

State of SD Long Term Care Ombudsman Program

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2016



Long Term Care Ombudsman Program New Employee Training Manual
SECTION 3:

* State and Federal Laws and Resource Links
Effective July 1, 2016

State of South Dakota
Department of Social Services
Division of Adult Services and Aging
Long Term Care Ombudsman Program
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STATE AND FEDERAL LAWS AND RESOURCE LINKS

ASSISTED LIVING CENTERS	
<p>➤ Article 44:70 Assisted Living Centers</p>	<p>Chapter 44:70:01 Rules of general applicability. 44:70:02 Physical environment. 44:70:03 Fire protection. 44:70:04 Management and administration. 44:70:05 Nursing and related care services. 44:70:06 Dietetic services. 44:70:07 Medication control. 44:70:08 Resident record services. 44:70:09 Residents' rights and supportive services. 44:70:10 Construction standards.</p>
<p>➤ Chapter 44:70:09 Residents' Rights and Supportive Services – Assisted Living Centers</p>	<p>Section 44:70:09:01 Application of chapter -- Residents' rights policies. 44:70:09:02 Facility to inform resident of rights. 44:70:09:03 Facility to provide information on available services. 44:70:09:04 Notification when resident's condition changes. 44:70:09:05 Notification of resident's room assignment or rights change. 44:70:09:06 Right to manage financial affairs. 44:70:09:07 Choice in planning care. 44:70:09:08 Privacy and confidentiality. 44:70:09:09 Quality of life. 44:70:09:10 Grievances. 44:70:09:11 Availability of survey results. 44:70:09:12 Right to refuse to perform services. 44:70:09:13 Self-administration of drugs. 44:70:09:14 Admission, transfer, and discharge policies. 44:70:09:15 Spiritual needs. 44:70:09:16 Activities program.</p>
COVERED MEDICAL SERVICES	
<p>➤ Chapter 67:16:04:41 Routine Services</p>	

FEDERAL REGISTER	
➤ Federal Register – State Long-Term Care Ombudsman Programs	
MONEY FOLLOWS THE PERSON (MFP)	
➤ Money Follows the Person	
NATIONAL CONSUMER LAW CENTER	
➤ Involuntary Transfer and Discharge from Nursing Homes: Prevention, Advocacy, and Appeals – National Consumer Law Center Webinar	<p>Discuss strategies and best practices for preventing and advocating for residents facing involuntary discharge from a nursing home. Consider how those strategies, best practices change/stay the same if the resident is in assisted living. Review best practices for supporting residents and families, identifying legal support, appealing discharge notices, and more.</p> <p>Presenters: Eric Carlson, Co-Directing Attorney, National Senior Citizens Law Center, Mary Ann Parker, Attorney, DC Long-Term Care Ombudsman Program and Lori Smetanka, Director, National Long-Term Care Ombudsman Resource Center</p> <p>Additional sponsorship for this Webinar is provided by a grant from the Administration on Aging/Administration for Community Living. This webinar is part of a series of National Elder Rights Training Project webinars for the National Legal Resource Center.</p>
NURSING FACILITIES	
➤ Chapter 44:73:10 Supportive Services – Nursing Facilities	<p>Section 44:73:10:01 Repealed. 44:73:10:02 Activities program. 44:73:10:03 Spiritual needs. 44:73:10:04 Provision of social services. 44:73:10:05 Rehabilitation services.</p>
➤ Chapter 44:73:11 Residents' Rights – Nursing	Section

