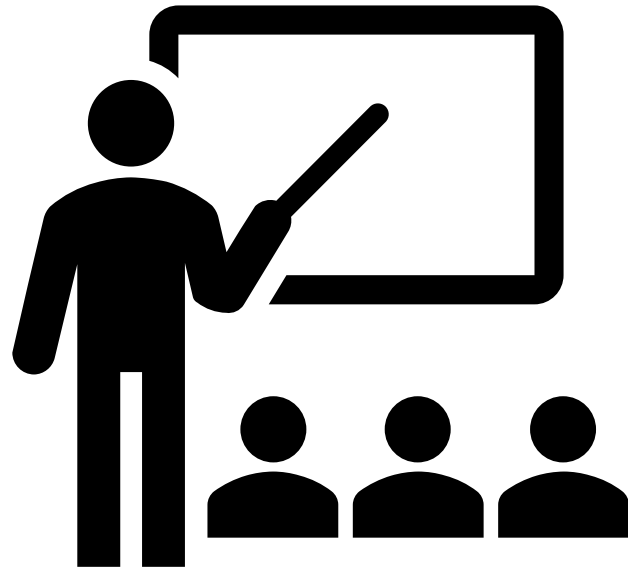




House Rules

- Department of Health
- Division of Health Care Services
- Residential Licensing



Learning Objectives

At the end of this presentation, you will:

- Understand how to establish House Rules.
- The licensing requirements, expectations, and interpretations of House Rules.
- The limitation of House Rules and consistency with 42 C.F.R. 441.301 (c)(4).
- How to apply 42 C.F.R. 441.301 (c)(4) to your House Rules.

House Rules AS 47.33.060 (a)

AS 47.33.060

(a) An assisted living home may establish house rules. The house rules must be consistent with 42 C.F.R. 441.301(c)(4) and subject to the limitations provided for under this chapter.

Licensing Expectation and Interpretation:

- Adopting House Rules is optional and not required to be licensed.
- House Rules can be a great method of setting a code of conduct and expectations for your staff and residents.
- House rules cannot infringe on a Resident's Rights per AS 47.33.300 and consistent with 42 C.F.R. 441.301(c)(4).





Admission & Posting Requirements AS 47.33.060 (b)

AS 47.33.060

(b) An assisted living home shall give a copy of the house rules to a prospective resident or the prospective resident's representative before the prospective resident enters into a residential services contract with the home, and shall post the house rules in a conspicuous place in the home.

Licensing Expectation and Interpretation:

- The Home must ensure prospective residents are provided a copy of the Home's House Rules.
- The Home must ensure House Rules are posted, this item may be checked at every inspection and investigation.

Resident File AS 47.33.070 (7)(E)

AS 47.33.070

(a) An assisted living home shall maintain, for each resident of the home, a file that includes (7) written acknowledgment by the resident or the resident's representative that the resident has received a copy of and has read, or has been read the (E) home's house rules;

Licensing Expectation and Interpretation:

- The Home must maintain a written acknowledgement that each resident has read or been read the Home's House Rules.
- This item will be reviewed at inspections to ensure compliance.



House Rules AS 47.33.060 (c) (1-7)

AS 47.33.060

(c) House rules may address various issues, including

- (1) times and frequency of use of the telephone;
- (2) hours for viewing and volume for listening to television, radio, and other electronic equipment that could disturb other residents;
- (3) visitors;
- (4) movement of residents in and out of the home;
- (5) use of personal property;
- (6) use of tobacco and alcohol; and
- (7) physical, verbal, or other abuse of other residents or staff.



House Rules AS 47.33.060 (c) (1)

AS 47.33.060 (c)

(1) Times and frequency of use of the telephone;

Licensing Expectation and Interpretation:

The Home can:

- Place reasonable time limits restrictions on phone calls.
- Have suggested hours of phone use.
- Allow residents to purchase their own phone line for their room.

The Home cannot:

- Prohibit resident's access to the telephone, unless documented in the resident's assisted living plan.
- Use a staff members cell phone as the Home's main phone line.

