access by staff members.

B. Accommodations.

1. The licensee shall provide space, supplies, and equipment adequate for the maintenance, protection and storage of resident and outpatient records.

2. The facility shall maintain records pertaining to resident personal funds accounts, as applicable, financial matters, statements of resident rights and responsibilities, and resident possessions (provided that the facility has been notified by the resident or responsible party that items have been added or removed).

3. The licensee shall determine the medium in which information is stored. The information shall be readily retrievable and accessible by staff, as needed.

4. Records of residents and outpatients shall be maintained for at least six (6) years following discharge or death. Facilities that microfilm (or use other processes that accurately reproduce or form a durable medium) inactive records before six (6) years have expired shall process the entire record. Records may be destroyed after six (6) years provided that:

a. Records of minors must be retained until after the expiration of the period of election following achievement of majority as prescribed by statute; and

b. The facility retains an index, register, or summary cards providing such basic information as dates of admission and discharge, and name of responsible physician for all records so destroyed.

5. Records of residents and outpatients are the property of the facility and shall not be removed without court order. As an exception, when a resident moves from one licensed facility to another within the same provider network (same licensee), the original record may follow the resident; the sending facility shall maintain documentation of the resident's transfer and discharge date and identification information. In the event of change of licensee, all resident records or copies of resident records shall be transferred to the new licensee.

6. When a resident is transferred from one facility to another, a transfer summary, to include copies of relevant documents, shall accompany the resident to the receiving facility at the time of transfer or be forwarded immediately after the transfer. Documentation of the information forwarded shall be maintained in the resident record.

7. Upon discharge or death of a resident, the record shall be completed and filed in an inactive file within a time period as determined by the facility, but no later than thirty (30) days after discharge or death.

8. Facilities shall comply with R.61-19 with regard to vital statistics.

C. Access.

1. The resident and outpatient record is confidential. Records containing protected or confidential health information shall be made available only to individuals granted access to that information, in accordance with State, Federal, and local laws.

2. A facility may charge a fee for the search and duplication of a resident record in accordance with S.C. Code Ann. Section 44-7-325 (1976, as amended).

D. Copies of the criminal record check results of direct care staff shall be provided to the Department upon request within a reasonable amount of time after receiving the request. A copy of the criminal record check results shall be retained at the facility.

E. Regulation-required documents other than resident records, *e.g.*, fire drills, medication destruction records, activity schedules, firefighting equipment inspections, monthly pharmacist reviews, controlled medication count sheets, emergency generator logs, shall be maintained for a minimum of twelve (12) months or until the next inspection by the Department's Division of Health Licensing, whichever is longer. Records of menus as served shall be maintained for at least thirty (30) days and available for inspection.

805. Electronic Resident Records

A. Electronic records are subject to all of the standards of this regulation.

B. A facility that maintains electronic records shall:

1. Retain the hard copy originals of any materials that cannot be electronically stored;

2. Employ an off-site backup storage system as protection in the event that the on-site system is damaged or destroyed;

3. Use an imaging mechanism that is able to copy documents with signatures;

4. Assure that records, once put in electronic form, are unalterable.

C. Electronic signatures may be used any place in the resident or outpatient record that requires a signature, provided signature identification can be verified and an electronic signature may be legally used. Electronic authorization shall be limited to a unique identifier (confidential code) used only by the individual making the entry to preclude the improper or unauthorized use of any electronic signature.

SECTION 900 - ADMISSION/RETENTION

901. General

A. Individuals seeking admission shall be identified as appropriate for the level of care, services, or assistance offered. The facility shall establish admission criteria that are consistently applied and comply with State, Federal, and local laws and regulations. (I)

B. The facility shall admit and retain only those individuals whose needs can be met by the accommodations and services for which the facility is licensed. (I)

C. Residents and/or outpatients shall be admitted to the facility only on physician orders and all care rendered under his or her direction. In the institutional nursing home setting, individuals living on that campus, but outside the nursing home may be admitted by the administrator, provided that the admission is authorized by physician order within two (2) business days of admission. (I)

D. A medical history and physical examination shall be completed in the manner prescribed in Section 1201. (II)

E. Respite care may be furnished provided there is compliance with this regulation. If the resident is regularly re-admitted in a respite status only, then a physical examination for admission is required only once every six (6) months. (I)

F. Individuals not eligible for admission or retention are:

1. Anyone who is destructive of property, self-destructive, suicidal, disturbing or abusive to other residents as determined by a physician or other legally authorized healthcare provider, unless the facility has and uses sufficient resources to appropriately manage and care for the person;

2. Anyone under eighteen (18) years of age, unless placed in a private room and written certification is obtained from the attending physician stating that proper care of the resident can be given;

3. Anyone who has need for medical care for acute illness or injury that is beyond the scope of the facility to provide, and where hospitalization is consistent with the individual's condition, prognosis, and choice; and

4. Anyone not meeting facility requirements for admission; the facility may determine who is eligible for admission and retention in its policies, provided compliance with State, Federal, and local laws and regulations is accomplished.

SECTION 1000 - RESIDENT CARE AND SERVICES

1001. General

A. There shall be a written care and services agreement between the resident, and/or his or her responsible party, and the facility. The agreement shall be signed and completed before or at the time of admission and include and/or address at least the following:

1. An explanation of the specific care, treatment, services, or equipment provided by the facility, *e.g.*, degree of nursing care, administration of medication, provision of special diet as necessary, assistance with bathing, toileting, feeding, dressing, and mobility;

2. Disclosure of fees for all care, treatment, services, or equipment provided;

3. Advance notice requirements to change fees;

4. Refund provisions to include when monies are to be forwarded to resident upon discharge, transfer, or relocation;

5. Transportation provisions in accordance with facility policies and procedures;

6. Discharge and transfer provisions to include the conditions under which the resident may be discharged and the agreement terminated, and the disposition of personal belongings;

7. Documentation of the explanation of the Bill of Rights for Residents of Long-Term Care Facilities and grievance procedures;

8. Arrangements for, or the provision at a specified written cost for the laundering of resident personal clothes.

B. Residents shall receive care and treatment, services, *e.g.*, routine and emergency medical care, podiatry care, dental care, counseling and medications, as ordered by a physician or other legally authorized healthcare provider. Such care shall be provided and coordinated among those responsible during the process of providing such care and modified based upon any changing needs, or, when appropriate, requests of the resident. (II)

C. Treatment and services shall be rendered in a caring and humane manner, and effectively and safely in accordance with orders from physicians or other legally authorized healthcare providers. (I)

D. Staff shall respond to a signal system call from a resident to provide care or assistance in a prompt manner.

E. Each resident shall be encouraged and assisted in self care and activities of daily living, and be given care that promotes skin integrity, proper body alignment and joint movement. (I)

F. Residents shall be neat, clean, appropriately and comfortably dressed in clean clothes, and shall be encouraged and assisted to achieve and maintain the highest level of self care and independence. Neatness and cleanliness shall include personal hygiene, skin care, shampooing and grooming of hair, shaving and trimming of facial hair, nail trimming, and being free of offensive body odors. (II)

G. The provision of care, treatment, and services shall be resident-centered and resident-directed to the fullest extent possible. Such care, treatment, and services to residents shall be guided by the recognition of and respect for cultural differences and personal preferences to assure reasonable accommodations shall be made for residents with regard to differences, such as, but not limited to, religious practices and dietary preferences.

H. Opportunities for participation in religious services shall be available. Reasonable assistance in obtaining pastoral counseling shall be provided upon request by the resident.

I. Facilities shall take an interdisciplinary approach to decrease the risk of pressure-related wounds, and institute measures to prevent and treat wounds that are consistent with each resident's clinical condition, risk factors, and goals. Such actions shall include but not be limited to: (I)

1. Body position of bed or chair bound residents changed in accordance with the ICP;

2. Proper skin care provided for bony prominences and weight bearing parts to prevent discomfort and the development of pressure areas, unless contraindicated by physician's orders.

J. Soiled or wet bed linen shall be replaced promptly with clean, dry linen and clothing after being soiled. (I)

K. Necessary actions shall be taken to prevent resident elopement. (I)

L. A facility shall have the equipment and supplies required to administer cardio-pulmonary resuscitation (CPR) to any resident when necessary and in accordance with the resident's advance directives. Equipment and supplies required to administer CPR include, but are not limited to: (I)

1. Adult-sized Pocket Mask;

2. Adult-sized Bag-Valve-Mask Ventilation Unit (BVM); and
3. Large and Medium Adult-sized Oropharyngeal airway (OPA).

M. In the event of closure of a facility for any reason, the facility shall assure continuity of care, treatment, and services by promptly notifying the resident's attending physician or other legally authorized healthcare provider and arranging for referral to other facilities.

1002. Fiscal Management (II)

A. Provisions shall be made for safeguarding money and valuables for those residents who request this assistance.

B. Residents shall manage their own money whenever possible.

C. Only residents may endorse checks made payable to them, unless a legally constituted authority has been authorized to endorse their checks.

D. Upon written request of the resident or his or her responsible party, the facility may maintain the personal monies for the resident.

E. There shall be an accurate accounting of resident's personal monies and written evidence of purchases by the facility on behalf of the residents to include a record of items or services purchased, written authorization from residents of each item or service purchased, and an accounting of all monies paid to the facility for care and services. Personal monies include all monies, including family donations. No personal monies shall be given to anyone, including family members, without written consent of the resident or his or her responsible party. If a resident's money is given to anyone by the facility, a receipt shall be obtained.

F. A written report of the balance of resident finances shall be physically provided to each resident by the facility on a quarterly basis in accordance with the Bill of Rights for Residents of Long-Term Care Facilities, regardless of the balance amount, *e.g.*, zero balance.

G. Within sixty (60) days of a resident's death or discharge, a final written account of remaining resident monies shall be made to the individual administering the resident's estate, or to the resident or the resident's responsible party upon discharge. Any personal monies due shall be refunded within thirty (30) days.

H. In the event of a licensee change, the existing licensee shall provide written verification to the new licensee that all resident monies have been transferred to the new licensee.

1003. Recreation

A. The facility shall offer a regular and ongoing program of varied, meaningful activities designed to suit the interests and physical and cognitive capabilities of the residents who choose to participate. The facility shall provide recreational activities that provide stimulation (intellectual, physical); promote or enhance physical, mental, and/or emotional health; are age-appropriate; and are based on input from the residents and/or responsible party, as well as information obtained in the initial assessment. These activities shall include appropriate group activities and also activities for individuals with particular interests and needs.

B. Variety in planning may include some outdoor activities in suitable weather. Plans for activity involvement both on an individual and a group basis shall be developed for all residents. The planned activities may include community intergenerational programs, if applicable.

C. A staff member shall be designated as director of the resident activities program who shall be responsible for the development of the recreational program, to include responsibility for obtaining and maintaining recreational supplies. This staff member shall have sufficient time to provide and coordinate the activities program so that it fully meets the needs of the residents. Staff members responsible for providing and coordinating recreational activities for the residents shall have expertise or training and/or experience in individual and group activities. The director of resident activities shall hold at least one (1) of the following four (4) qualifications:

1. A baccalaureate degree from an accredited college or university with a major area of concentration in recreation, creative arts therapy, therapeutic recreation, art, art education, psychology, sociology, or occupational therapy; or
2. A high school diploma and three (3) years of experience in resident activities in a health care facility; or
3. Served as the facility director of resident activities on the effective date of promulgation of this regulation, and has continuously served as activities director since that time; or
4. Holds current certification from the National Certification Council for Activity Professionals, or the National Council for Therapeutic Recreation Certification.

D. The recreational supplies shall be adequate and shall be sufficient to accomplish the activities planned. Space, needed supplies, and equipment, *e.g.*, books, magazines, newspapers, games, arts and crafts, computers, radio and television, shall be provided for all pertinent activities.

E. At least one (1) current month's resident activity schedule shall be conspicuously posted in order for residents to be made aware of activities offered. This schedule shall

include activities, dates, times, and locations. Residents may choose activities and schedules consistent with their interests and physical, mental, and psychosocial health. If a resident is unable to choose for him or herself, staff members shall encourage participation and assist when necessary.

F. Residents shall retain autonomous control over a wide range of activities and shall not be compelled to participate in any activity. Activities provided shall be in accordance with the ICP.

G. There shall be adequate staff to provide activity and recreational programs each day to achieve a meaningful experience for the residents. Opportunities for spontaneous activities shall be available to residents at any time. Community resources and volunteers may be utilized under the direction of the activities director to the fullest possible extent.

H. Religious services shall be considered resident activities. Every resident shall have the freedom to attend the church service of his or her choice.

I. Bedridden residents and those otherwise unable or unwilling to participate in group activities shall be provided activity to stimulate and promote their physical, spiritual, social, emotional, and intellectual health in accordance with the ICP.

J. Visiting by relatives and friends shall be encouraged, with minimum restrictions. Visiting hours shall be posted in accordance with facility policies and procedures. Reasonable exceptions to these hours shall be granted.

1004. Physician Services (II)

A. Each resident or responsible party shall designate a physician licensed to practice in South Carolina for the supervision of the care and treatment of the resident.

1. Residents shall be seen by the attending physician at least once every sixty (60) days, unless more frequent visits are indicated. As an exception, another legally authorized healthcare provider who is authorized by the attending physician in writing, may make the sixty (60) day visits and the resident or the resident's responsible party shall be notified in writing of the person who will be making the visits in lieu of the attending physician.

2. A facility shall not restrict a resident's or responsible party's choice in attending physician coverage, provided that the physician agrees to, and demonstrates that he or she will provide care in accordance with facility policies and procedures.

B. Residents who have an attending physician licensed in a state other than South Carolina shall have thirty (30) days from admission to establish an attending physician licensed in South Carolina. (I)

C. Each resident shall be informed of the name, specialty, and a way of contacting the physician responsible for his or her care.

D. At least one (1) physician shall be available on call at all times.

1005. Social Services

A. Social services for residents shall be provided by the facility. When a facility provides social services directly, there shall be a staff member designated in writing who is responsible for the program and provides the leadership and direction of the program, including the maintenance of any required records.

B. Social service history shall be obtained and documented for each resident. This history shall include social and emotional factors related to the resident's condition, information concerning home situation, financial resources and relationships with other people. The social history shall be obtained within seven (7) business days of admission. The social service history shall be utilized in the preparation of the ICP and maintained current in terms of changes in financial resources, physical condition, mental state or family situation.

C. Services shall be provided to assist all residents in addressing social, emotional and related problems or through effective arrangements with a social service agency.

D. The social services staff shall participate in discharge planning to assist residents to access inpatient, outpatient, extended care, and home health services in the community.

1006. Dental Services

A. Within one (1) week of admission, an oral assessment by a physician, dentist or registered nurse shall be conducted to determine the consistency of diet which the resident can best manage and the condition of gums and teeth.