<p>Facilities</p>	<p>44:73:11:01 Application of chapter -- Residents' rights policies. 44:73:11:02 Facility to inform resident of rights. 44:73:11:03 Facility to provide information on available services. 44:73:11:04 Notification when resident's condition changes. 44:73:11:05 Repealed. 44:73:11:06 Right to manage financial affairs. 44:73:11:07 Repealed. 44:73:11:08 Privacy and confidentiality. 44:73:11:09 Quality of life. 44:73:11:10 Grievances. 44:73:11:11 Availability of survey results. 44:73:11:12 Right to refuse to perform services. 44:73:11:13 Self-administration of drugs. 44:73:11:14 Admission, transfer, and discharge policies.</p>
<p>➤ Chapter 44:73:12 Construction Standards – Nursing Facilities</p>	<p>Section 44:73:12:01 Application of chapter. 44:73:12:01.01 Repealed. 44:73:12:02 Administration department. 44:73:12:03 Medical records unit. 44:73:12:04 Storage rooms. 44:73:12:05 Resident dining and recreation area. 44:73:12:06 Outside area. 44:73:12:07 Memory care unit locations. 44:73:12:08 Resident rooms. 44:73:12:09 Service area in care units. 44:73:12:10 Repealed. 44:73:12:11 Dietary department. 44:73:12:12 Food preparation services and equipment 44:73:12:13 Laundry. 44:73:12:14 Employee facilities. 44:73:12:15 Engineering service and equipment areas. 44:73:12:16 Corridor restrictions. 44:73:12:17 Doors. 44:73:12:18 Repealed. 44:73:12:19 Ceiling heights. 44:73:12:20 Insulation. 44:73:12:21 Repealed. 44:73:12:22 Floor surface finish. 44:73:12:23 Wall and ceiling finish. 44:73:12:24 Elevators. 44:73:12:25 Repealed. 44:73:12:26 Steam and hot water systems. 44:73:12:27 Ventilation systems 44:73:12:28 Filters.</p>

	<p>44:73:12:29 Ducts. 44:73:12:30 Food service ventilation. 44:73:12:31 Repealed. 44:73:12:32 Plumbing fixtures. 44:73:12:33 Water supply systems. 44:73:12:34 Vacuum breakers. 44:73:12:35 Hot water systems. 44:73:12:36 Drainage systems. 44:73:12:37 Electrical distribution system. 44:73:12:38 Lighting. 44:73:12:39 Emergency electrical service. 44:73:12:40 Receptacles or convenience outlets. 44:73:12:41 Staff call system. 44:73:12:42 Repealed. 44:73:12:43 Submittal of plans and specifications. 44:73:12:44 Pipe requirements. 44:73:12:45 Detached structures. 44:73:12:46 Water recreation facilities.</p>
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OLDER AMERICANS ACT

<p>➤ Unofficial Compilation of the Older Americans Act of 1965</p>	<p>As Amended In 2006 (Public Law 109-365)</p> <p>Please Note : All 2006 Amendment revisions are noted with green font throughout this unofficial compilation.</p> <p>TITLE I—DECLARATION OF OBJECTIVES: DEFINITIONS DECLARATION OF OBJECTIVES FOR OLDER AMERICANS Section. 101. DEFINITIONS Section. 102.</p> <p>TITLE II—ADMINISTRATION ON AGING ESTABLISHMENT OF ADMINISTRATION ON AGING Section. 201. FUNCTIONS OF ASSISTANT SECRETARY Section. 202. FEDERAL AGENCY CONSULTATION Section. 203. Section. 203A. CONSULTATION WITH STATE AGENCIES, AREA AGENCIES ON AGING, AND NATIVE AMERICAN GRANT RECIPIENTS. Section. 204. GIFTS AND DONATIONS. ADMINISTRATION OF THE ACT Section. 205.</p>
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<p>OLMSTEAD ACT</p>	
<p>➤ Olmstead: Community Integration for Everyone</p>	<p>The story of the Olmstead case begins with two women, Lois Curtis and Elaine Wilson, who had mental illness and developmental disabilities, and were voluntarily admitted to the psychiatric unit in the State-run Georgia Regional Hospital. Following the women's medical treatment there, mental health professionals stated that each was ready to move to a community-based program. However, the women remained confined in the institution, each for several years after the initial treatment was concluded. They filed suit under the Americans with Disabilities Act (ADA) for release from the hospital.</p>
<p>SD SURVEY REPORTS</p>	
<p>➤ South Dakota Nursing Facility Survey Reports</p>	
<p>STATE OPERATIONS MANUAL</p>	
<p>➤ Appendix PP – Guidance to Surveyors for Long Term Care Facilities</p>	

➤ <u>Chapter 7 – Survey and Enforcement Process for Skilled Nursing Facilities and Nursing Facilities</u>	
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