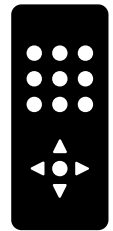
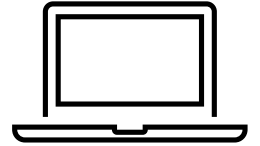
House Rules AS 47.33.060 (c) (2)

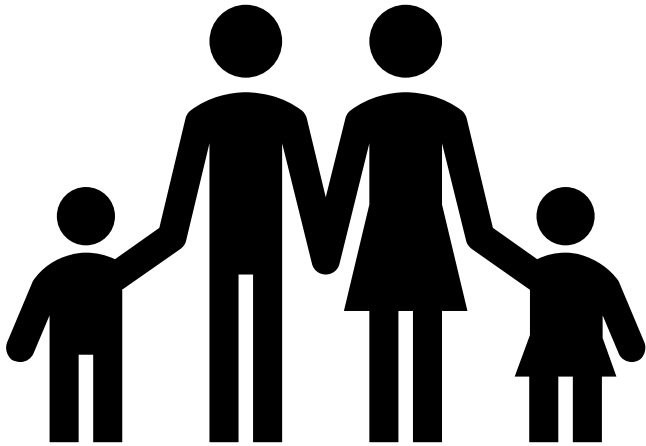
AS 47.33.060 (c)

(2) hours for viewing and volume for listening to television, radio, and other electronic equipment that could disturb other residents;

Licensing Expectation and Interpretation:

- The Home may place limitation on the viewing and volume of electronic in common spaces or in spaces that would disturb other residents.
- The Home cannot restrict the content that a resident may watch on an electronic device, unless stated in the Assisted Living Plan or disrupts others.



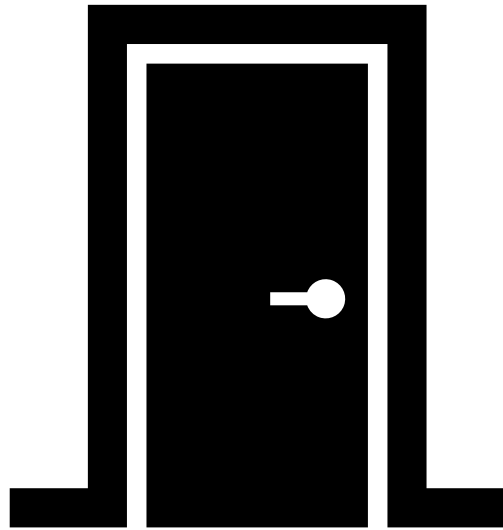


House Rules AS 47.33.060 (c) (3)

AS 47.33.060
(3) visitors;

Licensing Expectation and Interpretation:

- The Home may have proposed visiting hours.
- The Home cannot restrict visitor access to visit resident.
- Law enforcement should be contacted if a visitor is causing a disruption, or Adult Protective Services if there is a concern of exploitation.
- A legal guardian can restrict a visitor's access to a resident if that visitor may cause harm. The guardian should have a plan with the Home on how that will be enforced.
- The Home CANNOT require visitors to call ahead.



House Rules AS 47.33.060 (c) (4)

AS 47.33.060 (c)

(4) movement of residents in and out of the home;

Licensing Expectation and Interpretation:

- The Home can ask that residents be Home by a certain time or call ahead if unable to, but can take no actions against the resident if they do not.
- A resident should NEVER be locked out of their home.
- The Home may have proposed hours for resident movement.
- Restrictions of resident movement need to be addressed in a resident assisted living plan.

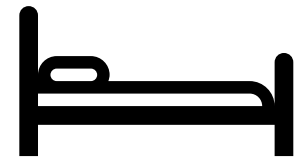
House Rules AS 47.33.060 (c) (5)

AS 47.33.060 (c)

(5) use of personal property;

Licensing Expectation and Interpretation:

- Personal property that may cause injury, hurt others, or be offensive can be restricted to the resident room, or prohibit if documented in the resident's assisted living plan.
- The Home can make a reasonable request to inspect property coming into the Home that may harbor pest and cause infestations.





House Rules AS 47.33.060 (c) (6)

AS 47.33.060 (c)

(6) use of tobacco and alcohol;

Licensing Expectation and Interpretation:

- The Home may prohibit the use of tobacco, marijuana, and alcohol on its premise.
- If the Home allows smoking on its premise, it should have a designated smoking area.



House Rules
AS 47.33.060
(c) (7)

AS 47.33.060 (c)

(7) physical, verbal, or other abuse of other residents or staff.

Licensing Expectation and Interpretation:

- The House rules can enforce zero tolerance for any type of physical, verbal, or other abuse of other residents or staff.
- Homes are encouraged to include their house rules in their residential service contracts.



What is 42 C.F.R. 441.301 (c)(4)?

