

**TITLE 64
LEGISLATIVE RULES
DEPARTMENT OF HEALTH**

**SERIES 14
PERSONAL CARE HOME LICENSURE**

§64-14-1. General.

1.1. Scope. -- These legislative rules govern the licensing of personal care homes.

1.2. Authority. -- W. Va. Code §16-5C-1

1.3. Filing Date. -- October 27, 1971

1.4. Effective Date. -- November 28, 1971

§64-14-2. Application and Enforcement

2.1. Application - These legislative rules shall apply to every individual and every form of organization whether incorporated or unincorporated, including any partnership, corporation, trust, association or political sub-division of the state which shall operate or apply to operate a personal care home as defined in these rules.

2.2. Enforcement - The enforcement of these rules is vested with the West Virginia department of health.

§64-14-3. Definitions

3.1. Ambulant Resident - Means any resident who, without assistance in an emergency, would be physically and mentally capable of traveling to safety.

3.2. Applicant - Shall mean the person who submits an application for a license, or a renewal of a license, to operate a personal care home.

3.3. Bed Capacity - Means the greatest number of beds the personal care home is licensed to offer for resident use.

3.4. Board - Whenever used in these standards and regulations means the West Virginia nursing home licensing board.

3.5. License - Means the document issued by the

West Virginia nursing home licensing board and constitutes the authority to receive residents and perform services included within the scope of these regulations.

3.6. Personal Care Home - Shall include, but not be limited to, homes for the aged, convalescent homes and other facilities not offering medical and nursing care on a full-time basis. A "personal care facility" as distinguished from a "nursing home" is a place for the care of aged or infirm persons whose principal need is a home with such sheltered and custodial care as their age or infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged or infirm. The resident of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated.

All facilities coming within the definition of the term "personal care facility" in which an accommodation of four or more beds is maintained, furnished or offered for patients or individuals for board and personal care of not less than twenty-four hours in any week, shall be licensed as a personal care facility.

3.7. Resident - When used throughout these standards and regulations means any person who is residing in a personal care home as a boarder or guest.

3.8. Violation - Means failure to comply with the licensing law or any provisions of these regulations. A violation constitutes a misdemeanor as set forth in Section 5, Article 5E, Chapter 16, Code of West Virginia, 1931, as amended.

§64-14-4. Procedures Governing Adoption, Amendment, and Recision of Regulations

4.1. The West Virginia nursing home licensing board shall have the power to make, enforce, modify, amend, or rescind rules and regulations governing

the operation and conduct of personal care homes as specified in Section 4, Article 5C, Chapter 16, Code of West Virginia, 1931, as amended.

§64-14-5. Inspections

5.1. Duly authorized representatives of the West Virginia nursing home licensing board shall have the right to enter upon or into the premises of any personal care home in order to make whatever inspection is deemed necessary in accordance with the licensing authority vested in the board, but all duly authorized representatives prior to making inspection shall properly identify themselves to the administrator of the personal care home or his duly authorized representative and after completing any inspection shall, prior to leaving the personal care home premises leave either an oral or written report of his findings with the administrator of the personal care home or his duly authorized representative.

§64-14-6. The License

6.1. Institutions to be Licensed - A license is required of all places that are conducted as personal care homes, within the meaning of the term as defined in Chapter I, Section B, of these regulations and in Section 1, Article 5E, Chapter 16, Code of West Virginia, provided that such place is not specifically excluded by the code. A separate license shall be required for personal care homes maintained on separate premises even though operated under the same management.

6.2. Institutions Exempt from These Regulations - The following homes or facilities for adults do not come within the meaning of these regulations: nursing homes, convalescent homes, home for the chronically ill and similar facilities that offer or provide either medical or nursing attention and which are subject to license by the state department of health or the West Virginia nursing home licensing board, or as defined in Section 1, Article 5E, Chapter 16, Code of West Virginia, 1931, as amended.

6.3. Application for License - Applicants for license shall file applications with the West Virginia nursing home licensing board upon forms prescribed by the board and shall pay an annual license fee as required in Section 4, Article 5E, Chapter 16, Code of West Virginia, as follows: "An application fee in the

amount of ten dollars for an original personal care facility license shall be paid at the time application is made for such license. The license fee for renewal of license shall be two dollars per bed. The bed capacity for the holder of each license shall be determined by the board. All such license fees shall be due and payable to the board on or before June thirtieth of each year. Such fee and application shall be submitted to the secretary of the board who shall retain both the application and fee pending final action on the application."

