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Proposed Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation(s)	22VAC40-60
Regulation title(s)	Standards and Regulations for Licensed Adult Day Care Centers
Action title	Licensed Adult Day Care Centers Regulation Comprehensive Revision
Date this document prepared	December 14, 2016

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 17 (2014) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Brief summary

Please provide a brief summary (preferably no more than 2 or 3 paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

This is a joint regulatory action to repeal the existing regulation for licensed adult day care centers, 22VAC40-60, and adopt a new regulation, 22VAC40-61, to replace it. The comprehensive new regulation is intended to (1) provide greater protection for participants in care, (2) improve the organization of the standards, (3) increase clarity and consistency, (4) incorporate changed practices and procedures, (5) incorporate improvements in the language and reflect current federal and state law, and (6) eliminate unnecessarily burdensome or intrusive requirements. Major components of the new regulation include general provisions; administration; personnel; supervision; building and grounds; admission, retention and discharge; programs and services; and emergency preparedness. The new regulation was revised based on multiple regulatory advisory panel input, recommendations and feedback.

Acronyms and Definitions

Please define all acronyms used in the Agency Background Document. Also, please define any technical terms that are used in the document that are not also defined in the "Definition" section of the regulations.

None.

Legal basis

Please identify the (1) the agency (includes any type of promulgating entity) and (2) the state and/or federal legal authority for the proposed regulatory action, including the most relevant citations to the Code of Virginia or General Assembly chapter number(s), if applicable. Your citation should include a specific provision, if any, authorizing the promulgating entity to regulate this specific subject or program, as well as a reference to the agency's overall regulatory authority.

The State Board of Social Services has the authority to promulgate the regulation under § 63.2-217 which states that State Board shall adopt regulations as may be necessary or desirable to carry out the purpose of Title 63.2. Section 63.2-1733 addresses the State Board's overall authority to adopt regulations for adult day care centers to protect the health, safety, welfare, and individual rights of participants of adult day care centers and to promote their highest level of functioning.

Purpose

Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Describe the specific reasons the regulation is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.

The State Board of Social Services requested at the previous periodic review that a comprehensive revision be completed for these regulations within the next review period, as the last comprehensive revision became effective in 2000. The regulation is essential to protect the health, safety and welfare of adult day care center participants. The new regulation will allow for changes based on better practices, the latest research and improved technology, as well as meeting the increased needs of a population of elderly, infirm, or disabled persons that has become more vulnerable over the years. Current technology and medical practice have allowed individuals to stay in their own homes, or to live with family members, longer, and as a result, there is an increased need for this level of care and socialization.

Substance

Please briefly identify and explain the new substantive provisions, the substantive changes to existing sections, or both. A more detailed discussion is provided in the "Detail of changes" section below.

New substantive provisions in the regulation include:

(1) 22VAC40-61-40-Provides for the development and implementation of an internal quality assurance program

- (2) 22VAC40-61-50-Adds to the participant rights and responsibilities to enhance protection for participants
- (3) 22VAC40-61-80-Allows for the use of and appropriate management of electronic records
- (4) 22VAC40-61-90-Requires incident reporting for any major incidents that may impact the health, safety and welfare of the participants
- (5) 22VAC40-61-120-Requires staff to report suspected abuse, neglect or exploitation
- (6) 22VAC40-61-140-Establishes training criteria for staff that provide direct care to participants
- (7) 22VAC40-61-150-Increases the number of hours of training for staff to 12 hours per year
- (8) 22VAC40-61-160-Adds a requirement for all staff to be certified in First Aid and Cardio Pulmonary Resuscitation
- (9) 22VAC40-61-180-Removes the tuberculosis testing requirement and establishes the tuberculosis screening requirements established by the Virginia Department of Health
- (10) 22VAC40-61-220-Adds requirements for the completion of the participant assessment
- (11) 22VAC40-61-230-Adds requirements for the completion of the participant plan of care and items to be included on the plan of care
- (12) 22VAC40-61-240-Added to the information required to be included in the plan of care
- (13) 22VAC40-61-250-Added to the information required to be included in the participant's record
- (14) 22VAC40-61-260-Removes the tuberculosis testing requirement and establishes the tuberculosis screening requirements established by the Virginia Department of Health
- (15) 22VAC40-61-270-Condenses three discharge related standards into one and clarifies the role of the center, participant and family in the discharge process
- (16) 22VAC40-61-280-Provides for appropriate health monitoring requirements for participants
- (17) 22VAC40-61-290-Provides for evidence based infection control practices to be established within the center
- (18) 22VAC40-61-300-Provides for supervisory oversight for medication aides and establishes current medication management practices
- (19) 22VAC40-61-310-Establishes that chemical and physical restraints are not allowed in adult day care centers
- (20) 22VAC40-61-320-Removes extraneous language and clarifies assistance to be provided for activities of daily living
- (21) 22VAC40-61-330-Provides for a list of activity categories to be provided for participants and adds that a staff person must be designated to develop activities
- (22) 22VAC40-61-340-Adds a provision requiring 45 minutes to consume a meal and extra time to be allowed if a participant requires it
- (23) 22VAC40-61-360-Provides for meal planning and menu development requirements