- 42 C.F.R. 441.301 (c) (4) is referenced as Home and Community-Based Settings “Final rule” which establishes the qualities a setting must afford an individuals to ensure person-center services. This is a requirement of all Medicaid Certified Home.
- House Bill 89 added 42 C.F.R. 441.301 (c) (4) to the house rule statutes to ensure all residents regardless if the Home is Medicaid Certified or not are provided the same settings requirement and accommodations.

42 C.F.R. 441.301

(c)(4)(i)

42 C.F.R. 441.301 (c)

(4) Home and Community-Based Settings. Home and community-based settings must have all of the following qualities, and such other qualities as the Secretary determines to be appropriate, based on the needs of the individual as indicated in their person-centered service plan:

(i) The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.



Licensing Expectation and Interpretation:

- House rules cannot restrict a resident access to their community.
- House rules cannot limit a resident's control over personal recourse, unless documented in their assisted living plan.

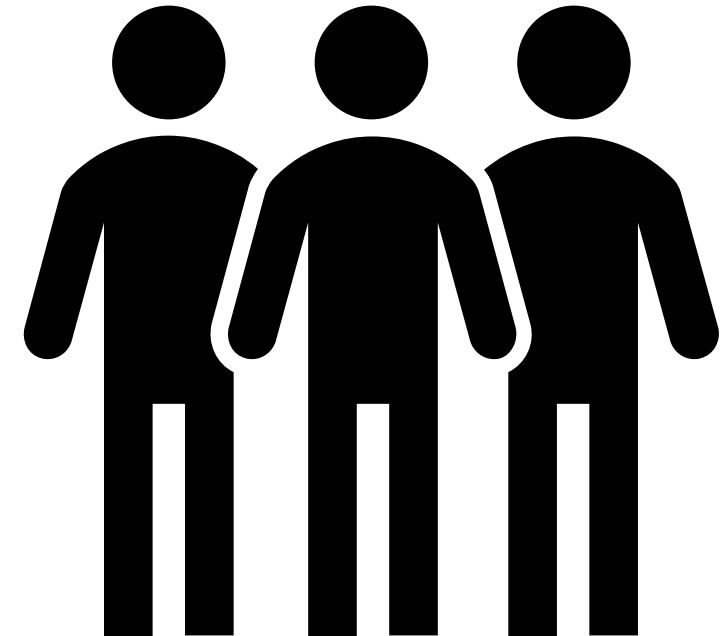
42 C.F.R. 441.301 (c)(4)(ii)

42 C.F.R. 441.301 (c) (4)

(ii) The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.

Licensing Expectation and Interpretation:

- House rules cannot restrict a resident access based on their income and funding source.
- House rules cannot require a resident to have a roommate.



42 C.F.R. 441.301 (c)(4)(iii), (iv), & (v)

42 C.F.R. 441.301 (c)(4)

(iii) Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.

(iv) Optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.

(v) Facilitates individual choice regarding services and supports, and who provides them.



Licensing Expectation and Interpretation:

- House Rules cannot violate a resident's rights, unless clearly documented in assisted living plan.
- House Rules cannot require a resident's participation or who they must interact with.
- House Rules cannot require residents to receive certain services or attend certain activities.

42 C.F.R. 441.301 (c)(4)(vi)(A)

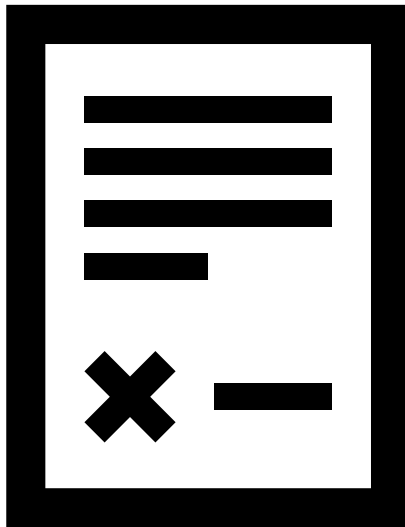
42 C.F.R. 441.301 (c)(4)

(vi) In a provider-owned or controlled residential setting, in addition to the qualities at § 441.301(c)(4)(i) through (v), the following additional conditions must be met:

(A) The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.

Licensing Expectation and Interpretation:

- House Rules cannot restrict a resident right to adhere to landlord/tenant law.
- Residential Services Contracts meet this standard.





