

INFORMATION ON STANDARDS FOR RESIDENTIAL FACILITIES IN WHICH SSI RECIPIENTS RESIDE

As mandated in Section 505(d) of Public Law 94-566, "The Unemployment Compensation Amendments of 1976", standards are to be established and enforced for non-medical and medical (other than those certified for Medicaid or Medicare) residential facilities in which SSI recipients reside. Such facilities include:

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| a. Centers for the Developmentally Disabled | d. Foster Care Homes for Children |
| b. Assisted Living Facilities | e. Group Foster Homes for Children |
| c. Mental Health Substance Use Treatment Centers | f. Child Caring Agencies |

The Governor of Nebraska has designated the Nebraska Department of Health and Human Services as the agency to develop standards and a system for standards enforcement for facilities in which adults and children reside. This standard setting authority responds to requests for information on standards and their enforcement (i.e., a complete set of standards will be provided without charge) and provides, at no cost, information on waiver of standards as well as a list with names and addresses of facilities granted and a list giving names and addresses of facilities in violation of any standards.

Information requests should be submitted to:

(For Adults)
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF PUBLIC HEALTH
301 CENTENNIAL MALL SOUTH – 6TH FLOOR
LINCOLN, NE 68509

(For Children)
DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF CHILDREN AND FAMILY SERVICES
301 CENTENNIAL MALL SOUTH – 3RD FLOOR
LINCOLN, NE 68509

On the following pages are definitions of the residential facilities requiring standards. After each definition, a list of the areas of regulation composing established facility standards appears.

CENTERS FOR THE DEVELOPMENTALLY DISABLED means any residential facility, place or building, not licensed as a hospital, which is used to provide accommodation, board and training, advice, counseling, diagnosis, treatment, care, including medical care when appropriate, or services primarily or exclusively to four (4) or more persons residing in the facility who are developmentally disabled, which term shall include those persons suffering from mental retardation, cerebral palsy, epilepsy, or other neurological handicapping conditions which require care similar to the care required for persons suffering from such aforementioned conditions. The term, "Centers for the Developmentally Disabled," shall include a group residence.

Standards

1. Admission: number of persons and developmental disability.
2. Licensing: application procedure as well as inspection, renewal, denial, suspension and revocation regulations.
3. Physical Plant: construction; basic areas; room furnishings; bath facilities; dining, recreation and kitchen facilities; ventilation, plumbing, heating and cooling; and building codes.
4. Health and Safety: location and zoning requirements; drug storage and handling; housekeeping and maintenance; food service; lighting, ventilation; vermin control regulations; water supply requirements; clothing requirements; and fire safety requirements.
5. General Operational: personnel policies, staff training, staffing requirements, personnel files, resident record, and resident rights requirements as well as requirements for emergency medical services and services to residents.

ASSISTED-LIVING FACILITY: A facility where shelter, food, and care are provided for remuneration for a period of more than 24 consecutive hours to four or more persons residing at such facility who require or request such service due to age, illness, or physical disability. This definition does not include a home or apartment or facility where: (a) casual care is provided at irregular intervals, or (b) a competent person residing in such home, apartment or facility provides for or contracts for his/her own personal or professional services if no more than 25% of the persons residing in such home, apartment, or facility receive such service.

Standards

1. Scope and Authority: govern licensure of assisted-living facilities.
2. Definitions: key terms defined.
3. Licensing Requirements and Procedures: initial and renewal application processes, and reinstatement from lapsed status.
4. General Requirements: separate license, license not transferable, bed capacity, change of ownership or location, notification requirements, information available to the public, fees and accreditation.
5. Inspections: initial, physical plant, compliance inspections and re-inspections.
6. Standards of Operation, Care and Treatment: licensee responsibilities, administration, staff requirements, resident rights, consumer satisfaction, resident service agreement, admission and retention requirements, activities, provision of medications, food service, resident care, record keeping requirements and environmental services.
7. Physical Plant Standards: support areas, care and treatment areas, construction standards, building systems and waiver provisions.
8. Denial, Refusal to Renew and Disciplinary Action: grounds and procedures for denial, refusal to renew and disciplinary action, types of disciplinary action, and reinstatement from disciplinary probation, suspension and re-licensure following revocation.