- (24) 22VAC40-61-370-Adds a provision that religious dietary practices will be respected
- (25) 22VAC40-61-380-Adds that supervision and safety needs of participants are maintained at all times and that all vehicles will have operable heating and air conditioning systems
- (26) 22VAC40-61-390-Adds that staff on the trip will have a means of communicating with staff at the center and that medications will be administered according to regulatory requirements
- (27) 22VAC40-61-400-Provides that the center environment must ensure safety of the participant but not be inhibit physical, intellectual, emotional, or social stimulation
- (28) 22VAC40-61-430-Establishes temperature requirements to be maintained inside the center and adds provisions for emergency heating
- (29) 22VAC40-61-460-Clarifies the requirement of maintaining one restroom for every 10 participants that can accommodate human assistance or specialize equipment for toileting
- (30) 22VAC40-61-520-Adds requirements for developing and implementing an emergency preparedness and response plan
- (31) 22VAC40-61-530-Adds a provision for developing a written plan for fire and emergency evacuation and having such plan approved by the local fire official
- (32) 22VAC40-61-540-Provides for additional information to be collected on fire and emergency evacuation drills
- (33) 22VAC40-61-550-Removes syrup of ipecac and activated charcoal from the first aid supplies
- (34) 22VAC40-61-560-Provides for initial and semi-annual review of the plan for participant emergencies

Issues

Please identify the issues associated with the proposed regulatory action, including: 1) the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions; 2) the primary advantages and disadvantages to the agency or the Commonwealth; and 3) other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.

The primary advantage of the proposed regulatory action is the increased protection it provides to participants in adult day care centers. The action is needed to protect the health, safety, and welfare of an increasingly vulnerable population of aged, infirm or disabled adults. The regulation addresses the care, services and environment provided by adult day care centers. Additionally, the last comprehensive revision of the adult day care center regulations became effective in 2000.

The new regulation also provides clear criteria for licensees to follow to maintain their licensure and for licensing staff to use in determining compliance with standards and in the implementation of any necessary enforcement action.

In the proposed regulatory action, a fair and reasonable balance has been attempted to ensure adequate protection of participants while considering the cost to centers. Although some requirements have been increased, others have been eliminated or reduced.

Several areas of the proposed regulations have been of particular interest to adult day care center providers, provider associations, advocacy groups, licensing staff, and the general public. These areas have been addressed and include: (1) eliminating some requirements relating to personnel practices that are internal business practices of a center, (2) adding a requirement for an internal review process, (3) expanding participant’s rights and responsibilities, (3) allowance for electronic record keeping, (4) development of an incident reporting system, (5) addition of training requirements for direct care staff, (6) defining parameters for completion of participant assessments and plans of care, (7) removing requirements for tuberculosis testing and replacing them with requirements for tuberculosis screening, (8) enhancement of the infection control program, (9) adding a provision for a designated staff person to develop activities, and (10) enhanced emergency preparedness requirements.

The regulation takes into consideration differences in care need requirements of those served, i.e., those who are ambulatory, non-ambulatory, and those needing assistance with activities of daily living. The regulation addresses the needs of the cognitively impaired population, physically disabled participants, and elderly persons. In addition, it takes into consideration the cost constraints of smaller centers.