Subterfuge or other evasive means, such as filing for a license through a second party when an individual has been disqualified for licensure, shall constitute grounds for the refusal or revocation of a license.

Furnishing of an application form is in no way a guarantee that the completed application will be acceptable or that a license will be issued by the West Virginia nursing home licensing board.

6.3.1. Name of Personal Care Home - Every personal care home shall be specifically identified as such by an appropriate name, which shall be used in applying for a license. It shall not be changed without the approval of the West Virginia nursing home licensing board. Following such approval, the new name will be shown on the next issue of a license. The words "clinic," "hospital," "sanitorium," "sanitarium," "nursing home," or any other such word which will reflect a different type of institution, shall not appear in the title of a personal care home. False or misleading advertising by a personal care home is prohibited.

6.3.2. Number of Beds - Each application for license shall specify the maximum number of beds established by the West Virginia nursing home licensing board as the facility's legal bed capacity. Personal care homes shall not exceed their legal bed capacity at any time.

6.3.3. References - Each new applicant must provide the names of five reputable citizens with whom he is personally acquainted and who can certify to the good character and qualifications of the applicant.

6.4. Issuance of License - The license will be issued on a form prescribed by the West Virginia nurs-

ing home licensing board and shall set forth the name, location, legal applicant, and number of beds for which the personal care home is licensed.

A Class I license will be issued when all requirements have been met.

A Class II license with deficiencies listed may be issued at the discretion of the board when the facility does not fully meet the requirements for sanitation and fire safety, but good personal care is being provided for the residents.

6.4.1. Expiration and Renewal of License - All licenses shall expire on the thirtieth day of June following the date of their issuance.

Applications for the renewal of licenses will be mailed to each personal care home, and shall be completed and returned by the applicant, with the required license fee, to the West Virginia nursing home licensing board before June thirtieth of each year.

The renewal of a Class I license shall be contingent upon evidence of compliance with the licensing law and all minimum standards and regulations.

The renewal of a Class II license with deficiencies shall be at the discretion of the board and shall be contingent upon the continued efforts of the licensee to comply with all minimum standards and requirements.

Each applicant will be duly notified of any non-compliances. He shall have complied with the provisions of the law, rules and regulations before issuance of a license will be considered.

6.4.2. Posting of License - The license shall be conspicuously posted within the personal care home so as to be plainly visible from the main entrance of the building.

6.4.3. A facility operating under a Class II license with deficiencies should supply all current and incoming residents with a list of deficiencies.

6.5. Revocation of License - After an opportunity for a hearing, the West Virginia nursing home licensing board may revoke the license of any facility found in violation of the licensing law or these regulations.

6.5.1. Reissuance of License - If a license is

revoked, a new application for a license will be considered by the West Virginia nursing home licensing board when the conditions upon which revocation was based have been corrected and evidence of this fact has been furnished.

6.6. Return of License Certificate - Each license shall be returned by the licensee to the West Virginia nursing home licensing board immediately upon its revocation, or when the personal care home voluntarily ceases operation.

64-14-7. Administration

7.1. Administrative Management

7.1.1. Administrative policies and procedures shall be designed to meet the needs of each personal care home and its residents.

7.1.2. Activity not Related to Personal Care Home Operation - No part of the licensed personal care home may be rented, leased, or used for any purpose not related to the operation of same.

Only those persons actively engaged in the operation of the personal care home shall be permitted to reside therein.

7.1.3. Resident Policies

(a) Types of Residents - Personal care homes shall not admit residents who are ill or need professional nursing care.

Personal care homes shall care only for residents: (1) who may need assistance with meals, dressing, movement, bathing or other personal needs; or (2) who may need general supervision of their physical well being, exclusive of nursing, because of age, physical incapacity, imperfection, or deterioration; or (3) who may be mentally incapable of maintaining a private, independent residence; or (4) who are incapable of managing his person.

(b) Medical Examination by a physician licensed in West Virginia shall be given each resident within seven days prior to, or within seventy-two hours after, admission. The results of this examination shall be recorded in the resident's record.

(c) Responsible Party - The resident or his agent shall sign all admission forms at the time of

admission.

(d) Designation of Private Physician - Each person shall be permitted to designate a licensed physician of his choice.