B. Residents shall be assisted as necessary with daily dental care. (II)

C. Each facility shall maintain names of dentists who can render emergency and other dental treatments. Residents shall be encouraged to utilize dental services of choice.

1007. Oxygen Therapy (II)

A. The facility shall provide oxygen for the treatment of residents when ordered by a physician or other legally authorized healthcare provider.

B. When oxygen is dispensed, administered, or stored, "No Smoking" signs shall be posted conspicuously. All cylinders shall be appropriately secured. As an exception, in

“Smoke-Free” facilities where smoking is prohibited, and where the facility nonsmoking policy is strictly enforced, and where “Smoke-Free” signs are strategically placed at all major entrances, secondary “No Smoking” signs shall not be required in and in the vicinity of resident rooms where oxygen is being administered. “No Smoking” signs shall be required in and in the vicinity of resident rooms and all other areas of the facility where oxygen is being stored. (I)

1008. Laboratory Services

A. Laboratory services required in connection with the care or treatment to be performed shall be provided or arrangements made to obtain such services.

B. Laboratories that examine materials derived from the human body for diagnosis, prevention, or treatment purposes shall be certified by the Centers for Medicare and Medicaid Services (CMS). Some laboratory tests, *i.e.*, blood sugar levels or hemoglobin, may not require the certification; however a Clinical Laboratories Improvement Amendments (CLIA) “Certificate of Waiver” shall be obtained from the Department’s CLIA Program if those tests are performed.

C. Expired laboratory supplies shall be disposed of in accordance with facility policies and procedures.

1009. Outpatient Services

A. When the facility provides outpatient services such as those described in Section 1010, a physician shall be in charge of the service.

B. Outpatient services shall be in a location that is easily accessible for all outpatients and to all necessary outpatient equipment and supplies. Adequate toilet facilities, waiting, dressing, examining, treatment, and therapy rooms shall be provided.

1010. Other Services to Residents

Other services, such as physical therapy, occupational therapy, and speech therapy, if offered as a service of the facility, shall be on orders of a physician or other legally authorized healthcare provider and administered and/or furnished by legally authorized healthcare providers. If offered, space and equipment shall be provided to accommodate the service(s).

1011. Transportation (I)

The facility shall arrange for appropriate transportation of residents to other healthcare services provided outside the facility, *e.g.* hospital, medical clinic, dentist, and in accordance with the physician’s orders. If a physician’s services are not immediately available and the resident’s condition requires immediate medical attention, the facility shall provide or secure transportation for the resident to the appropriate healthcare

providers, such as, but not limited to, physicians, dentists, physical therapists, or for treatment at renal dialysis facilities.

1012. Restraints (II)

A. There shall be written instructions on how specific restraints shall be applied.

B. There shall be a written order signed by the physician approving use of restraints at the time they are applied to a resident or, in case of emergency, within twenty-four (24) hours after they have been applied.

C. During emergency restraint, residents shall be monitored, their condition recorded at least every fifteen (15) minutes, and they shall be provided with an opportunity for motion and exercise at least every thirty (30) minutes. Prescribed medications and treatments shall be administered as ordered, and residents shall be offered nourishment and fluids and given restroom privileges. (I)

D. Only those devices specifically designed as restraints may be used. Makeshift restraints shall not be used under any circumstance. (I)

1013. Discharge/Transfer

A. Residents shall be transferred or discharged only upon physician orders and only as appropriate in accordance with the Bill of Rights for Residents of Long-Term Care Facilities. Immediate transfer is permissible in cases of medical emergencies or where the health and safety of other residents would be endangered, in accordance with the Bill of Rights for Residents of Long-Term Care Facilities.

B. Notification of resident discharge and transfer shall be in accordance with the Bill of Rights for Residents of Long-Term Care Facilities. In cases of transfer due to medical emergencies or instances where other residents may be endangered, the family member, if any, shall be notified within a time period that is practicable under the circumstances, but not later than twenty-four (24) hours following the transfer.

C. Other than residents transferred back to their home, residents requiring care and/or supervision shall be transferred or discharged to a location that is licensed to provide that care and is appropriate to the resident's needs and abilities. (II)

D. Upon transfer or discharge, the facility shall assure that resident information, medications, as appropriate, personal possessions and personal monies are released to the resident and/or the receiving facility in a manner that assures continuity of treatment, care, and services. (II)

E. A discharge summary shall accompany each resident discharged or transferred to another licensed healthcare facility, or shall be forwarded to the receiving facility in a manner that assures continuity of care and services.

F. The facility shall have a written transfer agreement with one (1) or more hospitals that provides reasonable assurance that transfer of residents will be made between the hospital and the facility whenever such transfer is deemed medically appropriate by the attending physician; or, the facility shall have on file documented evidence that it has attempted in good faith to effect a transfer agreement. The transfer agreement shall be dated and signed by authorized officials who are a party to the agreement. The agreement shall provide reasonable assurance of mutual exchange of information necessary or useful in the care and treatment of individuals transferred between the facilities. The agreement may be updated following a change of administrator; the agreement shall be updated following changes in licensee or at any other time as deemed advisable to maintain or further improve continuity of care.

SECTION 1100 - RIGHTS AND ASSURANCES

1101. General (II)

A. The facility shall comply with all current State, Federal and local laws and regulations concerning resident care, treatment, procedures, and/or services, resident rights and protections, and privacy and disclosure requirements, *e.g.*, S.C. Code Ann. Section 44-81-10 (1976, as amended), Bill of Rights for Residents of Long-Term Care Facilities, Alzheimer's Special Care Disclosure Act, and the Omnibus Adult Protection Act notice, S.C. Code Ann. Section 43-35-5, *et seq.* (1976, as amended).

B. Posted notices as required in the Bill of Rights for Residents of Long-Term Care Facilities, the Omnibus Adult Protection Act, and other notices as required by law, shall be prominently displayed in the facility.

C. The facility shall comply with all relevant State, Federal and local laws and regulations concerning discrimination, *e.g.*, Title VII, Section 601 of the Civil Rights Act of 1964.

D. Achievement of the highest level of self-care, independence and choice by residents shall be reflected in the manner in which the facility provides and promotes resident care and how the facility honors reasonable requests.

E. Residents shall be given the opportunity to provide input concerning changes in facility operational policies, procedures, services, *e.g.*, resident councils.

F. Other than the limitations of resident movement in special instances, *e.g.*, Alzheimer's unit, residents shall be assured freedom of movement. Residents shall not be locked in or out of their rooms.

G. There shall be a grievance and complaint procedure to be exercised on behalf of the residents to enforce the Bill of Rights for Residents of Long-Term Care Facilities that includes the address and telephone number of the Department's Division of Health Licensing and a provision prohibiting retaliation should the grievance right be exercised.

Residents shall be made aware of this procedure and it shall be posted adjacent to the Bill of Rights for Residents of Long-Term Care Facilities.

H. Care, services, treatments, items provided by the facility, the charges, and those services that are the responsibilities of the resident shall be delineated in writing. Residents shall be made aware of such charges and services and changes to charges and services.

I. Residents shall not be requested or required to perform any type of care, treatment, or service in the facility that would normally be the duty of a staff member.

J. Information regarding advance directives shall be provided to each resident at admission.

K. The facility shall furnish itemized billing for all charges to the resident or the individual paying the bill upon request by the resident or individual.

1. Items that remain unpaid are not required to be itemized again.

2. This provision shall not apply to the contracted amount of a state or federal agency. Any amount above such contract shall be itemized as provided.

L. Residents shall be permitted to use the telephone and shall be allowed privacy when making telephone calls.

M. A quiet environment shall be provided that is the least intrusive to residents.

N. The facility shall inform residents of the resident councils (See Section 1102).

1102. Resident and Family Councils (II)

A. The facility shall allow residents to form and participate in resident councils to discuss and resolve concerns.

B. Adequate notification shall be provided to family members or to the responsible party of the resident concerning pertinent information pertaining to the operation or interest of the family council in accordance with facility policies and procedures.

C. Should there be a council, the facility administrator shall designate a staff coordinator and provide suitable private accommodations within the facility for these council(s). The staff coordinator shall assist the council(s) in scheduling regular meetings and preparing written reports of meetings for dissemination to residents of the facility.

SECTION 1200 - RESIDENT PHYSICAL EXAMINATION AND TUBERCULOSIS SCREENING

1201. General (I)

A. The admission physical examination shall be conducted by the attending physician within five (5) days prior to admission or within seven (7) business days after admission and shall address the physical condition and diagnosis of the resident. As an exception, physical examinations conducted by physicians licensed in states other than South Carolina are permitted for new admissions under the condition that residents obtain an attending physician licensed in South Carolina within thirty (30) days of admission to the facility. The physical examination information shall be updated to include new medical information if the resident's condition has changed since the last physical examination was completed.

B. The admission physical examination shall include tuberculosis screening (See Section 1804), as determined by the facility risk assessment (See Section 101.BBBB) in the manner designated by guidelines established by the Department.

C. In the event that a resident transfers from a healthcare facility licensed by the Department, as defined in S.C. Code Ann. Section 44-7-130(10) (1976, as amended), to a nursing home, an additional admission physical examination shall not be required, provided the resident transferring has had a physical examination conducted not earlier than three (3) months prior to the admission of the resident to the nursing home that addresses the physical condition and diagnosis of the resident, and meets the requirements specified in Section 1201.B unless the receiving facility has an indication that the health status of the resident has changed significantly. A discharge summary from a healthcare facility, which includes a physical examination, may be acceptable as the admission physical examination, provided the summary addresses the physical condition and diagnosis of the resident, meets the requirements specified in Section 1201.B, and the resident's physician attests to its accuracy by countersigning it. The receiving nursing home shall acquire a copy of the physical examination and tuberculosis screening, if applicable, from the licensed facility transferring the resident with the attending physician updating by signature and date.

SECTION 1300 - MEDICATION MANAGEMENT

1301. General

A. Medications, including controlled substances, medical supplies, and those items necessary for the rendering of first aid shall be properly managed in accordance with State, Federal, and local laws and regulations. Such management shall address the securing, storing, and administering of medications, medical supplies, first aid supplies, and biologicals, their disposal when discontinued or expired, and their disposition at discharge, transfer, or death of a resident. (I)

B. Applicable medication-related reference materials such as Physicians' Desk Reference and information on the use of medications shall be readily available at each staff work area in order to provide staff members with adequate information concerning medications. At least one (1) such reference in the facility shall have been published within the previous year and none shall be older than three (3) years.

1302. Medication and Treatment Orders (II)

A. Medication and treatment, to include oxygen, shall be administered to residents only upon orders (to include standing orders) of a physician or other legally authorized healthcare provider. (I)

B. All orders (including verbal) shall be received only by licensed nurses or other legally authorized healthcare providers, and shall be authenticated and dated by a physician or other legally authorized healthcare provider pursuant to the facility's policies and procedures. This restriction shall not be construed to prohibit the issuance and acceptance of verbal orders in other specialized departments or services in accordance with facility policies and procedures, e.g., orders pertaining to respiratory therapy modalities; medications administered therewith may be given to respiratory therapy personnel and physical therapy orders to physical therapists. (I)

C. Physician's orders for medication, treatment, care and diet shall be reviewed and reordered no less frequently than every two (2) months. (I)

D. All medication orders that do not specifically indicate the number of doses to be administered or the length of time the medication is to be administered shall automatically be stopped in accordance with facility policies and procedures.

1303. Administering Medication (II)

A. Medications shall be administered in accordance with orders of the attending physician, dentist or other individual legally authorized to prescribe medications or biologicals for human consumption. (I)

B. Medications and medical supplies ordered for a specific resident shall not be provided to or administered to any other resident.

C. Medications shall be administered in accordance with state practice acts. The administration of medication shall include, but not be limited to:

1. Removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container);
2. Verifying the dosage with the physician's orders;
3. Giving the individual dose to the proper resident;

4. Monitoring the ingestion or application of the dose; and

5. Promptly recording on the MAR, as it is administered, the date, time, dose given, mode of administration, and identification of the individual who administered the medication.

D. Doses of medication shall be administered by the same licensed nurse or other legally authorized healthcare provider who prepared them for administration. Preparation of doses for more than one (1) scheduled administration shall not be permitted. (I)

E. Self-administration of medications by residents is permitted only on the specific written orders of the resident's attending physician or other legally authorized healthcare provider, verified by direct contact with the resident by a licensed nurse, and recorded on the MAR by that same person. Verification and documentation shall occur at the same frequency as the medication is taken. Facilities may elect to prohibit self-administration. The facility shall not allow residents to self-administer controlled substances. (I)

F. When residents who are unable to self-administer medications leave the facility for an extended period of time, the proper amount of medications, along with dosage, mode, date, and time of administration, shall be given to a responsible individual who will be in charge of the resident during his or her absence from the facility; these details shall be properly documented in the MAR. (I)

G. At each shift change, there shall be a documented review of all Schedule II controlled substances by outgoing licensed nurses with incoming licensed nurses who shall include verification by outgoing licensed nurses that the count was correct, and if incorrect, an explanation of the discrepancy and any corrective actions taken. The review shall include controlled substances in an unsealed emergency medication kit or cart. (I)

1304. Pharmacy Services

A. There shall be a written agreement with a consulting pharmacist to direct, supervise and be responsible for pharmacy services in the facility in accordance with accepted professional principles and appropriate State, Federal, and local laws and regulations. (II)

B. At least monthly the pharmacist shall: (II)

1. Review the medication profile for each resident for potential adverse reactions, allergies, interactions and laboratory test modifications. The attending physician shall be advised of recommended changes in the medication regimen, medication therapy duplication, incompatibilities or contraindications;

2. Review medication storage areas and emergency medication kits;
 3. Review all medications in the facility for expiration dates and assure the removal of discontinued or expired medications from use as indicated;
 4. Verify proper storage of medications and biologicals in the facility and make recommendations concerning the handling, storing and labeling of medications;
 5. Examine the controlled substances records and affirm to the administrator that this inventory is correct;
 6. Assess the facility pharmaceutical services to assure the services have been properly implemented and maintained and submit to the administrator a written report of each pharmaceutical assessment including recommendations.
- C. In addition to the services enumerated in Section 1304.B, the pharmacist shall participate in the formulation of pharmacy service policies and procedures and coordinate pharmacy services. (II)
- D. Facilities that maintain stocks of legend medications and biologicals for resident use within the facility shall obtain and maintain from the South Carolina Board of Pharmacy a valid, current, nondispensing drug outlet permit, displayed in a conspicuous location in the facility.