Because the adult day care industry is so diverse in respect to size, population in care, types of services offered, form of sponsorship, etc., the standards must be broad enough to allow for these differences, while at the same time be specific enough so that providers know what is expected of them.

The new regulation was prepared based on multiple regulatory advisory panel input, recommendations and feedback and recommendations from two adult day care center provider organizations.

The regulatory action poses no disadvantages to the public or the Commonwealth.

Requirements more restrictive than federal

Please identify and describe any requirement of the proposal which is more restrictive than applicable federal requirements. Include a rationale for the need for the more restrictive requirements. If there are no applicable federal requirements or no requirements that exceed applicable federal requirements, include a statement to that effect.

This regulatory action does not contain requirements that exceed applicable federal requirements

Localities particularly affected

Please identify any locality particularly affected by the proposed regulation. Locality particularly affected means any locality which bears any identified disproportionate material impact which would not be experienced by other localities.

No locality is particularly affected by the proposed regulation.

Public participation

Please include a statement that in addition to any other comments on the proposal, the agency is seeking comments on the costs and benefits of the proposal and the impacts of the regulated community.

In addition to any other comments, the Department of Social Services is seeking comments on the costs and benefits of the proposal and the potential impacts of this regulatory proposal. Also, the agency/board is seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of

Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit written comments for the public comment file may do so by mail, email or fax to Annette Kelley, 801 East Main Street, Richmond, VA 23219, telephone: (804) 726-7632, fax number: (804) 726-7132, annette.kelley@dss.virginia.gov. Comments may also be submitted through the Public Forum feature of the Virginia Regulatory Town Hall web site at: <http://www.townhall.virginia.gov>. Written comments must include the name and address of the commenter. In order to be considered, comments must be received by 11:59 pm on the last day of the public comment period.

A public hearing will not be held following the publication of this stage of this regulatory action.

Economic impact

Please identify the anticipated economic impact of the proposed new regulations or amendments to the existing regulation. When describing a particular economic impact, please specify which new requirement or change in requirement creates the anticipated economic impact.

<p>Projected cost to the state to implement and enforce the proposed regulation, including: a) fund source / fund detail; and b) a delineation of one-time versus on-going expenditures</p>	<p>There is no projected additional cost for the state to implement and enforce the proposed regulation.</p>
<p>Projected cost of the new regulations or changes to existing regulations on localities.</p>	<p>There is no projected cost to the localities.</p>
<p>Description of the individuals, businesses, or other entities likely to be affected by the new regulations or changes to existing regulations.</p>	<p>All licensed adult day care centers in Virginia are affected by this regulation.</p>
<p>Agency’s best estimate of the number of such entities that will be affected. Please include an estimate of the number of small businesses affected. Small business means a business entity, including its affiliates, that: a) is independently owned and operated and; b) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million.</p>	<p>Currently there are 73 licensed adult day care centers in Virginia. The agency’s best estimate is that most of these facilities would be considered small businesses.</p>
<p>All projected costs of the new regulations or changes to existing regulations for affected individuals, businesses, or other entities. Please be specific and include all costs including: a) the projected reporting, recordkeeping, and other administrative costs required for compliance by small businesses; and b) specify any costs related to the development of real estate for commercial or residential purposes that are a consequence of the proposed regulatory changes or new regulations.</p>	<p>\$300 - for direct care staff training. 40 hour course for each direct care staff that is required to complete the course (one time cost)</p> <p>\$80 - for an increase of 4 hours of annual training for each direct care staff [per person: \$20 for training; \$60 for salary (\$10 wage per hour x 6 hours)] (annual cost)</p> <p>\$90 - for an increase in staff to be certified in first aid and [\$50 for certifications \$40 for salary (\$10 wage per hour x 4 hours)] (cost every three years)</p> <p>\$90 - for an increase in staff to be certified in cardiopulmonary resuscitation [\$50 for</p>

