

9.12.d. Disaster Rehearsal and Fire Drill Reports. A nursing home shall keep on file for at least two (2) years, a dated written report and an evaluation of each disaster rehearsal and fire drill conducted on the premises.

9.13. Animals.

9.13.a. Any nursing home where animals visit or are boarded shall have policies that assure the general well-being of residents as approved by the director. The policies shall comply with local health ordinances.

'64-13-10. Administration.

10.1. A nursing home shall be administered in a manner that enables it to use its resources effectively and efficiently to attain or maintain the highest practicable physical, mental, and psychosocial well-being of each resident.

10.2. Licensure.

10.2.a. A nursing home shall be licensed pursuant to section 3 of this rule.

10.2.b. A nursing home shall operate and provide services in compliance with all applicable federal, state, and local laws, rules, and codes and with accepted professional standards and principles that apply to professionals providing services in a nursing home.

10.3. Governing Body.

10.3.a. A nursing home shall have a governing body.

10.3.b. The governing body shall adopt and enforce rules governing the health care and safety of residents, the protection of their personal and property rights, and the operation of the nursing home.

10.3.c. The governing body shall develop a written nursing home plan that will be reviewed annually. In addition to the other requirements described in law and in this rule, the nursing home plan shall include:

10.3.c.1. An annual operating budget, including all anticipated income and expenses; and

10.3.c.2. A capital expenditure plan for at least a three (3) year period.

10.3.d. The governing body shall assure the development and maintenance of written policies and procedures that govern the services the nursing home provides.

10.3.d.1. The policies and procedures shall include as a minimum all policies and procedures required by this rule.

10.3.d.2. A copy of each written policy and procedure shall be available for inspection on request by the nursing home's staff and residents and by members of the public.

'64-13-11. Human Resources.

11.1. Professional Staff.

11.1.a. A nursing home shall employ on a full-time, part-time or consultant basis those professionals necessary to carry out the provisions of this rule.

11.2. Professional Qualifications.

11.2.a. Professional staff shall be licensed, certified, or registered in accordance with applicable laws.

11.3. Criminal Background Checks.

11.3.a. A nursing home shall conduct a criminal conviction investigation on all applicants for employment.

11.3.b. If an applicant has been convicted of a misdemeanor or a felony offense constituting child abuse or neglect or abuse or neglect of an incapacitated adult, he or she may not be employed by a nursing home.

11.3.c. An applicant may also not be employed by the nursing home if he or she is under indictment for, or convicted of, in any court of a crime punishable by imprisonment for more than one year or is a fugitive from justice.

11.4. Use of Outside Resources.

11.4.a. If a nursing home does not employ a qualified professional person to furnish a specific service to be provided by the nursing home, the nursing home shall have that service furnished to residents by a person or agency outside the nursing home under an arrangement or an agreement as described in 42 U.S.C. ' 1395x(w) or an agreement as described in Subsection 11.2 of this rule, and services shall meet the ongoing identified needs of residents to ensure implementation of the plan of care and to avoid unnecessary duplication of services.

11.4.b. Under arrangements as described in 42 U.S.C. ' 1395x(w) or written agreements pertaining to services furnished by outside resources, the nursing home is responsible for the following:

11.4.b.1. Obtaining services that meet professional standards and principles that apply to professionals providing services in a nursing home; and

11.4.b.2. The timeliness of the services.

11.5. Staff Development.

11.5.a. All personnel shall attend and participate in regularly scheduled in-service training programs developed for the staff by either nursing home personnel or outside resources. The purpose of the in-service program shall be to:

11.5.a.1. Plan and organize a system of training that begins with an orientation program and continues throughout employment with scheduled in-service training programs;

11.5.a.2. Develop in each employee an awareness of his or her abilities and limitations in

providing care for residents; and

11.5.a.3. Develop the abilities of each employee by an in-depth review of operational policies and procedures, instruction of methods and procedures to follow in implementing assigned duties as it relates to a specific job description, and to provide current information that will assist in providing quality care.

11.5.b. A nursing home shall maintain records of attendance, and if absences occur shall schedule a make-up class to be completed.

11.5.c. A nursing home shall complete a performance review of every employee at least once every twelve (12) months and provide regular in-service education based on the outcome of these reviews. The in-service training shall:

11.5.c.1. Be sufficient to ensure the continuing competence of certified nursing assistants, but shall be no less than twelve (12) hours per year;

11.5.c.2. Address areas of weakness as determined in the employee=s evaluation and may address the special needs of residents as determined by the nursing home staff;

11.5.c.3. For nursing staff providing services to residents with cognitive impairments, also address the care of the cognitively impaired; and

11.5.c.4. Include in-service instruction to all personnel on the following:

11.5.c.4.A. The problems and needs of the aged, ill and disabled;

11.5.c.4.B. The prevention and control of infections;

11.5.c.4.C. Disaster preparedness and fire and safety rules;

11.5.c.4.D. Accident prevention;

11.5.c.4.E. Confidentiality of resident information;

11.5.c.4.F. Protection of a resident=s privacy and personal property rights, and dignity and protection of residents= rights, and

11.5.c.4.G. Complaint procedures, abuse, neglect, and misappropriation of personal property.

11.6. Personnel Records. A nursing home shall maintain a confidential personnel record for each employee containing the following information:

11.6.a. A dated application;

11.6.b. Reference verification;

11.6.c. Results indicating a satisfactory health status for the employees= current job assignment as required in Subsection 8.19 of this rule.

- 11.6.d. Results of annual physical;
- 11.6.e. Evaluations of work performance;
- 11.6.f. Current license, registration, or certification status if applicable to the job;
- 11.6.g. A summary of each employee=s in-service training for the previous two years;
- 11.6.h. Any nursing home specific required forms; and
- 11.6.i. A job description signed by the employee,

11.7. Medical Director. A nursing home shall designate, in writing, a physician accountable to the governing body to serve as medical director to ensure that medical care provided to residents is adequate and appropriate.

11.7.a. The medical director is responsible for:

11.7.a.1. Reviewing policies, procedures, and guidelines to ensure adequate, comprehensive services;

11.7.a.2. Coordinating medical care provided, including the attending physician, in the nursing home so it is adequate and appropriate;

11.7.a.3. Assisting in the evaluation of credentialing and re-credentialing of licensed independent practitioners, physicians= assistants and nurse practitioners to determine whether they will be authorized to practice within the organization by recommendation;

11.7.a.4. Approving in-service training programs; and

11.7.a.5. Reviewing and evaluating incident reports or summaries of incident reports, identifying hazards to health and safety, and making recommendations as needed.

'64-13-12. Laboratory, Radiology, and Other Diagnostic Services.

12.1. Laboratory Services.

12.1.a. A nursing home shall provide or obtain laboratory services to meet the needs of its residents. The nursing home is responsible for the timeliness of the services.

12.1.b. If a nursing home provides its own laboratory services, the services shall meet the requirements in the federal regulation, 42CFR Part 493.

12.1.c. If a nursing home arranges for outside laboratory services, the nursing home shall ensure that the laboratory services meet the requirements in the federal regulation, 42CFR Part 493.

12.1.d. If a nursing home provides blood bank and transfusion services, the nursing home shall ensure that the services are federally certified in the appropriate specialties and sub-specialties of services in accordance with the requirements to which it is subject.