1305. Medication Containers (II)

- A. The labeling of medications and biologicals shall be based on currently accepted professional principles. Labels shall identify, at a minimum, the name of the medication or biological, strength and lot number. As appropriate, labels shall include resident name and any identifying number. The prescribing physician's name and directions for use shall be on the label if it is not documented in another effective manner. (I)
- B. Medication containers that have been damaged, compromised, or without labels, or that have damaged, incomplete or makeshift labels are considered to be misbranded and are prohibited and shall be destroyed in accordance with Section 1309.
- C. Medications for each resident shall be maintained in the original container(s) including unit dose systems. Opening blister packs to remove medications for destruction or adding new medications for administration, except under the direction of a pharmacist, is prohibited. (I)
- D. When a physician or other legally authorized healthcare provider changes the dosage of a medication, such information shall be documented in the medication administration record and a label that does not obscure the original label shall be attached to the container that states, "Directions changed; refer to MAR and physician

or other legally authorized healthcare provider orders for current administration instructions.” The new directions shall be communicated to the pharmacist upon receipt of the order. (l)

1306. Medication Storage

A. Medications shall be stored and safeguarded in a locked medicine preparation room (See Section 2808) or locked cabinet at or near the staff work area to prevent access by unauthorized individuals. If medication carts are utilized for storage, they shall be locked when not in use. Expired or discontinued medications shall not be stored with current medications. Storage areas shall not be located near sources of heat, humidity, or other hazards that may negatively impact medication effectiveness or shelf life. (l)

B. Medications requiring refrigeration or freezing shall be stored in a refrigerator or freezer as appropriate at the temperature range established by the manufacturer used exclusively for that purpose in the medicine preparation room, or in a locked refrigerator used exclusively for medications, or in a separate locked box within a multi-use refrigerator at or near the staff work area. Food and drinks shall not be stored in the same refrigerator or freezer in which medications and biologicals are stored. Blood and blood products may be stored in the same refrigerator with medications and biologicals if stored in a separate compartment from the medications and biologicals in accordance with the AABB. Refrigerators and freezers shall be provided with a thermometer accurate to plus or minus three (3) degrees Fahrenheit. (l)

C. Medications shall be stored: (l)

1. Under proper conditions of sanitation, temperature, light, moisture, ventilation, segregation, safety and security;
2. In accordance with manufacturer’s directions and in accordance with all applicable State, Federal, and local laws and regulations;
3. Separately from poisonous substances, such as cleaning and germicidal agents, or body fluids;
4. In a manner that provides for separation between topical and oral medications, and which provides for separation of each resident’s medication;
5. In medicine preparation rooms or cabinets that are well-lighted and of sufficient size to permit orderly storage and preparation of medications. Keys to the medicine preparation room, cabinet, refrigerator or medication cart at the staff work area shall be under the control of a designated licensed nurse.

D. Nonlegend medications that can be obtained without a prescription such as aspirin, milk of magnesia and mineral oil, may be retained and labeled as stock in the

facility for administration as ordered by a physician or other legally authorized healthcare provider.

E. The medications prescribed for a resident shall be protected from use by any other individuals. For those residents who have been authorized by a physician or other legally authorized healthcare provider to self-administer medications, such medications shall be stored in accordance with facility policies and procedures. (I)

F. Prescribed and over-the-counter medications may be maintained at bedside upon physician orders if kept in an individual cabinet or compartment that is locked, such as the drawer of the resident's night stand, in the room of each resident who has been authorized in writing to self-administer by a physician or other legally authorized healthcare provider, in accordance with facility policies and procedures. (II)

G. Medications listed in Schedule II of the Federal "Controlled Substance Act" shall be stored in separately locked, permanently affixed, compartments within a locked medicine preparation room, cabinet or a medication cart, unless otherwise authorized by a change in the State-Federal Law pertaining to the unit dose distribution system. (I)

1307. Medication Control and Accountability (II)

A. Records of receipt, administration and disposition of all medications shall be maintained in sufficient detail to enable an accurate reconciliation.

B. Medication, supplies and devices shall not be administered and/or provided to residents beyond the expiration date of those items. (I)

C. Medications that have been discontinued may be secured in the staff work area with a written order by the attending physician. Such medications shall not be held beyond a ninety-day (90-day) period unless so ordered by the physician or other legally authorized healthcare provider, but in no case held beyond the expiration date of the medication.

D. Separate control sheets shall be maintained on any controlled substances listed in Schedule II, State and Federal "Controlled Substance Act." This record shall contain the following information: date, time administered, name of resident, dose, signature of individual administering, name of physician or other legally authorized healthcare provider ordering the medication and Schedule II controlled substances balances (See Section 1303.G).

1308. Emergency Medications (II)

A. Each facility shall maintain, upon the advice and written approval of the Medical Director and consultant pharmacist, an emergency medication kit or cart of designated medicines and equipment at each staff work area for the use of physicians or other legally authorized healthcare providers in treating the emergency needs of residents.

As an exception, the facility may determine that one (1) emergency medication kit can be readily accessible to, and adequately meet the needs of two (2) or more staff work areas. If such is the case, the facility's written policies shall include the location(s) of the emergency medication kit(s) and the justification for this determination. There shall not be less than one (1) emergency medication kit on each resident floor.

B. The emergency medication kit or cart shall be sealed and stored in a secured area to prevent unauthorized access and to assure a proper environment for preservation of the medications within, but in such a manner as to allow immediate access.

C. An inventory of medications maintained in the kit shall be attached to or placed in the kit. Another inventory list shall be maintained at the staff work area for quick reference.

D. Whenever the emergency medication kit or cart is opened, the use of contents shall be documented by the nursing staff and it shall be restocked and resealed by the pharmacist within two (2) business days.

1309. Disposition of Medications

A. Upon discharge of a resident, unused medications, biologicals, medical supplies and solutions may be released to the resident, family member, or responsible party, unless prohibited by facility policies and procedures, the attending physician or other legally authorized healthcare provider.

B. When resident medications, biologicals, medical supplies or solutions have deteriorated or exceeded their expiration date or there are partial unused medications, or medication containers are misbranded, they shall be destroyed by a licensed nurse or other legally authorized healthcare provider or returned to the pharmacy. (II)

C. When noncontrolled legend drugs, biologicals, medical supplies and solutions are destroyed, the following shall be documented: date of destruction, medication name, strength, quantity, mode of destruction, and the name of the individual performing the destruction and witnessed by a licensed nurse or pharmacist. (I)

D. The destruction of controlled substances shall be accomplished pursuant to the requirements of R.61-4. (I)

SECTION 1400 - MEAL SERVICE

1401. General (II)

A. Facility meal service programs shall be inspected and approved by the Division of Health Licensing, and shall be regulated, inspected, and graded pursuant to R.61-25.

B. When meals are catered to a facility, such meals shall be obtained from a meal service establishment graded by the Department, pursuant to R.61-25. (I)

C. If food is prepared at a central kitchen and delivered to separate facilities or separate buildings and/or floors of the same facility, provisions shall be made for proper maintenance of food temperatures and a sanitary mode of transportation that are approved by the Division of Health Licensing.

D. Food shall be prepared by methods that conserve the nutritive value, flavor and appearance. The food shall be palatable, properly prepared, and sufficient in quantity and quality to meet the daily nutritional needs of the residents in accordance with written dietary policies and procedures.

E. Efforts shall be made to accommodate the religious, cultural, and ethnic preferences of each resident and consider variations of eating habits, unless the orders of a physician or other legally authorized healthcare provider contraindicate.

F. Nourishment stations, if provided, shall contain a handwashing sink equipped for handwashing, equipment for serving nourishment between scheduled meals, refrigerator, and storage cabinets.

G. At least one (1) dietary refrigerator shall be provided on each resident floor and shall have a thermometer accurate to plus or minus three (3) degrees Fahrenheit. In addition, if a refrigerator(s) is in a resident room for food storage, the same thermometer requirement applies.

H. Medications, nursing supplies, or biologicals shall not be stored in the dietary department or any refrigerator or storage area utilized by the dietary department.

I. The preparation of meals shall only be conducted in areas of the facility that have been approved by the Department. Extended operations of a facility's meal service program shall not be located in rooms used for other purposes, e.g., sleeping, living, laundry.

1402. Food and Food Storage (II)

A. The storage, preparation, serving, transportation of food, and the sources from which food is obtained shall be in accordance with R.61-25.

B. Home canned food shall be prohibited.

C. At least a three-day supply of staple foods and a two-day supply of perishable foods shall be maintained on the premises. Supplies shall be appropriate to meet the requirements of the menu and special or therapeutic diets.

D. Food stored in refrigerators and freezers shall be covered, labeled, and dated. Prepared food shall not be stored in the refrigerator for more than three (3) days.

E. All food in the facility shall be from food sources approved or considered satisfactory by the Department, and shall be clean, wholesome, free from spoilage, free from adulteration and misbranding, and safe for human consumption. (I)

F. Poisonous products that are used in the daily operation of the facility such as pressurized insecticides, lye, drain cleaners, ammonia, and other similar materials that are stored in food preparation areas, equipment-washing and utensil-washing areas, clean utensil storage areas, or food storage areas shall be inaccessible to residents and stored in closed cabinets or in approved designated areas. These products may be stored with detergents, sanitizers, and other cleaning compounds.

G. Hot and cold running water, under pressure, shall be provided in all areas where food is prepared, or equipment, utensils, and containers are washed.

1403. Food Equipment and Utensils

A. The storage, cleaning and sanitizing of equipment and utensils utilized shall be in accordance with R.61-25. (II)

B. There shall be written procedures for cleaning, disinfecting and sanitizing all equipment and meal service work areas.

C. All walk-in refrigerators and freezers shall be equipped with opening devices that will permit opening of the door from the inside at all times. (I)

D. Single-service articles shall be used whenever the facility is unable to clean and sanitize utensils adequately and effectively. (II)

E. Drinking containers made of porous materials shall not be used unless the containers have smooth liners which can be easily cleaned. These containers and/or liners shall be sanitized at least weekly or more often as necessary and identified for individual resident use. Disposable containers shall be replaced at least weekly. (II)

1404. Meals and Services (II)

A. All facilities shall provide meal services to meet the daily nutritional needs of the residents in accordance with the dietary reference intakes (DRIs) of the Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences.

B. The dining area shall provide a comfortable and relaxed environment. Table service shall be planned in an attractive and colorful manner for each meal.

C. A minimum of three (3) nutritionally-adequate meals in each twenty-four-hour (24-hour) period shall be provided for each resident unless otherwise directed by the resident's physician or other legally authorized healthcare provider. Residents shall be allowed to choose between a variety of foods offered. Personal preferences as to the times residents receive their meals may be honored. This may include offering smaller, more frequent meals, or snacks, or postponing meals to honor a resident's request, e.g., to sleep or not to eat. The condition of the resident shall dictate the manner in which meal service is adjusted to suit personal preferences. Meal service systems, e.g., four-meal plans and/or buffet dining, may be offered in order to facilitate the resident receiving a variety of foods.

D. Not more than fourteen (14) hours shall elapse between the scheduled serving of the evening meal and breakfast the following day. As an exception, there may be up to sixteen (16) hours between the scheduled serving of the evening meal and breakfast the following day if approved by the resident's attending physician and the resident, and if a nourishing snack is provided after the evening meal.

E. Food shall be cut, chopped, ground or blended to meet individual needs.

F. Special attention shall be given to preparation and prompt serving in order to maintain correct food temperatures, in accordance with R.61-25, for serving at the table or resident room (tray service).

G. The same menu items shall not be repetitively served during each seven-day period except to honor specific, individual resident requests. Substitutes of similar nutritive value shall be offered to residents who refuse food served.

H. Food and snacks shall be available and offered between meals at no additional cost to the residents. Individual resident food and snack preferences shall be honored when reasonable.

1405. Meal Service Staff

A. The health and cleanliness of all those engaged in food preparation and serving shall be in accordance with R.61-25. (II)

B. The meal service operations shall be under the direction of a dietitian or qualified food service supervisor who shall be responsible for supervising the meal service staff, planning, preparation and serving of food and the maintenance of proper records. A staff member shall be designated, by name or position, to act in the absence of this person. (II)

C. A qualified food service supervisor shall be a person who: (II)

1. Is a graduate of a dietetic technician training program approved by the American Dietetic Association; or

2. Is a graduate of a course of study meeting the requirements of the American Dietetic Association and approved by the state; or

3. Has at least three (3) years of training and experience in meal service supervision and management in a military service equivalent in content to the programs described in Sections 1405.C.1 and C.2.

D. A qualified food service supervisor shall receive consultation from a dietitian who is available on a full-time, part-time or consultant basis. (II)

E. There shall be a dietitian available to provide dietary review, menu planning, and consultation. If a dietitian is not a staff member of the facility, there shall be a valid contract for services between the facility and the dietitian. (II)

F. All meal service staff shall wear clean clothes, maintain personal cleanliness, and conform to hygienic practices while on duty. Shoes worn by meal service staff shall be closed-toed. Only authorized persons shall be allowed in the kitchen. (II)

G. Sufficient staff members shall be available to serve food and to provide individual attention and assistance, as needed. (II)

H. Individuals engaged in the preparation and service of food shall wear clean hair restraints, *e.g.*, hair nets, hair wraps, hats, that will properly restrain all hair of the face and head and prevent contamination of food and food contact surfaces. (II)

I. There shall be trained staff members to supervise the preparation and serving of the proper diet to the residents including having sufficient knowledge of food values in order to make appropriate substitutions when necessary. (II)

J. Residents shall not be permitted to engage in food preparation unless the following criteria are met: (II)

1. The ICP of the resident has indicated food preparation as suitable and/or beneficial to the resident;

2. The resident is directly supervised by staff members, *i.e.*, shall be in the food preparation area with the resident.

K. Meal service staff shall have the responsibility of accompanying the food to the floor, when necessary.

1406. Diets (II)

A. All diets shall be prescribed, dated and signed by the physician and be prepared in conformance with physicians' orders giving consideration to individual resident preferences.

B. The necessary equipment for preparation of resident diets shall be available and utilized.

C. A diet manual published within the previous five (5) years shall be available and shall address at a minimum:

1. Food sources and food quality;
2. Food protection storage, preparation and service;
3. Meal service staff health and cleanliness;

4. Dietary Reference Intakes (DRIs) of the Food and Nutrition Board of the Institute of Medicine, National Academy of Sciences food serving recommendations;

5. Menu planning, including plans appropriate to special needs, *e.g.*, diabetic, low-salt, low-cholesterol, or other diets appropriate for the elderly and/or infirm.

1407. Menus

A. Menus shall be planned and written at a minimum of four (4) weeks in advance and dated as served. The current week's menu, including routine and special diets and any substitutions or changes made, shall be readily available. At least the current days menu shall be posted in one (1) or more conspicuous places in a public area. All substitutions made on the master menu shall be recorded in writing. Cycled menus shall be rotated so that the same weekly menu is not duplicated for at least a period of two (2) weeks.