	<p>certifications \$40 for salary (\$10 wage per hour x 4 hours)] (cost every two years)</p> <p>\$240 - for a nurse to assist in development of enhanced infection control program [\$30 wage per hour x 8 hours] (one time cost)</p> <p>\$300 – for medication management training course for directors that supervise medication aides (one time cost)</p> <p>\$50 - for medication administration refresher training for both medication aids and for directors who supervise medication aides (annual cost).</p> <p>\$100 – for one dietary manual per center</p>
<p>Beneficial impact the regulation is designed to produce.</p>	<p>This regulation is designed to ensure the health, safety, and welfare of participants in assisted living facilities.</p>

Alternatives

Please describe any viable alternatives to the proposal considered and the rationale used by the agency to select the least burdensome or intrusive alternative that meets the essential purpose of the action. Also, include discussion of less intrusive or less costly alternatives for small businesses, as defined in § 2.2-4007.1 of the Code of Virginia, of achieving the purpose of the regulation.

The Board is mandated by the Code of Virginia to promulgate regulations for adult day care centers. This regulatory action involves a comprehensive revision of the existing standards. Because changes are extensive, the current regulation is being repealed and a new regulation is being adopted. Consideration has been given throughout the development of the proposed regulation to necessity, enforceability, reasonableness, and cost impact. Requirements need to be in the form of a regulation in order for the agency to enforce.

Regulatory flexibility analysis

Pursuant to § 2.2-4007.1B of the Code of Virginia, please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.

Section § 63.2-1733 of the Code of Virginia addresses the authority of the State Board of Social Services to promulgate regulations for adult day care centers to protect the health, safety, welfare and individual rights of participants of adult day care centers and to promote their highest level of functioning. This section of the Code specifies content areas to be included in the regulations. Through the Department of Social Services’ collaboration with affected constituents (providers, advocates for participants, licensing

staff), the proposed regulation represents the best alternative to minimize any adverse impact on an adult day care center’s business while ensuring the protection of adults in care.

Public comment

Please summarize all comments received during the public comment period following the publication of the NOIRA, and provide the agency response.

No comments received.

Family impact

Please assess the impact of this regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

The proposed regulatory action will have a positive impact on families, in that they will be more confident that their family members are participating in a social and safe adult day care center and are receiving the care and services they need and deserve. Moreover, there could be a positive economic impact on families by averting participant’s preventable accidents, illnesses, and deterioration of functioning. There could be a decrease of disposable family income, depending upon who is paying for a family member to participate in an adult day care center.

Detail of changes

*Please list all changes that are being proposed and the consequences of the proposed changes; explain the new requirements and what they mean rather than merely quoting the proposed text of the regulation. If the proposed regulation is a new chapter, describe the intent of the language and the expected impact. Please describe the difference between existing regulation(s) and/or agency practice(s) and what is being proposed in this regulatory action. If the proposed regulation is intended to replace an emergency regulation, please list separately: (1) all differences between the **pre-emergency** regulation and this proposed regulation; and 2) only changes made since the publication of the emergency regulation.*

Section number	Proposed requirements	Other regulations and law that apply	Intent and likely impact of proposed requirements
10	Provide definitions for this regulation.		Clarifies the terms for better understanding by providers, licensing staff, and the public.
20	Provide the legal basis for this regulation and applicability	Code of Virginia § 63.2-1703	Provides information on legal base and applicability of the standards to provide clarity regarding pertinence of the standards.
30	Describe the purpose of the		Gives general guidelines for

	program of care.		care for participants to providers.
40	Requirements for the center to conduct an internal quality assurance process to include who is involved in the process, how well the program assists the participant and family, measurement of the achievement of the plan of care, outcome measures, relationship of the program to other community services and recommendations for improvement.		Provides an opportunity for service improvement to the participants, their families and the community through an internal review process. The regulatory advisory panel requested that this process be added to the regulation.
50	Provide for participant rights and responsibilities and require the center to establish and implement written policies and procedures to ensure the exercise of participant rights.		Ensures that a center review participant rights with participants and encourages them to exercise their rights.
60	Describe the duties and responsibilities of the licensee, including ensuring compliance with all regulations and federal, state and local laws.	Code of Virginia § 63.2-1703	Outlines responsibilities of licensee to ensure proper responsibility for the center and care to participants.
70	Requirements for public liability insurance.		Outlines the amount and description of required liability insurance.
80	Allow use of electronic records or signatures and set forth requirements for their use including developing and implementing policies and ensuring access is limited.	Code of Virginia Uniform Electronic Transactions Act § 59.1-479 through § 59.1-501	Provides requirements for electronic records to ensure that their use conforms to law and accepted policies and protects integrity and validity.
90	Require incident reports within 24 hours of any major incident that negatively affected or threatened the life, health, safety or welfare of a participant; details what a center must include in an incident report; specifies that a written report must be submitted within 7 days and describes what must be included in the written report.		Provides for licensing staff to be aware of major incidences that negatively affect or threaten participants so that licensing staff can investigate when necessary to ensure protection and proper care of participants.
100	State the qualifications, duties and responsibilities of	22VAC40-90	Provides basic qualifications for staff to protect the welfare of

