Assisted Living in Nebraska
Assisted Living: History
• Created by Nebraska statute in 1998
• Encompassed existing facilities
• State regs revised in 2001 & 2004
• Specializations
Assisted Living: Common Myths
If you’ve seen one assisted living facility, you’ve seen them all ...
There’s a nurse available at all times to provide the assistance I need...
CNAs (Certified Nurse Aides) will provide the assistance I need, when I need it...
Medications are given by the nurse...
I can stay here as long as I want...
Assisted Living: Unique Aspects
Regulations
Responsibilities
Documentation
Care Plans
Involuntary Discharge From Facility
Resident Service Agreements
Assisted Living: Definitions
Assisted Living Facility
Care

• Activities of Daily Living

• Health Maintenance Activities

• Personal Care
Complex Nursing Interventions
Direction and Monitoring
Medication Administration
Licensed Health Care Professional
Medication Provision
Medication Aide
Five Rights
Assisted Living:

Residents’ Rights
To Be Treated With Dignity and Provided Care By Competent Staff
To Be An Equal Partner in the Development of the Resident Service Agreement, While Retaining Final Decision-Making Authority
To Be Informed in Advance About Care and Treatment and of any Changes in Care and Treatment That May Affect the Resident’s Well-Being
Be Informed in Writing of the Pricing Structure and/or Rates of All Facility Services
Self Direct Activities, Participate in Decisions Which Incorporate Independence, Individuality, Privacy and Dignity and Make Decisions Regarding Care and Treatment
Choose a Personal Attending Physician
Voice Complaints and Grievances Without Discrimination or Reprisal and to Have Those Complaints/Grievances Addressed
Examine the Results of the Most Recent Survey of the Facility Conducted by Representatives of the Department
Refuse to Perform Services for the Facility
Refuse to Participate in Activities
Privacy in Written Communication
Including Sending and Receiving Mail
Receive Visitors as Long as This Does Not Infringe on the Rights and Safety of Other Residents of the Facility
Have Access to the Use of a Telephone With Auxiliary Aides Where Calls Can Be Made Without Being Overheard
Have the Right to Have a Telephone in His/Her Room at the Resident’s Expense
Retain and Use Personal Possessions, Including Furnishings and Clothing, as Space Permits, Unless to Do So Would Infringe on the Rights and Safety of Other Residents
Share a Room With a Person of His or Her Choice Upon Consent of That Person
Self-Administer Medications if it is Safe to Do So
Be Free of Chemical and Physical Restraints
Exercise His or Her Rights as a Resident of the Facility and as a Citizen or Resident of the United States
Form and Participate in an Organized Resident Group That Functions to Address Facility Issues
Review and Receive a Copy, Within Two Working Days, of Their Permanent Record
Be Free From Abuse, Neglect, and Misappropriation of Their Money and Personal Property
Be Free From Involuntary Transfer or Discharge Without 30 Days Advance Written Notice
Assisted Living: 
Other Requirements
Staff Requirements

- Sufficient Number
- Criminal Background Check
- Registry Checks
- Health Status
- Orientation
- Training
Grievances
Each Assisted-Living Facility Must Establish and Implement a Process for Addressing All Grievances Received From Residents, Employees and Others
Consumer Satisfaction/Improvement
Each Assisted-Living Facility Must Develop and Implement a Process to Measure Consumer Satisfaction
Resident Service Agreements
(examples)
The Agreement Must Contain:

- Services to Be Provided
- Rights and Responsibilities
- Costs
- Terms and Conditions of Continued Residency
The Resident Service Agreement Must Be Reviewed and Updated as the Resident’s Needs Change
Admission and Retention Requirements

• Eligibility Criteria

• Restrictions on Eligibility Criteria

• Assisted-Living Staff While on Duty Must Not Provide Complex Nursing Interventions
Activities
Provision of Medication
Self-Administration of Medications
Administration of Medication

• Methods of Administration
  – Self-Administration
  – Licensed Health Care Professional
  – Provision of Medication by a Person Other Than a Licensed Health Care Professional

• Handling of Medications
Food Service

- Menus
- Nutritional Supervision
- Food Safety
Requirements for Facilities or Special Care Units for Persons With Alzheimer’s Disease or Dementia
Resident Records
Heating and Cooling Systems
Call Systems
Waivers
The Department May Take Disciplinary Action Against a Assisted-Living Facility for Any of the Following Grounds

• Discrimination or retaliation against an assisted-living facility resident or employee who has presented a grievance or information to the office of the state long-term care ombudsman

• Failure to allow a state long-term care ombudsman or an ombudsman advocate access to the assisted-living facility for the purposes of investigation necessary to carry out the duties of the office of the state long-term care ombudsman
Assisted Living: Consumer Guide (handout)
Assisted Living: The Future
POSSIBILITIES

- Federal legislation
- State legislation
- Consumer advocacy
Questions
Thank you!