B. Each menu shall be approved in writing by a dietitian before meals are prepared and served.

C. A file of tested recipes, adjusted to appropriate yield, shall correspond to items on the posted menus.

1408. Ice and Drinking Water (II)

A. Ice from a water system in accordance with R.61-58, shall be available and precautions taken to prevent contamination. The ice scoop shall be stored in a sanitary manner outside the ice container and allowed to air dry. The ice scoop and holding tray shall be sanitized daily.

B. Potable drinking water shall be available and accessible to residents at all times.

C. The use of common cups shall be prohibited.

D. Ice delivered to resident areas in bulk shall be in nonporous, covered containers that shall be cleaned after each use.

E. Drinking fountains of a sanitary angle jet design shall be properly regulated and maintained. There shall be no possibility of the mouth or nose becoming submerged. If drinking fountains are not provided, single service cups shall be used.

1409. Equipment

Maintenance and cleaning tools such as brooms, mops, vacuum cleaners, and similar equipment shall be maintained and stored in a way that does not contaminate food, equipment, utensils or linens and shall be stored in an orderly manner within a separate space or closet.

1410. Refuse Storage and Disposal (II)

Refuse storage and disposal shall be in accordance with R.61-25.

SECTION 1500 - EMERGENCY PROCEDURES/DISASTER PREPAREDNESS

1501. Emergency Care (II)

The facility shall provide for the care of residents in an emergency and make available appropriate equipment and services to render emergency resuscitative and life-support procedures.

1502. Disaster Preparedness (II)

A. All facilities shall develop, by contact and consultation with their county emergency preparedness agency, a suitable written plan for actions to be taken in the event of a disaster and/or emergency evacuation. In the event of mass casualties, the facility shall provide resources as available. The plan shall be updated, as appropriate, annually, or as needed, and rehearsed at least annually. A record of the rehearsal, including its date and time, a summary of actions and recommendations, and the names of participants shall be maintained.

B. The disaster/emergency evacuation plan shall include, but not be limited to:

1. A sheltering plan to include:

a. Facility occupancy at the time of the disaster;

b. Name, address and phone number of the sheltering facility(ies) to which the residents will be relocated during a disaster;

c. A letter of agreement signed by an authorized representative of each sheltering facility which shall include: the number of relocated residents that can be accommodated; sleeping, feeding, and medication plans for the relocated residents; and provisions for accommodating relocated staff members and volunteers. The letter shall be updated with the sheltering facility at least every three (3) years and whenever significant changes occur. For those facilities located in Beaufort, Charleston, Colleton, Horry, Jasper, and Georgetown counties, at least one (1) sheltering facility shall be located in a county other than these counties.

2. A transportation plan, to include agreements with entities for relocating residents, which addresses:

a. The relocation needs of the residents and staff contingent upon the type of disaster/emergency confronted;

b. Procedures for providing appropriate medical support, food, water and medications during relocation based on the needs and number of the residents;

c. Estimated time to accomplish the relocation during normal conditions;

d. Primary and secondary routes to be taken to the sheltering facility.

3. A staffing plan for the relocated residents, to include:

a. How care will be provided to the relocated residents, including licensed and nonlicensed staff members that will meet the staffing requirements of Section 606 for residents who are relocated;

b. Prearranged transportation arrangements to ensure staff members are relocated to the sheltering facility;

c. Co-signed statement by an authorized representative of the sheltering facility if staffing, bedding, or medical supplies are to be provided by the sheltering facility.

C. In instances where there are proposed changes in licensed bed capacity, the disaster/emergency evacuation plan shall be updated to reflect the new licensed bed capacity and submitted to the Division of Health Licensing along with the application for bed capacity change.

D. Only those nursing homes located in the coastal counties of Beaufort, Charleston, Colleton, Horry, Jasper, or Georgetown may request exemption from an emergency evacuation order.

1. Facilities in the above counties may elect to seek an exemption from having to evacuate the facility in the event the Governor issues a Mandatory Evacuation Order for an impending hurricane. Facilities located in Beaufort, Charleston, Colleton, Horry, Jasper, or Georgetown counties may request an exemption from an emergency evacuation order if the facility has previously submitted the following to the Department:

a. A Critical Data Sheet, updated annually, that certifies emergency power supply is available for a minimum of seventy-two (72) hours, a seventy-two (72) hour supply of food, water, and medical supplies is on site, and that adequate staff will be available and on duty to provide continual care for the residents;

b. A copy of the engineer's report concerning the wind load the facility should withstand; and

c. A current approved evacuation plan prior to a declared emergency.

2. Once the prerequisites are met and an emergency has been declared, the facility shall draw down the census of the facility and then contact the Division of Health Licensing to request an exemption from the evacuation order.

3. A facility shall comply with the mandatory evacuation order unless an exemption from evacuation of the facility for a specific storm has been received from the Department.

1503. Licensed Bed Capacity During An Emergency (II)

A. A facility desiring to temporarily admit residents in excess of its licensed bed capacity due to an emergency shall:

1. Request that the Department concur that an emergency situation does exist by contacting the Division of Health Licensing;

2. Determine the maximum number of residents to be temporarily admitted;

3. Establish an anticipated date for discharge of the temporary residents;

4. Outline how and where the temporary residents will be housed; and

5. Contact the county emergency preparedness agency to advise of additional residents.

B. Other issues such as who will staff the care of the temporary residents, physician orders, additional food for the temporary residents, and handling of medications shall be resolved ahead of time by memoranda of agreement, internal policies and procedures, *etc.*

C. The facility shall notify the Division of Health Licensing in writing when the temporary residents have been discharged.

1504. Emergency Call Numbers (II)

Although the facility may be in a location that has access to “911” services, emergency call data shall be immediately available, posted in a conspicuous place, at least at every staff work area, and shall include, at a minimum, the telephone numbers of fire and police departments, ambulance service, and the Poison Control Center. Other emergency call information shall be available, to include the names, addresses, and telephone numbers of physicians and staff members to be notified in case of emergency.

1505. Continuity of Essential Services (II)

There shall be a written plan to be implemented to assure the continuation of essential resident support services for such reasons as power outage, water shortage, or in the event of the absence from work of any portion of the workforce resulting from inclement weather or other causes.

1506. Use of the Facility or Services in Response to a Public Health Emergency (II)

The Department, in coordination with the guidelines of the State Emergency Operations Plan, may, for such period as the state of public health emergency exists and as may be reasonable and necessary for emergency response, require a nursing home to provide services or the use of its facility if the services are reasonable and necessary to respond to the public health emergency as a condition of licensure, authorization, or the ability to continue doing business as a nursing home. When the Department needs the use or services of the facility to isolate or quarantine individuals during a public health emergency, the management and supervision of the nursing home shall be coordinated with the Department to assure protection of existing residents and compliance with the regulation in accordance with S.C. Code Ann. Section 44-4-310 (1976, as amended).

SECTION 1600 - FIRE PREVENTION

1601. Arrangements for Fire Department Response/Protection (II)

A. Each facility shall develop, in coordination with its supporting fire department and/or disaster preparedness agency, suitable written plans for actions to be taken in the event of fire, *i.e.*, fire plan and evacuation plan. (I)

B. Facilities located outside a service area or range of a public fire department shall arrange for the nearest fire department to respond in case of fire by written agreement with that fire department. A copy of the agreement shall be maintained on file in the

facility and a copy shall be forwarded to the Division of Health Licensing. If the agreement is changed, a copy shall be forwarded to the Division of Health Licensing. (I)

C. Fire protection for all facilities shall meet all of the requirements of the South Carolina State Fire Marshal's Office.

1602. Tests (II)

Fire protection and suppression systems shall be maintained and tested at least annually in accordance with NFPA 10, 13, 14, 15, 25, 70, 72, and 96.

1603. Fire Response Training (I)

A. Each staff member shall receive training within seven (7) days of his or her first day on the job in the facility and at least annually thereafter, addressing at a minimum, the following:

1. Fire plan;
2. Reporting a fire;
3. Use of the fire alarm system;
4. Location and use of fire-fighting equipment;
5. Methods of fire containment;
6. Specific responsibilities, tasks, or duties of each individual when a facility fire occurs.

B. A plan for the evacuation of residents, staff members, and visitors, to include procedures and evacuation routes out of the facility, in case of fire or other emergencies, shall be established and posted in conspicuous public areas throughout the facility.

1604. Fire Drills (I)

A. An unannounced fire drill shall be conducted at least quarterly for all shifts. Records of drills shall be maintained at the facility, indicating the date, time, shift, description, an evaluation of the drill, and the names of staff members directly involved in responding to the drill. Should fire drill requirements be mandated by statute or regulation, then compliance with that statute or regulation shall supersede the provisions of this section.

B. Drills shall be designed and conducted in consideration of and reflecting the content of the fire response training described in Section 1603.

SECTION 1700 - MAINTENANCE

1701. General (II)

A. The structure, including its component parts and equipment, shall be properly maintained and free of damage to perform the functions for which it is designed. There shall be written procedures and methods for communicating repair and/or replacement needs to responsible facility staff.

B. Noise, dust, and other related resident intrusions shall be minimized when construction and/or renovation activities are underway.

1702. Equipment (II)

A. Equipment used in the provision of care, treatment, procedures, and/or services shall meet appropriate specifications and shall be operated and maintained in accordance with the manufacturer's guidelines and with State, Federal, and local laws.

B. Preventive maintenance and repair, when necessary, shall be performed and documented for all life support equipment, to include, but not be limited to: (I)

1. Clinical monitoring and diagnostic equipment;
2. Resuscitation equipment;
3. Medical gas systems.

C. Life support equipment shall be calibrated, if applicable, and/or tested at periodic intervals, but not less than annually, to assure proper operation. After repairs and/or alterations are made to any equipment or system, thorough testing for proper operation shall be accomplished prior to returning it to service. (I)

SECTION 1800 - INFECTION CONTROL AND ENVIRONMENT

1801. Staff Practices (II)

A. Staff practices shall promote conditions that prevent the spread of infectious, contagious, or communicable diseases and provide for the proper disposal of toxic and hazardous substances. These preventive measures and practices shall be in compliance with applicable regulations and guidelines of the Occupational Safety and Health Administration, *e.g.*, the Bloodborne Pathogens Standard; the Centers for Disease Control and Prevention, *e.g.*, Immunization of Health-Care Workers: Recommendations of the Advisory Committee on Immunization Practices and the Hospital Infection Control Practices Advisory Committee; the Department's South Carolina Guidelines For Prevention and Control of Antibiotic Resistant Organisms in

Health Care Settings, and R.61-105; and other applicable State, Federal and local laws and regulations.

B. There shall be an infection control/QI committee that meets at least annually to address infection control issues consisting of the medical director and representatives from at least administration, nursing, dietary, and housekeeping staff to assure compliance with this regulation regarding infection control.

C. There shall be a tuberculosis infection control program per CDC guidelines. A facility licensed nurse shall be designated at each facility to coordinate the tuberculosis infection control program.

1802. Tuberculosis Risk Assessment (I)

A. All facilities shall conduct an annual tuberculosis risk assessment (See Section 101.BBBB) in accordance with CDC guidelines (See Section 102.B.12) to determine the appropriateness and frequency of tuberculosis screening and other tuberculosis related measures to be taken.

B. The risk classification, *i.e.*, low risk, medium risk, shall be used as part of the risk assessment to determine the need for an ongoing TB screening program for staff and residents and the frequency of screening. A risk classification shall be determined for the entire facility. In certain settings, *e.g.*, healthcare organizations that encompass multiple sites or types of services, specific areas defined by geography, functional units, patient population, job type, or location within the setting may have separate risk classifications.

1803. Staff Tuberculosis Screening (I)

A. Tuberculosis Status. Prior to date of hire or initial resident contact, the tuberculosis status of direct care staff shall be determined in the following manner in accordance with the applicable risk classification:

B. Low Risk:

1. Baseline two-step Tuberculin Skin Test (TST) or a single Blood Assay for *Mycobacterium tuberculosis* (BAMT): All staff (within three (3) months prior to contact with residents) unless there is a documented TST or a BAMT result during the previous twelve (12) months. If a newly employed staff has had a documented negative TST or a BAMT result within the previous twelve (12) months, a single TST (or the single BAMT) can be administered to serve as the baseline.

2. Periodic TST or BAMT is not required.

3. Post-exposure TST or a BAMT for staff upon unprotected exposure to *M. tuberculosis*: Perform a contact investigation when unprotected exposure is identified.

Administer one (1) TST or a BAMT as soon as possible to all staff who have had unprotected exposure to an infectious TB case/suspect. If the TST or the BAMT result is negative, administer another TST or a BAMT eight to ten (8-10) weeks after that exposure to *M. tuberculosis* ended.

C. Medium Risk:

1. Baseline two-step TST or a single BAMT: All staff (within three (3) months prior to contact with residents) unless there is a documented TST or a BAMT result during the previous twelve (12) months. If a newly employed staff has had a documented negative TST or a BAMT result within the previous twelve (12) months, a single TST (or the single BAMT) can be administered to serve as the baseline.

2. Periodic testing (with TST or BAMT): Annually, of all staff who have risk of TB exposure and who have previous documented negative results. Instead of participating in periodic testing, staff with documented TB infection (positive TST or BAMT) shall receive a symptom screen annually. This screen shall be accomplished by educating the staff about symptoms of TB disease (including the staff and/or direct care volunteers responses), documenting the questioning of the staff about the presence of symptoms of TB disease, and instructing the staff to report any such symptoms immediately to the administrator or director of nursing. Treatment for latent TB infection (LTBI) shall be considered in accordance with CDC and Department guidelines and, if recommended, treatment completion shall be encouraged.

3. Post-exposure TST or a BAMT for staff upon unprotected exposure to *M. tuberculosis*: Perform a contact investigation when unprotected exposure is identified. Administer one (1) TST or a BAMT as soon as possible to all staff who have had unprotected exposure to an infectious TB case/suspect. If the TST or the BAMT result is negative, administer another TST or a BAMT eight to ten (8-10) weeks after that exposure to *M. tuberculosis* ended.

D. Baseline Positive or Newly Positive Test Result:

1. Staff with a baseline positive or newly positive test result for *M. tuberculosis* infection (*i.e.*, TST or BAMT) or documentation of treatment for latent TB infection (LTBI) or TB disease or signs or symptoms of tuberculosis, *e.g.*, cough, weight loss, night sweats, fever, shall have a chest radiograph performed immediately to exclude TB disease (or evaluate an interpretable copy taken within the previous three (3) months). These staff members will be evaluated for the need for treatment of TB disease or latent TB infection (LTBI) and will be encouraged to follow the recommendations made by a physician with TB expertise (*i.e.*, the Department's TB Control program).

2. Staff who are known or suspected to have TB disease shall be excluded from work, required to undergo evaluation by a physician, and permitted to return to work only with approval by the Department TB Control program. Repeat chest radiographs

are not required unless symptoms or signs of TB disease develop or unless recommended by a physician.