MENTAL HEALTH SUBSTANCE USE TREATMENT CENTERS: A facility where shelter, food, and counseling, supervision, diagnosis, treatment, care, rehabilitation, assessment, or related services professionally directed are provided for a period of more than twenty-four consecutive hours to persons residing at such facility who have a mental illness or substance use disorder or both, with the intention of reducing or ameliorating the disorder or disorders or the effects of the disorder or disorders.

Standards

1. Scope and Authority: govern licensing of mental health substance use treatment centers.
2. Definitions: key terms defined.
3. Licensing Requirements: initial licensure, renewal, and reinstatement from lapsed status.
4. General Requirements: notifications, capacity and usage, public information, complaints and grievances, quality assurance and improvement, infection control, disaster preparedness and management, communication, effective date and term of license, and fees.
5. Inspections: initial inspections and compliance inspections.
6. Standards of Operation, Care and Treatment: licensee responsibilities, administration, staffing, client rights, restraints and seclusion, facility house rules, care and treatment requirements, client admission, discharge and transfer requirements, mental and health management, food service, and record keeping requirements.
7. Physical Plant Standards: sharing space; environmental services; housekeeping; maintenance; animals; other safety measures; swimming pools, therapy pools, and hot tubs; dietary; laundry; waste processing; cosmetology and barber services; pharmaceutical; floor area; dining and activity areas; bathing rooms; toilet rooms; bedrooms; corridors; doors; outside areas; emergency telephone; privacy; building systems; water and sewer systems; hot water system; heating and cooling system; ventilation system; electrical system; illumination; emergency power system; emergency detoxification programs; and observation rooms for seclusion and detoxification.

FOSTER CARE HOME FOR CHILDREN: A private single family home under one roof providing 24-hour foster care to children under age 19 (i.e., care, supervision, custody or control in lieu of the care or supervision normally exercised by parents in own home). The maximum number for which a home may be licensed is nine including foster family's own children. No more than six of these children may be age 12 or younger.

Standards (Minimum requirements which shall be met for licensing)

1. Foster Family: personal characteristics, background and criminal history checks, ability of the foster parent(s) as well as age, health, and training requirements.
2. Home Environment: environment, space, food and nutrition, sanitation and fire safety. There are no foster care regulations regarding any play equipment.
3. Care of Children: social, health care, adult supervision and guidance, discipline, confidentiality.
4. Records to be maintained by Foster Family.

GROUP HOME FOR CHILDREN: A facility providing residential 24-hour care for a maximum of 12 individuals including the house parents' own child(ren) and which is under the auspices of an organization responsible for the social services, administration, direction and control of the facility.

Standards (Minimum requirements which shall be met for licensing)

1. Administration: group philosophy and purpose, admission policies, supportive services, confidentiality.
2. Group Home Staff: mental and physical health, age, maturity, education, individual/staff ratio, training.
3. Physical Setting: space, sanitation, fire safety.
4. Care of Children: social, medical, dental, psychological, educational, nutritional, discipline practices.
5. Records to be Maintained by the Group Home.

CHILD CARING AGENCY: An agency incorporated to provide residential child care for children in a building maintained by the organization for that purpose (no maximum number of children).

Standards

1. Organization and Administration: incorporation, governing board, financial program, administrative recording and reporting.
2. Personnel: staff qualifications, training, number and type of staff.
3. Physical Plant: location, grounds, facilities, buildings and equipment, fire safety, and sanitation.
4. Care of Children: admission practices, physical care, child safety, hygiene and health, food and nutrition, clothing, community contacts, program individualization, treatment goals, discipline practices, records maintenance.