+ 42 C.F.R. 441.301(c)(4)(vi)(B)(1)(2)(3)

42 C.F.R. 441.301 (c)(4)(vi)

(B) Each individual has privacy in their sleeping or living unit:

(1) Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.

(2) Individuals sharing units have a choice of roommates in that setting.

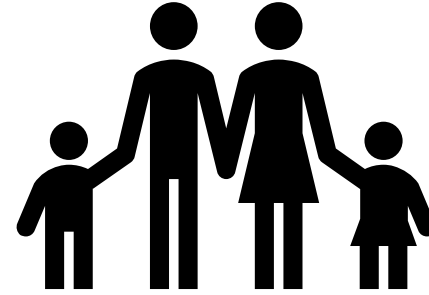
(3) Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.

Licensing Expectation and Interpretation:

- House rules cannot indicate a resident cannot lock their door or be required to have a roommate.
- House rules cannot indicate a resident cannot bring in their own furnishing or décor. It is appropriate to request inspection of items to prevent possible pest.



42 C.F.R. 441.301 (c)(4)(vi)(C)(D)(E)



42 C.F.R. 441.301(c)(4)(vi)

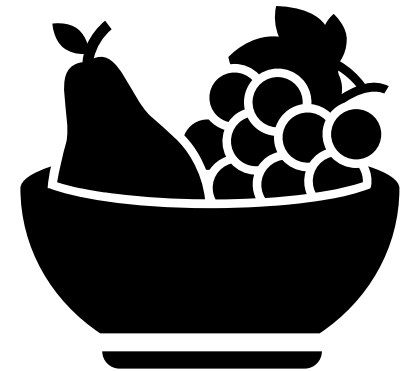
(C) Individuals have the freedom and support to control their own schedules and activities and have access to food at any time.

(D) Individuals are able to have visitors of their choosing at any time.

(E) The setting is physically accessible to the individual.

Licensing Expectation and Interpretation:

- House rules cannot restrict resident access to food, there is not an expectation that Home provide elaborate meals on demand, but if a resident is hungry, they should be able to request something to eat.
- House rules can have suggested visiting hours, but as long a guest do not disrupt the Home, visitor must be welcomed at anytime.

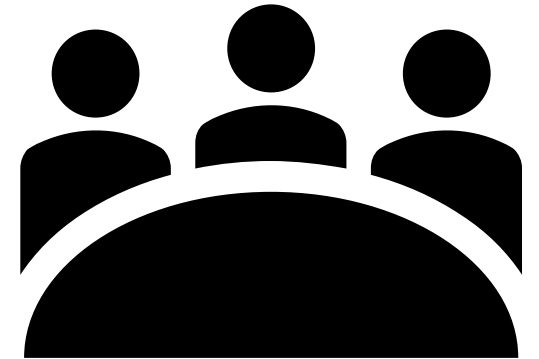


42 C.F.R. 441.301(c)(4)(vi)(F) (1-7) Modification

42 C.F.R. 441.301 (c)(4)(vi)

(F) Any modification of the additional conditions, under 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan. The following requirements must be documented in the person-centered service plan:

- (1) Identify a specific and individualized assessed need.
- (2) Document the positive interventions and supports used prior to any modifications to the person-centered service plan.
- (3) Document less intrusive methods of meeting the need that have been tried but did not work.
- (4) Include a clear description of the condition that is directly proportionate to the specific assessed need.
- (5) Include regular collection and review of data to measure the ongoing effectiveness of the modification.
- (6) Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.
- (7) Include the informed consent of the individual.
- (8) Include an assurance that interventions and supports will cause no harm to the individual.



Licensing Expectation and Interpretation:

- In the event a resident requires a restrict or modification of their rights it must be appropriately document in their assisted living plan with clear justification in the least restrictive manner.

More Training Opportunities

- If you would like to learn more about 42 C.F.R. 441.301 (c)(4) I would highly encourage you to visit <https://sdstraining.ethinksites.com/> and complete the Home and Community Based Settings Training. If you are current certified you have already completed this course.





Sample Form

- The Department provides a sample “House Rules” form the Home may use to meet the statutory requirement to document resident acknowledgement they have been notified/received/ been read the House rules.

Website:

<https://health.alaska.gov/dhcs/Pages/cl/ALH%27s/Provider-Resources.aspx>

Questions or Comments

- If you have any additional questions or concerns, please follow-up with your assigned licensing specialist and/or their supervisor.
- Questions and concerns can also be sent to ALH.Newhome@alaska.gov.