1804. Resident Tuberculosis Screening (I)

A. Tuberculosis Status. Prior to admission, the tuberculosis status of a resident shall be determined in the following manner in accordance with the applicable risk classification:

B. For Low Risk and Medium Risk:

1. Admission/Baseline two-step TST or a single BAMT: All residents within one (1) month prior to admission unless there is a documented TST or a BAMT result during the previous twelve (12) months. If a newly-admitted resident has had a documented negative TST or a BAMT result within the previous twelve (12) months, a single TST (or the single BAMT) can be administered within one (1) month prior to admission to the facility to serve as the baseline. In the institutional nursing home setting, residents admitted from other parts of that institutional campus who have had TB screening done which meets the requirements outlined in this section and which was done within the last six (6) months will not be required to undergo additional initial screening.

2. Periodic TST or BAMT is not required.

3. Post-exposure TST or a BAMT for residents upon unprotected exposure to *M. tuberculosis*: Perform a contact investigation when unprotected exposure is identified. Administer one (1) TST or a BAMT as soon as possible to all residents who have had exposure to an infectious TB case/suspect. If the TST or the BAMT result is negative, administer another TST or a BAMT eight to ten (8-10) weeks after that exposure to *M. tuberculosis* ended.

C. Baseline Positive or Newly Positive Test Result:

1. Residents with a baseline positive or newly positive test result for *M. tuberculosis* infection (*i.e.*, TST or BAMT) or documentation of treatment for latent TB infection (LTBI) or TB disease or signs or symptoms of tuberculosis, *e.g.*, cough, weight loss, night sweats, fever, shall have a chest radiograph performed immediately to exclude TB disease (or evaluate an interpretable copy taken within the previous three (3) months). Routine repeat chest radiographs are not required unless symptoms or signs of TB disease develop or unless recommended by a physician. These residents will be evaluated for the need for treatment of TB disease or latent TB infection (LTBI) and will be encouraged to follow the recommendations made by a physician with TB expertise (*i.e.*, the Department's TB Control program).

2. Residents who are known or suspected to have TB disease shall be transferred from the facility if the facility does not have an Airborne Infection Isolation room (See

Section 101.G), required to undergo evaluation by a physician, and permitted to return to the facility only with approval by the Department's TB Control program.

1805. Isolation Procedures (II)

A. An infection isolation room (See Section 2804) shall be made available if ordered by the attending physician for a resident who has a communicable disease that poses a threat to the health or safety of other residents or who for some other reason requires isolation and only to the extent that is required to protect the resident and others.

B. Should it be determined that the facility is unable to care for the resident to the degree which assures the health and safety of the resident and the other residents of the facility, the resident shall be relocated to a facility that can meet his or her needs.

C. The facility may accept residents with contagious pulmonary tuberculosis and provide appropriate treatment, provided that CDC guidelines are met.

1. Residents with contagious pulmonary tuberculosis shall be separated, *e.g.*, Airborne Infection Isolation room, transfer, from all other residents until declared noncontagious by a Department TB physician.

2. When residents with contagious pulmonary tuberculosis are to remain in the facility for treatment instead of being transferred to another facility, isolation procedures shall follow CDC guidelines, including Airborne Infection Isolation requirements.

3. Airborne Infection Isolation rooms may be required to have negative pressure as determined by the facility's tuberculosis risk assessment (See Section 101.BBBB) in the manner designated by guidelines established by the Department.

D. When isolation precautions are implemented, signs directing individuals to the staff work area for further information shall be posted at the entrance to the resident room.

1806. Vaccinations (II)

A. Hepatitis B.

1. All direct care staff who perform tasks involving contact with blood, blood-contaminated body fluids, other body fluids, or sharps shall have the hepatitis B vaccination series unless the vaccine is medically contraindicated or an individual is offered the series and declined. In either case, the decision shall be documented.

2. Each staff member with eligibility as identified in Section 1806.A.1 who elects vaccination shall start the initial dose of the three-dose series within ten (10) days of the date hired and complete the series within four (4) months.

B. Influenza.

1. Direct care staff and residents shall have an annual influenza vaccination unless the vaccine is medically contraindicated or the person is offered the vaccination and declined. In either case, the decision shall be documented.

2. Persons receiving influenza vaccination shall, as appropriate, receive influenza vaccination each influenza season from October through March. Consideration may be made for availability issues, *e.g.*, vaccine shortages.

C. Pneumococcal. Upon admission, residents shall be immunized for *Streptococcus pneumoniae*. Residents shall be vaccinated for *Streptococcus pneumoniae* unless the vaccine is medically contraindicated or the resident is offered the vaccination and declined. In either case, the decision shall be documented.

1807. Housekeeping (II)

A. The facility and its grounds shall be neat, uncluttered, clean, and free of vermin and offensive odors. There shall be sufficient cleaning supplies and equipment available. Housekeeping shall at a minimum include:

1. Cleaning each specific area, including storage areas, of the facility. Accumulated waste material shall be removed daily or more often if necessary;

2. Cleaning and disinfection, as needed, of equipment used and/or maintained in each area. Cleaning and disinfection shall be appropriate to the area and the equipment's purpose or use and shall include resident room preparation for new occupants;

3. Disposable materials and equipment shall be used by one (1) resident only, in accordance with manufacturer's recommendations and then disposed of in an acceptable manner;

4. Storage of chemicals indicated as harmful on the product label, cleaning materials, and supplies in cabinets or well-lighted closets and rooms, inaccessible to residents;

5. Cleaning of all exterior areas, *e.g.*, porches and ramps, and removal of safety impediments such as snow, ice and standing water;

6. Keeping facility grounds free of weeds, rubbish, overgrown landscaping, and other potential breeding sources for vermin.

B. All air filters shall be maintained free of excess dust and combustible material. Filters shall be replaced or cleaned when the resistance has reached a value of recommended replacement by the manufacturer.

C. Dry dusting and dry sweeping are prohibited.

1808. Infectious Waste (II)

Accumulated waste, including all contaminated sharps, dressings, and/or similar infectious waste, shall be disposed of in a manner compliant with the Department's S.C. Guidelines for Prevention and Control of Antibiotic Resistant Organisms in Health Care Settings, and R.61-105.

1809. Pets (II)

A. Healthy domestic pets that are free of fleas, ticks, and intestinal parasites, and have been screened by a veterinarian within the past twelve (12) months prior to entering the facility, have received required inoculations, if applicable, and that present no apparent threat to the health and safety of the residents, may be permitted in the facility.

B. Pets shall be permitted in resident dining areas only during times when food is not being served and shall not be allowed in the kitchen. If the dining area is adjacent to a food preparation or storage area, those areas shall be effectively separated by walls and closed doors while pets are present.

1810. Clean and Soiled Linen and Clothing (II)

A. Clean Linen and Clothing.

1. Proper storage facilities shall be provided for keeping clean linen, restraints and resident clothes in sanitary condition prior to use. Clean linen not stored separately shall be covered. Clean linen and clothing storage rooms shall be used only for the storage of clean linen and clothing. Clean linen and clothing shall be separated from storage of other materials.

2. A supply of clean, sanitary linen and clothing shall be available at all times.

3. Clean linen and clothing shall be stored and transported in a sanitary manner, *e.g.*, covered.

B. Soiled Linen and Clothing.

1. A soiled linen storage room shall be provided.

2. Soiled linen and clothing shall neither be sorted, rinsed, nor washed outside the laundry service area.

3. Provisions shall be made for collecting and transporting soiled linen and clothing.

4. Soiled linen and clothing shall be kept in enclosed or covered nonabsorbent containers or washable laundry bags.

5. Soiled linen and clothing shall not be transported through resident rooms, kitchens, food preparation or storage areas.

6. If linen chutes are used, the soiled linen and clothing shall be enclosed in bags before placing in chute.

7. Facilities shall utilize Standard Precautions in the handling of all soiled linen and clothing. Labeling or color-coding of bagged soiled linen and clothing is sufficient provided all on-site or off-site handlers recognize the containers as requiring compliance with Standard Precautions.

1811. Laundry (II)

A. Facility-based laundry services shall be conducted in a clean, safe, and well-ventilated area, divided into specific clean and soiled processing areas and properly insulated to prevent transmission of noise, heat, steam, and odors to resident care areas. The facility shall assure that nonfacility-based laundry services to the nursing home exercise every precaution to render all linen safe for reuse.

B. Laundry services shall not be conducted in resident rooms, dining rooms, or in locations where food is prepared, served, or stored. As an element of the resident's ICP, folding of clean personal laundry by residents is permitted in resident rooms.

C. Clean and soiled processing areas shall either be in separate rooms or be provided with ventilation to prevent cross-contamination.

SECTION 1900 - QUALITY IMPROVEMENT PROGRAM

1901. General (II)

There shall be a written, implemented quality improvement program that provides effective self-assessment and implementation of changes designed to improve the care, treatment and services provided by the facility.

SECTION 2000 - DESIGN AND CONSTRUCTION

2001. General (II)

A. A facility shall be planned, designed, and equipped to provide and promote the health and safety of each resident. Facility design shall be such that all residents have access to required services and shall provide a pleasant and comfortable atmosphere.

B. Facilities shall meet the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

2002. Local and State Codes and Standards (II)

A. Buildings shall comply with applicable local and state laws, codes, ordinances, and standards with reference to design and construction. No facility shall be licensed unless the Department has assurance that local zoning and building authorities have approved the facility for code compliance.

B. The Department utilizes the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

2003. Construction/Systems (II)

A. All buildings of facilities, new and existing, being licensed for the first time, or changing the license to provide a different service, shall meet the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent (See Section 201.B).

B. Unless specifically required otherwise in writing by the Department's Division of Health Facilities Construction (DHFC), all existing facilities shall meet the construction codes and regulations for the building and its essential equipment and systems in effect at the time the accepted construction documents were professionally stamped and issued. Except for proposed facilities that have received a current and valid written acceptance document by the Department's Division of Health Facilities Construction (DHFC) to begin construction, current construction codes, regulations, and requirements shall apply to those facilities licensed after the effective date of these regulations.

C. Any additions or renovations to an existing facility, other than cosmetic, *e.g.* painting, wallpapering or carpeting, shall meet the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent, for the building and its essential equipment and systems in effect at the time of the addition or renovation. When the cost of additions or renovations to the building exceeds fifty percent (50%) of the current market value of the existing facility and its essential equipment and systems, the building shall meet the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent. An addition separated by a four-hour firewall shall be considered as a separate building and the type of construction, *e.g.*, IIIA, IIIB, of the addition shall determine the maximum height and area limitations.

D. Any facility that closes or has its license revoked, and for which application for re-licensure is made at the same site, shall be considered a new facility and shall meet the applicable sections of the adopted State, Federal, or local codes, ordinances, and

regulations, whichever is most stringent, for the building and its essential equipment and systems in effect at the time of application for re-licensing.

2004. Submission of Plans and Specifications (II)

A. In all new construction or existing buildings proposed to be licensed by the Department, plans and specifications shall be reviewed for compliance and shall be submitted to DHFC for review and acceptance.

1. The plans and specifications shall be prepared by an architect or engineer registered in the state of South Carolina and shall bear his or her seal, signature, and date.

2. Construction of, or within buildings, shall meet the requirements outlined in The Board of Architectural Examiners, South Carolina Department of Labor, Licensing, and Regulation.

3. When construction is planned for additions or alterations to existing facilities, the licensee shall contact DHFC regarding code and regulatory requirements that apply to that project. Plans and specifications, defined by DHFC, shall be submitted to that division for review.

4. Those facilities increasing the present bed capacity of the area served by an existing staff work area by more than fifteen percent (15%) shall meet the minimum square footage requirements for dining, recreation, and storage space for the total number of beds served by that staff work area.

5. All plans and specifications shall be drawn to scale with the title, location, and date indicated thereon.

6. Construction work shall not begin until the plans and specifications have been received and a project number issued (orally or in writing) to the facility representative by DHFC. Any construction deviations from the submitted documents shall be reviewed for acceptance.

B. If the start of construction is delayed for a period exceeding twelve (12) months from the date of DHFC acceptance, a new evaluation of the plan by DHFC is required.

C. Plans and specifications are reviewed by DHFC, as necessary, to assure that an acceptable set of documents showing all necessary information has been submitted to the Department. These reviews may be, but are not required to be, in three (3) stages: Preliminary, Design Development, and Final.

D. The components of the three (3) stages submitted shall include the following:

1. Preliminary.

a. Plot plan showing:

(1) Size and shape of entire site, including existing and proposed significant topographic, environmental, transportation conditions and utilities including, but not limited to, buildings, vehicular movement, parking areas, information concerning water supply available for fire protection, distance to nearest fire hydrant; any hazardous areas, e.g., cliffs, roads, hills, railroads, industrial and/or commercial sites, and bodies of water;

(2) Footprint showing orientation and location of proposed facility or alterations to the existing facility.

b. Floor plans showing blocked functional spaces (areas) of approximate size and shape and their relationship to other spaces;

c. Compartmentalization for smoke compartments (fire and life safety plan).

2. Design Development drawings shall indicate the following in addition to the requirements in Section 2004.D.1:

a. Cover sheet:

(1) Title and location of the project;

(2) Index of drawings;

(3) Code analysis listing applicable codes (both local jurisdiction and state);

(4) Occupancy classification per the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent;

(5) Type of construction per the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent;

(6) Legend and notes and symbols for pertinent information.

b. Floor plans:

(1) Dimensions of buildings;

(2) Locations, size, and purpose of all rooms, including furniture layout plan;

(3) Location and size of doors, windows, and other openings with swing of doors indicated;

(4) Life Safety plan showing all fire walls, exits, exit calculations, locations of smoke barriers, if required, fire-rated walls, locations of stairs, elevators, dumbwaiters, vertical shafts, and chimneys;

(5) Fixed equipment.

c. Outline specifications that include a description of construction, including interior finishes and mechanical systems.

3. Final submission shall include the requirements of Sections 2004.D.1 and D.2 in addition to complete working drawings and contract specifications, including layouts for site preparation and landscaping, architectural, plumbing, electrical, mechanical, signal system, and complete fire protection.

E. There shall be a separate kitchen floor plan for facilities that provide meal service operations. Construction shall be in compliance with Chapter VII (A - G) of R.61-25, and the floor plan shall depict:

1. Location of all equipment;

2. Make and model number of all equipment. All equipment used for the preparation and storage of food shall be approved and certified by the NSF International;

3. Garbage can wash pad on exterior with hot and cold running water;

4. Grease interceptor;

5. Floor drains;

6. Separate handwashing sinks;

7. Toilet and locker facilities for kitchen staff and volunteers;

8. Exhaust hood and duct system to the outside;

9. Hood extinguishing system.

F. Upon Department request, one (1) complete set of "as-built" drawings shall be filed with DHFC.

SECTION 2100 - GENERAL CONSTRUCTION REQUIREMENTS

2101. General (II)

Construction and installation of the following components shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent:

- A. Height and Area Limitations.
- B. Fire-Resistive Rating.
- C. Vertical Openings.
- D. Wall and Partition Openings.
- E. Ceiling Openings.
- F. Firewalls.
- G. Floor Finishes.
- H. Wall Finishes.
- I. Guardrails.
- J. Ceilings.
- K. Drainage Systems.