	staff including being respectful, able to speak and write in English, and meet the requirements for background checks.		participants.
110	Describe the requirements for staff orientation and initial training including time frames and required oversight until training is complete.	Code of Virginia § 63.2-1606	Ensures that staff are knowledgeable about the center and their responsibilities so that they can provide proper care to participants.
120	Require each staff person who is a mandated reporter to report suspected abuse, neglect or exploitation of participants in accordance with § 63.2-1606 of the Code of Virginia.	Code of Virginia § 63.2-1606	Allows for proper investigation and action, if necessary, of reports of suspected abuse, neglect, or exploitation to protect the health and safety of participants.
130	Specify the director qualifications including age, education and experience, responsibilities to center operations, and training requirements including infection control and prevention and participants with mental impairments.		Ensures that the director has proper qualifications to manage the center and the care given to participants to protect their health, safety and welfare. Provides for training of directors in areas necessary to manage a center to assure adequate knowledge and skills for the benefit of provision of services and care to participants.
140	Describe direct care staff qualifications including requiring direct care staff to be at least 18 years of age unless certified in Virginia as a nurse aide and require direct care staff to have met necessary training requirements within the required time frame.		Ensures that direct care staff have the knowledge and skills to provide care and services to meet the needs of participants. The regulatory advisory panel requested that this process be added to the regulation.
150	Specify annual training requirements and topics for staff providing direct care in adult day care centers. Annual training hours will increase from 8 to 12.		Provides for annual training of staff that provide direct care which enables them to enhance their ability to care for participants. The regulatory advisory panel requested that annual staff training hours be increased.
160	Require first aid and CPR certification for all direct care staff within 60 days of employment which shall be maintained current.		Requires staff who can provide first aid and CPR to participants when needed.
170	Specify the requirements for volunteers, including qualifications,	Code of Virginia § 63.2-1720	Allows for the use of volunteers to enhance services for the benefit of participants.

	documentation by the center, coordination and orientation.		
180	Specify staff record and health requirements including how long the record must be maintained and the content of the staff record. Requires staff records to be maintained at the center in a locked area. Updates the tuberculosis testing requirements per the Virginia Department of Health.	Code of Virginia § 63.2-1720	Provides for documentation and verification of staff qualifications, health information and emergency contact for the safety of participants and staff.
190	Specify requirements for staff person in charge during center hours of operation and field trips		Ensures that one staff person is in charge of the administration of the center during hours of operation and on field trips.
200	Specify requirements for a 1-6 staff to participant ratio. Describes requirements for additional staffing.		Ensures that there will be a 1-6 staff to participant ration at all times. Also requires additional staff when needed due to participant needs, the programs and services offered by the center, and the physical layout of the center.
210	Specify requirements for admission to the center. Specify age requirement and acceptance of only those participants that meet admission requirements.		Ensures that the center only admits those participants that meet admission criteria and with needs that can be met by the center to protect the health, safety and welfare of participants.
220	Requirements to complete a participant assessment prior to admission to the program to assess medical and functional needs, mental status, social environment, economic conditions, nutrition, communication, hobbies and interests, and personal preferences. Also require a reassessment every six months and reassessment when needs change.		Ensures that the participant's needs will be identified before entering the program. Ensures that the program can meet the participant's needs both at time of admission and throughout their participation at the center.
230	Require that a preliminary plan of care be developed to address the needs of the participants prior to, or on the day of, admission. The plan will be reviewed and updated if necessary within 30 days. The contents of		Sets forth requirements for a participant plan of care to specify and detail how the needs of each participant are to be addressed and to promote individuality and personal dignity.