7.1.4. Inventories for Resident's Personal Effects - Items entrusted to the personal care home for safekeeping shall be inventoried and properly stored by the licensee or a responsible agent. A written receipt for any personal belongings or money turned over to the home for safekeeping shall be given to the resident or a responsible person.

7.1.5. Fraud or misrepresentation to secure money or property from residents, or persons applying for admission, will be reported to the county prosecuting attorney or the attorney general of West Virginia for further investigation and prosecution.

7.1.6. Privacy of Residents - The privacy of residents shall be as fully respected as adequate care for them will permit. Residents shall receive their mail unopened and outgoing mail shall not be censored unless otherwise arranged with the resident or his legal guardian.

Official representatives of private or public social agencies shall be allowed privacy for interview with their own clients in the home.

7.1.7. Visiting Hours - Daily visiting hours shall be maintained. The visiting hours shall be posted in a conspicuous place on the premises.

7.2. Records and Reports

7.2.1. Admission records shall be completed without delay upon the resident's admission and shall contain the following information: name and home address; birth date; race; sex; marital status; general health report by physician on admission; name, address, telephone of resident's personal physician; name, address, telephone of nearest relative or other responsible person to contact in case of emergency; date of admission; place to which moved, if known; name of mortician in case of death; religion and name of minister; and date of discharge.

This record is to be signed by the resident or his agent and the personal care home employee responsible for admission.

7.2.2. Resident's individual file shall be established on admission and maintained on the premises. This file shall contain the resident's admission record, inventory of personal effects, financial record, medical record if any, and all other pertinent information.

7.2.3. Personnel records shall be maintained with appropriate information on each employee, including health certificates.

7.2.4. Record Retention - Resident's records shall be kept current daily from the time of admission to the time of discharge or death, and shall then be filed for a period of five years before being destroyed. Records relating to licensure shall be kept for a period of five years before being destroyed.

7.2.5. A definite place shall be designated to be used in making up and keeping records.

7.2.6. A permanent "Residents Registry Book" shall be maintained in which the name of each resident is entered in chronological order with the date and number of entry.

7.2.7. Annual reports shall be submitted to the West Virginia nursing home licensing board and the state department of health on forms which will be supplied for this purpose.

Every home shall provide the board with such financial and statistical data as the board may reasonably request from time to time.

7.3. Management and Personnel of Personal Care Homes

7.3.1. The administrator, if not the licensee, shall be appointed by the licensee. The administrator shall designate an individual who, in his absence but under his supervision, will perform all the necessary duties of this position. The administrator and his representative each shall be at least 21 years of age, of reputable and responsible character, and otherwise qualified.

At no time shall a personal care home be left without competent administrative direction.

The administrator shall be qualified through education, training, or experience in the skills appropriate to the functions and responsibilities of admin-

istration.

7.3.2. Personnel Requirements - No person under the age of 18 years shall be employed. There shall be on duty at all times sufficient personnel to render proper resident care and all related services.

Adequate relief personnel should be available to allow uninterrupted services to residents during scheduled staff absences, off days, or rest periods.

The number of staff needed for a given facility will vary with the size and kind of program, the type of residents, and a variety of other factors. This is determined more by demonstrated personal care and attitude of the residents. It is essential that every home have a sufficient number of competent personnel employed to meet personal and activity needs of residents and to take care of housekeeping and food service. The training, intelligence, physical condition, and competence of employees determine to some extent the number of employees needed.

A registered nurse shall be employed in a supervisory capacity to make a weekly visit, or the management or administrator may make arrangements with the local health officer for a public health nurse to make the periodic visit. If a registered nurse cannot be obtained, a licensed practical nurse may fulfill this responsibility if approved by the board. Written documentation of the weekly visit shall be kept. Personal care homes with 30 or more beds must comply with section 9, subsection 9.2., paragraph 9.2.1.

7.3.3. Physical Examinations

(a) Each employee shall have an annual physical examination including tuberculin skin test and/or chest x-ray. Such shall be in writing and retained in the employee's personnel records.

(b) All persons engaged in the handling or serving of food shall obtain a food handler's permit from the local health department prior to employment and it shall be retained in the files of the personal care home and available for inspection upon request.

(c) Personnel absent from duty because of any communicable disease shall not return to duty until a physician has declared them fully recovered.