1. Drainage piping shall not be installed within the ceiling nor installed in an exposed location in food preparation, food serving, or food storage areas, and above electrical equipment, and other critical areas.

2. Special precautions shall be made to protect these areas from possible leakage or condensation from necessary overhead piping systems.

- L. Elevators.
- M. Corridors.
- N. Ramps.
- O. Landings.
- P. Windows and Mirrors.
- Q. Exits.

R. Building Systems, *i.e.*, Plumbing (Water Systems), Mechanical (Heating, Ventilation, and Air Conditioning), Electrical.

SECTION 2200 - HAZARDOUS ELEMENTS OF CONSTRUCTION

2201. Hazardous Elements (II)

Construction and installation of the following components shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent:

A. Furnaces and Boilers.

B. Dampers.

C. Incinerators.

1. Incinerators when used shall conform to the requirements of R.61-79.

2. Incinerators located within the facility shall be separated from the rest of the building by walls, partitions, floor and ceiling construction having a fire resistant rating of not less than two (2) hours.

3. Combustion air shall be discharged to the outside and ventilation air shall be taken from the outside.

SECTION 2300 - FIRE PROTECTION EQUIPMENT AND SYSTEMS

2301. Fire Protection (II)

A. Construction and installation of the following equipment and systems shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent:

1. Firefighting Equipment.

a. Extinguishers shall be sized, located, installed, and maintained in accordance with NFPA No. 10 except that portable fire extinguishers intended for use in resident sleeping areas and in the corridors of resident areas shall be the two-and-a-half (2 1/2) gallon stored-pressure type water extinguisher. As an exception, where the facility identifies a need to protect fire extinguishers from resident tampering, the fire extinguisher may be located in a locked cabinet provided that all facility staff will have in their possession a clearly identifiable key that will operate all locked extinguisher cabinets in the facility. (I)

b. The kitchen shall be equipped with a minimum of one (1) K-type and one (1) 20-BC-type fire extinguisher. (I)

c. Each staff work area shall be equipped with a minimum of one (1) 2A:10BC-type fire extinguisher. (l)

d. To assure fire extinguishers remain functional, each shall be checked at least monthly by the facility.

2. Automatic Sprinkler Systems.

3. Fire Alarms.

a. The alarm system shall cause the central re-circulating ventilation fans that serve the area(s) of alarm origination to cease operation and to shut the associated smoke dampers.

b. Fire alarm pull-stations shall be at or near each staff work area and in other areas of the facility in accordance with NFPA 72.

c. The fire alarm system shall have the main alarm panel installed at a location that is constantly attended by staff. An audible and visual trouble indicator shall be located where it can be observed by staff members.

4. Smoke Detectors.

a. Smoke detectors shall be installed in all exit access corridors thirty (30) feet on center, no farther than fifteen (15) feet from any wall, and within five (5) feet of a smoke partition opening in accordance with NFPA 72 and the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent. As an exception, where each resident room is protected by a smoke detector(s) and detectors are provided on both sides of the rated smoke and fire partitions, such corridor system will not be required on the resident room floors.

b. Smoke detectors in resident rooms shall have a clearly visible indicator light in the corridor outside the door of the room to indicate when that smoke detector is activated. As an exception, when the fire alarm system is fully addressable, *i.e.*, each detector is identifiable and locatable by its signal, and there are sufficient annunciator panel(s) such that travel distance in any hall to an annunciator panel does not exceed fifty (50) feet, and the annunciator panel will indicate the activated smoke detector by location, the light over the door in the hall is not required.

c. All smoke detectors shall be electrically interconnected to the fire alarm system as well as to the hold-open devices on smoke doors and fire doors within a fire zone.

d. Smoke and/or heat detection systems shall be installed within, but not limited to, the following spaces: assembly spaces, utility rooms, storage rooms, janitor closets, laundry rooms, kitchens, mechanical and electrical rooms.

5. Flammable Liquids. (l)

a. The storage and handling of flammable liquids shall be in accordance with NFPA 30 and 99.

b. Flammable liquids such as gasoline, oil, paints, solvents, shall be stored in an outside building or in a one-hour fire separated room opening to the outside. Mechanical or gravity ventilation for the room shall be taken from, and exhausted to, the outside.

6. Gases.

a. Gases, *i.e.*, flammable and nonflammable, shall be handled and stored in accordance with the provisions of NFPA 99 and 101.

b. Installation, maintenance, and testing of piped gas systems shall meet the provisions of NFPA 99.

c. Safety precautions shall be taken against fire and other hazards when oxygen is dispensed, administered, or stored. All cylinders shall be appropriately secured. As an exception, in "Smoke-Free" facilities where smoking is prohibited, and where the facility nonsmoking policy is strictly enforced, and where "Smoke-Free" signs are strategically placed at all major entrances, secondary "No Smoking" signs shall not be required in and in the vicinity of resident rooms where oxygen is being administered. "No Smoking" signs shall be required in and in the vicinity of resident rooms and all other areas of the facility where oxygen is being stored. (l)

d. If used, clinical vacuum system installations shall be in accordance with the requirements of Compressed Gas Association publication regarding clinical vacuum systems.

7. Furnishings and Equipment.

a. The physical plant shall be maintained free of fire hazards or impediments to fire prevention.

b. No unvented fuel heaters shall be permitted in the facility. Portable electric heaters may be used for emergencies in accordance with South Carolina State Fire Marshal rules and regulations.

c. Fireplaces and fossil-fuel stoves, *e.g.*, wood-burning, shall have partitions or screens or other means to prevent burns. Fireplaces shall be vented to the outside. "Unvented" type gas logs are prohibited. Gas fireplaces shall have a remote gas shutoff within the room and not inside the fireplace.

d. Cubicle curtains, window dressings, portable partitions, wastebaskets, mattresses, and pillows shall be noncombustible, inherently flame-resistant, or treated or maintained flame-resistant in accordance with NFPA 701, Standard Methods of Fire Tests for Flame-Resistant Textiles and Films. As an exception, window blinds require no flame treatments.

e. The facility shall comply with all current state laws and regulations concerning smoking in the facility, *i.e.*, S.C. Code Ann. Section 44-95-20 *et seq.* (1976, as amended).

B. Fire detection, alarm and extinguishing systems shall be inspected, tested, and maintained in accordance with the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent. (I)

SECTION 2400 - EXITS

2401. Number and Location of Exits (II)

A. Halls, corridors and all other means of egress from the building shall be maintained clear and free of obstructions.

B. Each resident room shall open directly to an approved exit access corridor without passage through another occupied space or shall have an approved exit directly to the outside at grade level and accessible to a public space free of encumbrances. As an exception, two (2) resident rooms that share a common adjoining "sitting" area may share one (1) opening onto the exit access corridor or have an approved exit directly to the outside at grade level and accessible to a public space free of encumbrances. (I)

SECTION 2500 - WATER SUPPLY/HYGIENE

2501. Design and Construction (II)

A. A water distribution system, provided by a public or private source, shall be approved by the Department's Bureau of Water prior to facility construction and/or beginning operation.

B. The facility's water system shall be in compliance with R.61-58 and other State, Federal, and local laws and regulations.

C. Prior to construction, expansion, or modification of a water distribution system, application shall be made to the Department's Bureau of Water for a Permit for Construction. The application shall include such engineering, chemical, physical, or bacteriological data as may be required by the Department and shall be accompanied by engineering plans, drawings, and specifications prepared by an engineer registered in South Carolina and shall include his or her signature and official seal.

D. Construction and installation of stop valves and cross-connections shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

2502. Disinfection of Water Lines (I)

A. After construction, expansion, or modification, a water distribution system shall be disinfected in accordance with R.61-58.

B. Samples shall be taken from the water system and forwarded to a certified laboratory for total coliform analysis in accordance with R.61-58. The water shall not be used as a potable supply until certified as satisfactory.

C. When a water supply as approved by the Department in accordance with R.61-58 is not available, a water supply shall be provided that meets the requirements of the Department. Prior to construction of such a water supply, the engineer shall obtain a permit to construct from the Department. Before placing the water supply into service, a final approval shall be obtained from the Department.

2503. Temperature Control (II)

A. Plumbing fixtures that require hot water and that are accessible to residents shall be supplied with water that is thermostatically controlled to a temperature of at least one-hundred (100) degrees Fahrenheit and not to exceed one-hundred and twenty (120) degrees Fahrenheit at the fixture. (I)

B. The water heater or combination of heaters shall be sized to provide at least six (6) gallons per hour per licensed bed at the temperature range indicated in Section 2503.A.

C. The temperature of hot water supplied to kitchen equipment, utensil sinks, dish machines, and sanitizers shall be maintained in accordance with requirements outlined in R.61-25. As an exception, hot water supplied to the kitchen equipment, utensil sinks, dish machines, and sanitizers may be supplied at no less than one-hundred and twenty (120) degrees Fahrenheit provided all kitchen equipment and utensils are chemically sanitized.

D. Hot water provided for washing linen and clothing shall not be less than one-hundred and sixty (160) degrees Fahrenheit. Should chlorine additives or other chemicals that contribute to the margin of safety in disinfecting linen and clothing be a part of the washing cycle, the minimum hot water temperature shall not be less than one-hundred and ten (110) degrees Fahrenheit, provided hot air drying is used.

E. Hot water distribution systems shall be of the recirculating type to assure hot water at each hot water outlet at all times.

2504. Design and Construction of Wastewater Systems (II)

A. A wastewater system, provided by a public or private source, shall be approved by the Department's Bureau of Water prior to facility construction and/or beginning operation.

B. The wastewater system for commercial kitchens shall be in accordance with R.61-25.

SECTION 2600 - ELECTRICAL

2601. General

A. Construction and installation of the following electrical systems shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent:

1. Panelboards. The panelboard directory shall be labeled to conform to the actual room numbers or designations. (II)

2. Lighting.

a. Artificial light shall be provided to include sufficient lighting for reading, observation, and activities. There shall be a minimum of thirty-five (35) foot-candles in areas used for reading, study, or close work. Lighting in work areas and medication preparation areas shall not be less than thirty (30) foot-candles. (II)

b. Resident rooms shall have lighting that provides a minimum of twenty (20) foot-candles in all parts of the room and shall have at least one (1) light fixture for night lighting. The switches to the main and night lighting shall be located at the strike side of the entrance door in each resident room and shall be of the quiet operating type. (II)

c. All food preparation areas, equipment and utensil washing areas, handwashing areas, toilet areas for kitchen staff and volunteers, walk-in refrigeration units, dry food storage areas, and dining areas during cleaning operation shall be lighted in accordance with R.61-25.

3. Receptacles.

4. Ground Fault Protection. (I)

5. Exit Signs. (I)

B. All electrical wiring, installations and equipment shall be maintained in a safe, operable condition in accordance with NFPA 70 and 99 and shall be inspected at least annually by a licensed electrician, registered engineer, or certified building official. (II)

C. The use of electrical extension cords is prohibited, except as noted below. (II)

1. Extension cords may be used for small personal appliances, such as floor lamps, table lamps, radios.

2. Extension cords shall be connected to only one (1) device to prevent overloading of the circuit.

3. Extension cords shall be properly secured and not be placed overhead, under carpets or rugs, or anywhere that the cord can cause trips, falls, or overheat.

4. Power strips may be used for data processing equipment, e.g., computer, monitor, printer. Power strips shall not be used with medical devices in resident care areas or as a substitute for adequate electrical outlets.

2602. Emergency Electrical Service (II)

A. Construction and installation of emergency electrical service shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

B. An emergency generator shall be provided to deliver emergency electrical service during interruption of the normal electrical service.

C. Emergency electrical service shall be provided to the distribution system as follows:

1. Exit lights and exit directional signs;
2. Exit access corridor lighting;
3. Lighting of means of egress and staff work areas;
4. Fire detection and alarm systems;
5. In resident care areas (duplex receptacles in corridors or in resident rooms);
6. Signal system;
7. Equipment necessary for maintaining telephone service;
8. Elevator service that will reach every resident floor when rooms are located on other than the ground floor;
9. Fire pump;

10. Equipment for heating resident rooms;
11. Public restrooms;
12. Essential mechanical equipment rooms;
13. Battery-operated lighting and a receptacle in the vicinity of the emergency generator;
14. Alarm systems, water flow alarm devices, and alarms required for medical gas systems;
15. Resident records when solely electronically based.

D. Receptacles and switches connected to emergency power shall be distinctively marked.

E. Emergency generators shall be operated weekly for at least thirty (30) minutes and shall be operated at least monthly under load for at least thirty (30) minutes. Within one (1) year of the effective date of this regulation, emergency generators shall be tested at least once every thirty-six (36) months for a minimum of four (4) continuous hours.

SECTION 2700 - HEATING, VENTILATION, AND AIR CONDITIONING

2701. General (II)

Prior to licensure of the facility, all mechanical systems shall be tested, balanced and operated to demonstrate that the installation and performance of these systems conform to the requirements of the plans and specifications.

2702. Heating, Ventilation, Air Conditioning (II)

A. Design temperature range for all occupied areas shall be seventy-one degrees (71 degrees Fahrenheit) minimum at winter design conditions, and eighty-one degrees (81 degrees Fahrenheit) maximum at summer design conditions.

B. The HVAC system shall be inspected at least annually by a certified and/or licensed technician.

C. An Airborne Infection Isolation room that meets current ASHRAE standards shall be provided in the manner designated by guidelines established by the Department if the facility's tuberculosis risk assessment (See Sections 101.BBBB and 1802) identifies such a need.

SECTION 2800 - PHYSICAL PLANT

2801. Facility Accommodations and Floor Area (II)

A. The facility shall provide a decorative, homelike, and comfortable environment that shall include, but not be limited to, pictures, books, magazines, clocks, plants, current calendars, stereos, television, and appropriate holiday or seasonal decorations. Consideration shall be given to the preferences of the residents in determining an appropriate homelike atmosphere in resident rooms and activity and dining areas.

B. There shall be sufficient living arrangements providing for residents' quiet reading, study, relaxation, entertainment, or recreation, to include living, dining, and recreational areas available for residents' use.

C. At least thirty (30) square feet per licensed bed shall be provided for resident dining and recreation.

D. All required care and services furnished at the facility shall be provided in a manner that does not require residents to ambulate from one site to another outside the building(s), nor impede residents from ambulating from one site to another due to the presence of physical barriers.

E. Methods for assuring visual and auditory privacy between residents, staff, and visitors shall be provided, as necessary.