	the plan are detailed within this section.		
240	Require a written agreement with the participant or legal representative and the center at the time of admission to the center and specifies the contents of the agreement.		Specifies the services and care to be provided to a participant and charges for such, so that the participant knows what he is to receive and how much it cost.
250	Specify the participant personal and social information that the center must obtain at admission. Require the center to establish written policies and procedures for ensuring that information in the participant's record is accurate and clear and that records are well organized; specify where and how long records will be retained.		Assists the center in providing appropriate care and services to participants and to make proper notifications to other persons when warranted. Provides for the confidentiality and release of participants records.
260	Require physical examination and report by an independent physician within 30 days prior to admission; the contents of the report are enumerated. Updates the tuberculosis testing requirements per the Virginia Department of Health. Requires subsequent tuberculosis evaluations.		Provides information regarding the health of a person that is used in making a decision regarding admission and if admitted, in the care of the participant.
270	Describe the requirements for discharge of participants including discharge planning, discharge statement and assistance that the center shall offer to the participant.		Provides notice and assistance for a participant who is being discharged to make the process easier.
280	Requires the center to develop a policy and procedure for health status monitoring for all participants.		Ensures that participants will be monitored and observed continuously for any changes in health status and provides for notifications of changes to maintain the health, safety and welfare of participants.
290	Provide for infection control measures to include standard precautions and occupational health safety.		Allows for proper infection control measures to prevent or reduce incidences of disease and infection among participants and staff.
300	Require the center to have and keep current a written	Code of Virginia § 54.1-3408	Provides for the development of a medication management plan

	<p>plan for medications management and specifies what the plan must include. Specify when a physician or other prescriber order is necessary. Regulate the storage of medications prescribed for participants. Regulate the qualifications of staff who administer medications and the documentation of medication administration.</p>		<p>for a center to follow to ensure that medications are properly administered to participants. Specifies that a center only administer medications with an order from a physician or other prescriber, which protects the health of participants. Ensures that medications are properly stored so that their make-up is not altered and they are protected from improper access, which protects both the participants and medications. Ensures that staff who administer medications are qualified to dos in order to protect the health of participants.</p>
310	<p>Prohibit the use of chemical and physical restraints.</p>		<p>Ensures that participants will not be subject to chemical or physical restraints.</p>
320	<p>Provides requirements for staff to assist participants with activities of daily living, if necessary, such as eating and feeding, ambulation and transfer, toileting, bathing and dressing.</p>		<p>Ensures that staff will provide appropriate assistance with activities of daily living to enhance the safety and health of participants while at the center.</p>
330	<p>Specify the activity requirements that the center must meet for participants; state that participants shall be encourage but not forced to participate. Requires a designated staff person to manage or coordinate the activities program.</p>		<p>Provides activities for participants to promote their highest level of functioning and provide opportunities for enjoyment and fulfillment. The regulatory advisory panel requested that enhancements be made to the activity requirements of the regulation.</p>
340	<p>Specify requirements the center must meet pertaining to food service for participants.</p>		<p>Ensures that meals are provided in an appropriate manner.</p>
350	<p>Requirements for the provision of meals and snacks while the participant is at the center, including specific serving time guidelines.</p>		<p>Provides for the provision of food, including meals and snacks.</p>
360	<p>Specify center requirements for meals and snacks including food preferences; dated and posted menus; substitutions to the menu; minimum daily menu; special diets and required nutritional guidelines that</p>	<p>U. S. Department of Agriculture Food Guidance System Guidelines Food and Nutritional Board of the National Academy of Sciences</p>	<p>Assures that meals are nutritional and balanced for the health of participants, that participant food preferences are taken into consideration when menus are planned, that second servings are available, that special diets are</p>

	must be met.	Dietary Allowances	accommodated, and that drinking water is available at all times for hydration.
370	State the participants religious dietary practices must be respected and religious dietary practices of the director, staff or licensee shall not be imposed on participants unless agreed to in the admission agreement.		Allows for a participant to maintain religious dietary practices, but is not forced to observe those of the director, staff, or licensee.
380	Specifies requirements for center provided or contracted transportation services. Includes safety requirements, vehicle and driver requirements.		If the center provides or contracts transportation services these services shall be done in a manner that protects the participant's safety.
390	Specifies policy and safety requirements when participants are away from the center on a field trip.		Ensures that participant safety will be provided during center sponsored field trip.
400	Specifies that the physical environment must ensure safety of the participants.		Ensures that the center will provide a safe environment for the participants without inhibiting physical, intellectual, emotional or social stimulation.
410	Require the interior and exterior of all buildings to be in good repair and kept clean and free of rubbish, infestation of insects and vermin. Require furnishings, fixtures and equipment to be in good repair.		Specifies that buildings and furnishings are clean and in good repair and there are handrails and nonslip surfaces for the health and safety of the participants.
420	Require all areas to be adequately lighted and glare to be kept at a minimum in rooms used by participants.		Allows for lighting that provides for the safety and comfort of the participants.
430	Describe requirements for heating and cooling and require centers to develop and implement a plan to protect participants in the event of loss of cooling or heat due to emergency, malfunctioning or broken equipment.	13VAC5-63	Provides requirements for heating and cooling including specifications regarding temperature, for the well-being and comfort of participants.
440	Requirements for 50 square feet of indoor floor space for each participant, sufficient and suitable space for planned program activities, outdoor space and safe appropriate furniture.		Provides requirements for sufficient and suitable space for activities to be provided to participants. Requires 50 feet of indoor floor space per participant. Ensures that adequate and safe seating,

			table space and outdoor space are available for the use and comfort of the participants.
450	Requires space to be available to allow privacy for participants during interviews, visits, telephone conversations, counseling, therapy and other similar activities.		Ensures privacy for participants during certain activities such as interviews, visits, phone conversations, counseling, and therapy.
460	Specify the requirements for toilet, handwashing and bathing facilities.		Enables participants to have adequate bathroom facilities for their health, safety, and comfort.
470	Require dining areas to have sufficient sturdy dining tables and chairs for all participants.		Ensures adequate furniture and space in dining areas for participant safety and welfare.
480	Requires a separate room or space to allow for those participants who may become ill or need to rest.		Ensures privacy for those participants that may become ill or need to rest during their time at the center.
490	Requires sufficient space be available for personal possessions of participants and staff, as well as equipment, materials and supplies used in the program.		Ensures that sufficient space will be available in the center for participant personal supplies and supplies used by the program for the benefit of the participant.
500	Requires there be a non pay telephone available for participant if necessary.		Ensures that participants will have access to a non pay telephone while at the center.
510	Require an adult day care center to comply with state regulations and local fire ordinances	13VAC5-51	Specifies compliance with the Virginia Statewide Fire Prevention Code and local fire ordinances for the safety of participants and staff.
520	Require the center to develop a written emergency preparedness and response plan addressing specified criteria and policies and procedures. Require staff and volunteer to be knowledgeable of the plan and for staff, participants and volunteer to receive orientation and semi-annual review and revision of the plan is required. Center must take appropriate action to protect participants and remedy conditions as soon as possible and notify family		Provides for the development and review of an emergency preparedness and response plan so that staff, volunteers and participants will know what to do in the event of an emergency for their safety and well-being.

	members and legal representatives.		
530	Require the center to have a written plan for fire and emergency evacuation approved by the appropriate fire official.		Provides for the development of a fire and emergency evacuation plan so that the center will be prepared to protect participants if there is a fire or other emergency.
540	Require unannounced fire and emergency evacuation drills, evaluation following the drill by staff and documentation of corrective action take. Center must maintain a record of fire and emergency evacuation drills for two years.	13VAC5-51	Ensures the center will conduct fire and emergency evacuation drills to protect the health, safety and welfare of participants.
550	Requirements for first aid kit supplies, location and replacement and emergency supplies such as flashlights and extra food and water.		First aid kit supplies will be maintained at the center and in transportation vehicles to provide for participant safety.
560	Require a written plan and what must be included in the plan for participant emergencies; training required at orientation and semi-annually.		Ensures that the center will be prepared to handle participant emergencies.