2802. Resident Rooms

A. Each resident room shall be equipped with the following as a minimum for each resident:

1. A comfortable single bed equipped with assist rails when required for the safety or mobility of the resident, having a mattress with moisture-proof cover, sheets, blankets, bedspread, pillow, and pillowcases; roll-away type beds, cots, bunkbeds, and folding beds shall not be used. It is permissible to utilize a double bed, a recliner in lieu of a bed, remove a resident bed and place the mattress on a platform or pallet, or utilize a hometype bed, provided the space available in the room is adequate. Such cases of alternative bedding arrangements shall be approved by a physician or other legally authorized healthcare provider. As an exception, in the case of a couple sharing the same room, a double bed is permitted in lieu of two (2) licensed single beds if requested by the couple and approved by a physician or other legally authorized healthcare provider. For all other requirements, this room shall be considered a resident room with two (2) licensed beds; (II)

2. A closet or wardrobe, with at least four (4) square feet of floor space and at least five (5) feet of vertical hanging space, a bureau, and a compartmentalized bedside table or nightstand to adequately accommodate each resident's personal clothing,

belongings, and toilet articles. Built-in storage is permitted. As an exception, in existing facilities, if square footage is limited, residents may share these storage areas; however, specific spaces within these storage areas shall be provided particular to each resident;

3. A comfortable chair;

4. A reading lamp, at least one (1) wastebasket, and an overbed table, as needed;

5. With the exception of furniture (unless otherwise allowed by facility policy), a resident shall have the choice to bring familiar items from home as part of the furnishing to his or her room, e.g., wall pictures, paintings, vases.

B. Each resident room shall be an outside room with an outside window or door. This window or door shall not open onto a common enclosed area, e.g., screened porch. (II)

C. There shall be at least two (2) lockable casters on each bed, located either diagonally or on the same side of the bed.

D. Beds of household height may be used provided hospital type beds that can be elevated and adjusted are provided as necessary to enhance care delivery.

E. Beds shall not be placed in corridors, solaria, or other locations not designated as resident room areas. (II)

F. No resident room shall contain more than three (3) beds. There shall be at least three (3) feet between beds. (II)

G. No resident room shall be located in a basement.

H. Access to a resident room shall not be by way of another resident room, restroom, or kitchen.

I. No resident room shall be located more than one-hundred and fifty (150) feet from the staff work area.

J. Equipment such as bedpans, urinals, and emesis basins, necessary to meet resident needs, shall be provided. (II)

K. Assist rails may be utilized when required for safety or resident mobility. When there are special concerns, e.g., residents with Alzheimer's disease and/or related dementia, assist rail usage shall be monitored by staff members in accordance with facility policies and procedures. (II)

L. Cubicle curtains with built-in curtain tracks shall be provided in all multiple bed rooms, which will shield each bed from other beds and also shield each bed from view from the corridor when the room door to the corridor is open. (II)

M. Consideration shall be given to resident compatibility in the assignment of rooms for which there is multiple occupancy.

N. At least one (1) private room, if available, shall be provided in each area served by a staff work area for incompatibility, personality conflicts, *etc.* (II)

2803. Resident Room Floor Area

A. The resident room floor area is a usable or net area and does not include wardrobes (built-in or freestanding), closets, entry door swing area, or the entry alcove to the room. The following is the minimum floor space allowed: (II)

1. Rooms for only one (1) resident: one-hundred (100) square feet;
2. Rooms for more than one (1) resident: eighty (80) square feet per resident.

B. In determining room design, consideration shall be given to the needs of the resident(s) including, but not limited to, accessibility to bed, restroom, closet, and possessions.

2804. Isolation Room (II)

At least one (1) single resident room shall be designated for an infection isolation room, as needed, and shall have:

1. An adjoining room with a toilet and a handwashing sink;
2. A handwashing sink located between the entry door and the nearest bed;
3. An uncarpeted floor.

2805. Baths and Restrooms

A. Separate bathroom accommodations, toilet, and handwashing sink shall be provided in sufficient numbers to serve the needs of staff members.

B. In baths and restrooms, the restroom floor area shall not be less than thirty (30) square feet. If the room contains only a toilet and handwashing sink, the minimum area of the room shall be eighteen (18) square feet. (II)

C. For residents, the minimum number of toilets shall be one (1) toilet for each four (4) licensed beds or fraction thereof.

- D. There shall be at least one (1) handwashing sink adjacent to each toilet. (II)
- E. There shall be one (1) bathtub or shower for each twelve (12) licensed beds or fraction thereof. (II)
- F. All bathtubs, toilets, and showers used by residents shall have approved grab bars securely fastened in a usable fashion on at least one (1) side of the bathtub, toilet, and shower and shall be mounted thirty-three to thirty-six (33-36) inches above the floor. (II)
- G. Privacy shall be provided at toilets, urinals, bathtubs, and showers. (II)
- H. Toilets shall be provided for meal service staff and shall be located at, or near, the kitchen. The doors of all restrooms located at, or near, the kitchen shall be self-closing. These restrooms shall be located within the same building.
- I. Facilities for persons with disabilities shall be provided as per the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent, regardless whether any of the residents are classified as having a disability. (II)
- J. All restroom floors shall be covered with an approved nonabsorbent covering. Walls shall be nonabsorbent, washable surfaces to the highest level reached by splash or spray. (II)
- K. There shall be a mirror above each restroom handwashing sink. (II)
- L. An adequate supply of toilet tissue shall be maintained in each restroom.
- M. Easily cleanable waste receptacles shall be provided.
- N. Soap, bath towels, and washcloths shall be provided to each resident as needed. Bath linens assigned to specific residents may not be stored in centrally located restrooms. As an exception, bath linens assigned to specific residents for immediate use may be stored in the restroom provided the restroom serves a single occupancy (one (1) resident) room, or is shared by occupants of adjoining rooms, for a maximum of six (6) residents. A method that distinguishes linen assignment and discourages common usage shall be implemented. (II)

2806. Handwashing Sinks

- A. Each resident room shall have a handwashing sink unless there is an adjoining toilet with a handwashing sink.
- B. Each handwashing sink used for handwashing shall be equipped with valves that can be operated without the use of hands.

C. Separate handwashing fixtures shall be provided in the main kitchen, convenient to serving, food preparation, and dishwashing areas, and shall be so located that the individual in charge may supervise handwashing by meal service staff. (II)

D. Handwashing fixtures shall be provided in other service rooms and adjacent to or in all restrooms. (II)

E. Handwashing fixtures shall include hot and cold or tempered running water, handcleansing antibacterial soap from an approved dispenser, and a sanitary individualized method of drying hands. (II)

2807. Staff Work Area (II)

A. A staff work area shall be provided for each sixty (60) licensed beds or fraction thereof.

B. The staff work area shall contain at least a telephone, bulletin board, a refrigerator and adequate space for maintaining resident records as well as for administrative activities.

C. A restroom used exclusively by staff shall be provided in close proximity to the staff work area.

2808. Medicine Preparation Room (II)

There shall be at, or near, each staff work area a separate space for the storage of supplies and a separate medicine preparation room having a cabinet with one (1) or more locked sections for medications, narcotics and poisons, cabinet space, work space, and handwashing sink. As an exception, in lieu of a medicine preparation room, a medicine work area equipped as described in Section 2808 shall be acceptable under the following conditions:

1. A unit dose system is used in which final medication preparation is not performed at or near the staff work area; and

2. A twenty-four-hour (24-hour) pharmacy is on the premises; and

3. Written procedures are in place that preclude medication preparation.

2809. Signal System (II)

A. A signal system listed and tested by a recognized testing laboratory for use in nursing homes shall be provided for each resident. The system shall consist of:

1. A signal device for each bed, toilet, shower, bathtub, treatment, and examination room used by residents that shall be easily accessible and reachable at all times by the resident;

2. A light over each resident room door visible from the corridor;

3. A control panel receiver at the staff work area showing room or bed number;

4. Indicators in utility rooms, treatment and examination rooms, medicine preparation rooms, nurse lounges, and nourishment stations.

B. Indicators and control panels shall employ an audible and visual signal.

2810. Meal Service Operations

A. Meal service operations shall be separated from living and sleeping quarters by complete, ceiling-high walls, and a minimum one and three-quarter (1 3/4) inch solid wood core, self-closing doors with positive latching hardware. As an exception, doors and partitions are not required if the open kitchen area is protected by an automatic sprinkler system that provides a deluge type "water curtain," based on the spacing and design requirements of NFPA 13, around the entire open space and as approved by the Department.

B. All kitchen areas shall be adequately ventilated to protect from excessive heat, steam, condensation, vapors, smoke, and fumes.

2811. Utility Rooms (II)

A. At least one (1) soiled utility room per staff work area shall be provided that contains a clinical sink, work counter, and waste receptacle. As an exception, the clinical sink shall not be required if each resident toilet is equipped with bedpan cleaning lugs, spray hose and elevated vacuum breaker.

B. At least one (1) clean utility room per staff work area shall be provided that contains a work counter with handwashing sink and space for the storage and assembly of supplies for nursing procedures.

2812. Doors (II)

A. Doors to resident occupied rooms (sleeping or treatment) shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent, and large enough to accommodate bed movement.

B. Door widths on exit doors, bath and restroom door openings, and doors that have locks shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

C. All resident rooms, restrooms, and rooms where bathing takes place shall have nontransparent doors.

D. All glass doors, including sliding or patio type doors shall have a contrasting or other indicator that causes the glass to be observable, e.g., a decal located at eye level.

E. Exit doors required from each floor shall swing in the direction of exit travel. Doors, except those to spaces such as small closets that are not subject to occupancy, shall not swing into corridors in a manner that obstructs corridor traffic flow or reduces the corridor width to less than one-half the required width during the opening process.

F. Doorways from resident occupied rooms or exit-access passageways to the outside of the facility shall be at least eighty (80) inches in height and forty-four (44) inches in width.

2813. Elevators (II)

A. Buildings having resident accommodations, such as resident rooms, dining rooms, recreation areas, located in an area other than the main floor, shall have at least one (1) elevator that can transport a hospital-type bed.

B. Elevators shall be inspected and tested upon installation, prior to first use, and annually thereafter by a certified elevator inspector.

2814. Ramps (II)

Ramps shall discharge onto a surface that is firm and negotiable by persons with disabilities in all weather conditions and to a location accessible for loading into a vehicle.

2815. Landings (II)

Exit doorways shall not open immediately upon a flight of stairs. A landing shall be provided that is at least the width of the door and is the same elevation as the finished floor at the exit.

2816. Handrails (II)

Handrails, which are located not less than thirty (30) inches nor more than thirty-six (36) inches above the finished floor shall be provided on both sides of halls and/or corridors. Ends of handrails shall return to the wall.

2817. Screens (II)

Windows, doors and openings intended for ventilation shall be provided with insect screens unless the facility is completely air conditioned and mechanically ventilated.

2818. Window Dressings (II)

In restrooms and resident rooms, window dressings shall provide privacy.

2819. Janitor's Closet (II)

A lockable janitor's closet of a minimum of twenty (20) square feet shall be provided for each area served by a staff work area and main food preparation center. Each closet shall be equipped with a mop sink or receptor and space (shelves and brackets) for the storage of supplies and equipment.

2820. Storage Areas

A. Storage buildings on the premises within thirty (30) feet of the facility shall meet the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent. Storage in buildings other than on the facility premises shall be secure and accessible. An appropriate controlled environment shall be provided if necessary for storage of items requiring such an environment.

B. At least ten (10) square feet per licensed bed shall be provided for storage areas. Each area served by a staff work area shall contain separate spaces for the storage of clean linen, soiled linen, wheelchairs, and supplies and equipment. (II)

C. In storage areas provided with a sprinkler system, a minimum vertical distance of eighteen (18) inches shall be maintained between the top of stored items and the sprinkler heads. The tops of storage cabinets and shelves attached to or built into the perimeter walls may be closer than eighteen (18) inches below the sprinkler heads. In nonsprinklered storage areas, there shall be at least twenty-four (24) inches of storage clearance from the ceiling. (I)

D. In mechanical equipment rooms used for storage, the stored items shall be located away from mechanical equipment and shall not be stored in a manner that might create a fire or other hazard. (I)

E. Supplies and equipment shall not be stored directly on the floor. Supplies and equipment susceptible to water damage or contamination shall not be stored under sinks or other areas with a propensity for water leakage. (II)

F. Sufficient space shall be provided in each area served by a staff work area for stretcher and wheelchair parking. Such space shall be out of corridor traffic.

2821. Telephone Service

At least one (1) telephone shall be available and easily accessible on each floor of the facility for use by residents for their private, discretionary use. Telephones shall be portable to accommodate bedridden or ambulatory-impaired residents. Telephones capable of only local calls are acceptable for this purpose, provided other arrangements exist to offer residents discretionary access to a telephone capable of long distance service.

2822. Facility Design and Site Location

A. Facility design and site location shall conform to the requirements of the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

B. Outdoor areas routinely used by residents where unsafe, unprotected physical hazards exist shall be enclosed by a fence or a natural barrier of a size, shape, and density that effectively impedes access to the hazardous area. Such areas include, but are not limited to, steep grades, cliffs, open pits, high voltage electrical equipment, ponds and swimming pools, and roads exceeding two (2) lanes, excluding turn lanes. (I)

C. Fenced areas that are part of a fire exit from the building shall have a gate that unlocks in case of emergency per Special Locking Arrangements in the applicable sections of the adopted State, Federal, or local codes, ordinances, and regulations, whichever is most stringent.

D. Mechanical or equipment rooms that open to the outside of the facility shall be protected from unauthorized individuals. (II)

E. Swimming pools shall be designed, constructed, and maintained pursuant to R.61-51. (II)

SECTION 2900 - SEVERABILITY

2901. General

In the event that any portion of these regulations is construed by a court of competent jurisdiction to be invalid, or otherwise unenforceable, such determination shall in no manner affect the remaining portions of these regulations, and they shall remain in effect as if such invalid portions were not originally a part of these regulations.

SECTION 3000 - GENERAL

3001. General

Conditions arising that have not been addressed in these regulations shall be managed in accordance with the best practices as interpreted by the Department.

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Title 40 - Professions and Occupations

CHAPTER 35.

LONG TERM HEALTH CARE ADMINISTRATORS

SECTION 40-35-5. Applicability; conflicts of law.

Unless otherwise provided for in this chapter, Article 1, Chapter 1 applies to the regulation of nursing home administrators and residential care facility administrators; however, if there is a conflict between this chapter and Article 1, Chapter 1, the provisions of this chapter control.

SECTION 40-35-10. South Carolina Board of Long Term Health Care Administrators; membership; meetings.

(A) There is created the South Carolina Board of Long Term Health Care Administrators composed of nine members who must be appointed by the Governor, with the advice and consent of the Senate, for three-year terms and until their successors are appointed and qualify. Of the nine members:

(1) three must be qualified nursing home administrators licensed under this chapter; one must be from a proprietary nursing home; one must be from a nonproprietary nursing home; and one must be a qualified hospital administrator;

(2) three must be community residential care facility administrators, licensed under this chapter, at least one of whom must be from a community residential care facility with ten or fewer residents;

(3) one must be a consumer, sponsor, or family member of a consumer of nursing home services;

(4) one must be a consumer, sponsor, or family member of a consumer of community residential care

services;

(5) one must be a voting member of the Long Term Care Committee of the Health and Human Services Coordinating Council who must be nominated by election of the committee from among its voting members. If the Governor does not accept the nomination, an additional nominee must be selected in the same manner.

The Commissioner of the Department of Health and Environmental Control, or his designee, also shall serve as a nonvoting member on the board, ex officio.

An individual, group, or association may submit the names of qualified individuals to the Governor for his consideration in making these appointments.

A vacancy must be filled in the manner of the original appointment for the unexpired portion of the term. A member may not serve more than two consecutive full terms.

(B) The board shall meet at least twice a year.

(C) Any business conducted by the board must be by a positive majority vote. For purposes of this subsection, "positive majority vote" means a majority vote of the entire membership of the board, reduced by any vacancies existing at the time.

SECTION 40-35-20. Definitions.

As used in this chapter:

(1) "Accredited college or university" means a college or university whose accreditation is recognized by the Council on Higher Education Accreditation and the United States Department of Education.

(2) "Board" means the South Carolina Board of Long Term Health Care Administrators.

(3) "Community residential care facility" means a facility defined for licensing purposes under law or pursuant to regulations for community residential care facilities by the Department of Health and Environmental Control, whether proprietary or nonprofit.

(4) "Community residential care facility administrator" means a person who has attained the required education and experience, is otherwise qualified, has been issued a license by the board, and is eligible to administer, manage, supervise, or be in administrative charge of a community residential care facility.

(5) "Consumer" means a person who is or has been a resident of a nursing home or community residential care facility.

(6) "Department" means the Department of Labor, Licensing and Regulation.

(7) "Habilitation center for the mentally retarded or persons with related conditions" means a facility which is licensed by the Department of Health and Environmental Control and that serves four or more mentally retarded persons or persons with related conditions and provides health or rehabilitative services on a regular basis to individuals whose mental and physical conditions require services including room, board, and active treatment for their mental retardation or related conditions.

(8) "Nursing home" means an institution or facility defined for licensing purposes under law or pursuant to regulations for nursing homes promulgated by the Department of Health and Environmental Control, whether proprietary or nonprofit including, but not limited to, nursing homes owned or administered by the State or a political subdivision of the State. The term does not include habilitation centers for the mentally retarded or persons with related conditions.

(9) "Nursing home administrator" means a person who has attained the requisite education and experience, is otherwise qualified, and has been issued a license by the board and is eligible to administer, manage, supervise, or be in administrative charge of a nursing home.

(10) "Practical experience in nursing home administration" means a minimum of thirty-six hours per week employment under the on-site supervision of a licensed nursing home administrator in a state licensed nursing home, and in the case of a beginning administrator, this includes providing, for a minimum of six months, supervision in at least two of these areas:

(a) business and fiscal management;

(b) a direct patient-care service including, but not limited to, nursing, physical therapy, occupational

therapy, speech therapy, chaplaincy, social work, or activities;

(c) a supporting service including, but not limited to, dietary, maintenance, engineering, laundry, environmental services, or pharmacy.

(11) "Qualified mental retardation professional" means a person who, by training and experience, meets the requirements of applicable federal law and regulations for a qualified mental retardation professional, as determined by the Department of Disabilities and Special Needs.

(12) "Related health care administration" means the administration of a facility that provides direct nursing care on a twenty-four hour basis to persons who require health services because of illness, age, or chronic disability. This does not include administration of a continuing care retirement/residential care facility.

(13) "Sponsor" means a person who is financially or legally responsible for an individual currently residing in a nursing home or residential care facility.

SECTION 40-35-30. Supervision of facilities and centers by licensed administrators.

(A) A nursing home or community residential care facility within this State may not operate except under the supervision of an administrator licensed in accordance with this chapter.

(B) A habilitation center for the mentally retarded or persons with related conditions, funded in whole or in part by the Department of Disabilities and Special Needs, must be under the supervision of a licensed nursing home administrator or a qualified mental retardation professional who has been determined by the department to have the requisite training and experience.

SECTION 40-35-40. Issuance of license; qualifications and requirements.

(A) The board shall issue a nursing home administrator license to a person who submits evidence satisfactory to the board that the person:

(1) is at least twenty-one years of age;

(2) has not been convicted of any criminal act that is relevant to the practice of nursing home administration, including financial misconduct or physical violence;

(3) is of reputable and responsible character and is of sound physical and mental health sufficient to perform the duties of a nursing home administrator;

(4)(a) has a baccalaureate degree in nursing home administration or related health care administration from an accredited college or university and one year of practical experience in nursing home administration or related health care administration;

(b) has a baccalaureate degree other than in health care administration from an accredited college or university and two years of practical experience in nursing home administration or related health care administration; or

(c) has a combination of education and experience as established by the board in regulation;

(5) has successfully completed the nursing home administrators' examination administered by the board; and

(6) has paid the applicable fees.

(B) The board shall issue a community residential care facility administrator license to a person who submits evidence satisfactory to the board that the person:

(1) is at least twenty-one years of age;

(2) has not been convicted of any criminal act that is relevant to the practice of community residential care facility administration, including financial misconduct or physical violence;

(3) is of reputable and responsible character and is of sound physical and mental health sufficient to perform the duties of a community residential care facility administrator.

(4)(a) has a minimum of an associate degree with at least one year of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community

residential care facility administrator; however, a person who has a health-related associate degree or higher is required to have only six months of on-site work experience with supervisory and direct resident care responsibilities under the supervision of a licensed community residential care facility administrator; or

(b) had at least three months of on-site work experience under the supervision of a licensed community residential care facility administrator and has a:

(i) health-related baccalaureate degree and at least two years' work experience, as defined by the board, in a health-related field other than in a community residential care facility; or

(ii) nonhealth-related baccalaureate degree with at least three years' work experience, as defined by the board, in a health-related field other than in a community residential care facility; or

(c) has a combination of education and experience as established by the board in regulation;

(5) has successfully completed the community residential care facility administrators' examination administered by the board and has paid the established fees.

(C) The board may establish qualifications in regulation for the issuance of a combined nursing home administrator and community residential care facility administrator license.

(D) An applicant for a nursing home administrator license or a community residential care facility administrator license shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine state criminal history and a federal fingerprint review to be conducted by the Federal Bureau of Investigation to determine other criminal history. In addition to the fingerprint fee, the results of the reviews must be furnished to the board by the applicant before initial licensure.

(E) An applicant for a nursing home administrator license or a community residential care facility administrator license shall provide a current credit report before initial licensure.

(F) An application must be submitted on forms prescribed by the department and developed in consultation with the board.

SECTION 40-35-45. Transferability of license; renewal and reinstatement; licensure of persons holding license in another jurisdiction.

(A) A nursing home administrator's license or a community residential care facility administrator's license is not transferable.

(B) A license must be renewed upon dates established by the department. A licensee must submit an application for renewal, payment of the renewal fee, and proof of compliance with continuing education requirements established by the board in regulation. If a license is not renewed in accordance with this subsection, the license lapses on the expiration date. Further practice may be sanctioned as unlicensed practice.

(C) A nursing home administrator or community residential care facility administrator previously licensed in this State whose license has lapsed for failure to renew on or before the expiration date of the license may seek reinstatement of the license within one year of the expiration date by submitting an application with the renewal fee, payment of a penalty as provided in the fee schedule, proof of compliance with continuing education requirements, and an affidavit that he or she has not engaged in practice as an administrator during the period in which the license was lapsed.

(D) If a license has lapsed for more than one year, the individual shall submit an initial application and satisfy the requirements of Section 40-35-40 to become relicensed.

(E) The board may deny renewal to an applicant who has committed an act that would be grounds for disciplinary action.

(F) The board may issue a nursing home administrator's license or a community residential care facility administrator's license to a person who holds a current license as a nursing home administrator or community residential care facility administrator from another jurisdiction if the board finds that the standards for licensure in the other jurisdiction are at least the substantial equivalent of those in this State and if the applicant has passed the national and South Carolina portions of the licensure examination and is otherwise qualified.

SECTION 40-35-50. Fees.

(A) Initial fees must be established by the board in regulation and shall serve as the basis for necessary adjustments in accordance with Chapter 1.

(B) Licensure application fees are nonrefundable.

SECTION 40-35-60. Rules and regulations.

The board may adopt rules governing its proceedings and may promulgate regulations necessary to carry out the provisions of this chapter.

SECTION 40-35-70. Additional powers and duties of the board.

In addition to the powers and duties provided for in this chapter, the board has those powers and duties set forth in Chapter 1.

SECTION 40-35-80. Investigation of complaints and violations.

The department on behalf of the board shall investigate complaints and violations of this chapter as provided for in Chapter 1.

SECTION 40-35-90. Disciplinary action in accordance with Administrative Procedures Act.

The board in accordance with the Administrative Procedures Act may take disciplinary action authorized by Chapter 1.

SECTION 40-35-100. Cease and desist orders; temporary restraining orders.

In addition to other remedies provided for in this chapter, the board in accordance with Chapter 1 also may issue a cease and desist order or may petition an administrative law judge for a temporary restraining order or other equitable relief to enjoin a violation of this chapter.

SECTION 40-35-110. Misconduct.

Misconduct, which constitutes grounds for revocation, suspension, or other restriction of a license or a limitation or other discipline of a licensee, is a satisfactory showing to the board of any grounds for disciplinary action stated in Chapter 1 or:

- (1) acting in a manner inconsistent with the health or safety of the patients of the nursing home or community residential care facility;
- (2) failing to ensure that the nursing home or community residential care facility in which he is an administrator complies with the provisions of law and regulations of the licensing or supervising authority or agency, whether federal, state, or local, having jurisdiction over the operation and licensing of the nursing home or community residential care facility;
- (3) intentional or knowing, direct or indirect, violation of or the aiding and abetting in the violation of this chapter or a regulation promulgated under this chapter;
- (4) failing to operate a nursing home or community residential care facility in a manner that ensures the safety, health, and welfare of the patients;
- (5) use of a false, fraudulent, or forged statement in the practice of nursing home administration or community residential care facility administration;
- (6) supervising or aiding an unlicensed person in the practice of nursing home administration or community residential care facility administration;
- (7) permitting unauthorized disclosure of information relating to a patient in a nursing home or community residential care facility under his administration;
- (8) use of alcohol, drugs, or controlled substances to such a degree as to adversely affect the ability to act as a nursing home administrator or community residential care facility administrator;
- (9) a mental or physical disability or addiction which renders further practice dangerous to the public or to the patients of the nursing home or community residential care facility;
- (10) conviction of, or pleading guilty or nolo contendere to, a felony, a crime involving the safety, health, or welfare of a patient, or any other crime involving moral turpitude. The license of a person who is

convicted or, or who pleads guilty or nolo contendere to, such crime immediately may be suspended temporarily pending final disposition of a disciplinary proceeding to be commenced upon the conviction or the entry of the plea of guilty or nolo contendere. A person who is suspended must be reinstated immediately upon the filing of documentation, satisfactory to the board, that the conviction has been reversed. Reinstatement does not terminate a disciplinary action pending against the person. The license of a person may be suspended immediately pending final disposition of a disciplinary proceeding if the board has probable cause to believe that continued practice as a nursing home administrator or community residential care facility administrator by the licensee constitutes harm to the safety, health, or welfare of patients in a nursing home or community residential care facility.

SECTION 40-35-115. Jurisdiction.

The board has jurisdiction over the actions of licensees and former licensees as provided for in Chapter 1.

SECTION 40-35-120. Disciplinary action; civil penalties; documentation of participation in education or treatment program.

(A) The board may take disciplinary action against a person as provided for in Chapter 1.

(B) The board may assess civil penalties of not more than one thousand dollars per violation, not to exceed a total of ten thousand dollars.

(C) The board may require documented participation in education programs and in treatment for mental or physical impairments or addiction.

SECTION 40-35-130. Denial of licensure.

As provided for in Chapter 1, the board may deny licensure to an applicant based on the same grounds for which the board may take disciplinary action against a licensee.

SECTION 40-35-150. Voluntary surrender of license.

A licensee under investigation for a violation of this chapter or a regulation promulgated under this chapter may voluntarily surrender the license in accordance with Chapter 1.

SECTION 40-35-160. Appeal.

A person aggrieved by a final action of the board may seek review of the decision in accordance with Chapter 1.

SECTION 40-35-170. Payment of investigation and prosecution costs.

A person found in violation of this chapter or a regulation promulgated under this chapter may be required to pay costs associated with the investigation and prosecution of the case in accordance with Chapter 1.

SECTION 40-35-180. Payment of costs and fines.

All costs and fines imposed pursuant to this chapter must be paid in accordance with and are subject to the collection and enforcement provisions of Chapter 1 and to the collection provisions of the Department of Revenue for delinquent fines.

SECTION 40-35-190. Confidentiality of investigations and proceedings.

Investigations and proceedings conducted under this chapter are confidential, and all communications are privileged as provided for in Chapter 1.

SECTION 40-35-200. Licensure requirement; criminal and civil penalties for violation.

(A) It is unlawful for a person to administer, manage, or supervise, or be in administrative charge of a nursing home, community residential care facility, or habilitation center for the mentally retarded or persons with related conditions, unless the person is licensed in accordance with this chapter.

(B) It is unlawful for a person to act or serve in the capacity of a nursing home administrator or residential care facility administrator unless the person is licensed in accordance with this chapter.

(C) A person who violates subsection (A) or (B) is guilty of a misdemeanor and, upon conviction, must be

ined not more than fifty thousand dollars or imprisoned not more than one year.

(D) A person who violates subsection (A) or (B) is subject to a civil penalty imposed by the board of not more than two hundred dollars per day, not to exceed a total of twenty thousand dollars and may be sanctioned in accordance with Section 40-35-130.

SECTION 40-35-210. Injunctive relief.

The department, at the written request of the board and in accordance with Chapter 1, may petition an administrative law judge, in the name of the State, for injunctive relief against a person violating this chapter.

SECTION 40-35-250. Construction of chapter.

The provisions of this chapter are intended to be consistent with the applicable federal and state law and must be so construed, whenever necessary, to achieve this consistency.

SECTION 40-35-260. Severability.

In the event that any provision of this chapter is declared unconstitutional or invalid or that the application of any provision to any person or circumstance is held invalid, the applicability of the provision to other persons and circumstances and the constitutionality or validity of every other provision of this chapter is not affected.