64-14-8. Physical Facilities

8.1. Site Selection

8.1.1. Location - The personal care home shall be accessible to physicians, services, medical facilities, and located within the service area of a fire department. There shall be a good drainage, approved sewerage disposal, safe water supply, electricity, telephone, and other necessary facilities available on or near the site.

8.1.2. Site Inspection - An inspection of the proposed personal care home location shall be requested in writing and an approval shall be obtained from the board before construction is started or a personal care home facility is established in an existing building.

8.1.3. Local building codes and zoning restrictions shall be observed. Evidence to this effect, signed by local fire, building and zoning officials shall be available. Where local codes or regulations permit lower standards than required by these regulations, the standards contained herein shall govern.

8.1.4. Environment - Newly established personal care homes shall be located in an environment which is free from excessive noises from railroads, freight yards, traffic arteries, schools, playgrounds, and airports. The site shall not be exposed to smoke, foul odors, or dust.

8.1.5. Transportation shall be facilitated by hard surfaced, all weather roads which are kept passable at all times. There shall be walks and parking areas provided.

8.2. New Construction - Before construction has started or contracts are awarded, for any new construction, remodeling, or alterations, plans shall be submitted to the board and to the state fire marshal for review, recommendations, and approval.

8.3. Additions and Alterations

8.3.1. Scope - Additions and alterations to all personal care homes shall conform to the minimum standards for new construction.

8.3.2. Plans and Specifications - Before making any structural changes to existing licensed institutions, the licensee shall be responsible for advising the West Virginia nursing home licensing board, in writing, as to what is intended. Upon the board's re-

quest, there shall be submitted such plans, specifications, or other information as may be required to approve the proposed changes.

8.3.3. Conversion of existing buildings, or portions thereof for use as a personal care home shall be required to meet all standards as set forth for new construction.

8.4. General Building, Space, Equipment, Safety, Sanitation, House keeping, and Maintenance Requirements

8.4.1. Structural Soundness and Repair - The building shall be structurally sound, in good repair, and painted at sufficient intervals to remain reasonably attractive inside and out.

8.4.2. Walls, Ceilings, and Floors - Each occupied room shall have smooth floors, walls, and ceilings in good repair; be free from unfilled cracks and so finished as to enable satisfactory cleaning. Wall-to-wall carpets must be of an approved type.

8.4.3. Doors, Windows, and Outer Openings

(a) All doors and windows shall be operable.
(b) Windows shall be constructed and maintained to fit snugly, yet can be opened and closed easily.

(c) Outer openings shall be screened to prevent entrance of insects, and shall be protected against entrance of rain and snow. Screen doors and windows shall swing outward and be self-closing. Removable window screens shall be designed and installed so as not to block exit in case of emergency.

8.4.4. Corridors, stairways, and elevators shall be of a width and design that will easily accommodate the removal of residents by stretcher. They must be constructed and maintained in compliance with all safety regulations and requirements.

Elevators shall be kept in good running condition.

Nonslip treads are recommended for existing stairways and in new construction will be required.

8.4.5. Ramps and inclines shall not be less than 44" wide nor steeper than one foot of rise in eight feet of run, and shall be finished with a nonslip surface.

8.4.6. Handrails shall be provided on all inside and outside stairs, ramps, and elevators as recommended by the board. Low windows, open porches, changes in floor level and similar accident hazards must be so protected that the danger of accidents is minimized. Danger areas on the property outside the building shall also be safeguarded.

8.4.7. Resident's rooms shall have an outside exposure through a vertical transparent window. Rooms extending below ground level shall not be used for residents unless specifically approved by the board. In new construction, no resident's room shall be allowed below ground level and all resident rooms shall open directly onto a corridor.

All resident rooms shall be numbered.

(a) Sleeping quarters shall provide:

(1) Not less than 80 square feet of floor area in one-bed rooms;

(2) Not less than 60 square feet per person in rooms accommodating two or more persons;

(3) There shall be at least three feet between beds.

(b) Beds must not be placed in corridors, living rooms, dining rooms, kitchens, basements, or attics.

A bed shall be provided for each resident. Cots or rollaway beds are not acceptable.

Each resident shall also have a bedside table, a bureau, or equivalent, a chair, and closet space

8.4.8. Bathing and Toilet Facilities for Residents

(a) Adequate toilet and bathing facilities shall be provided. The following minimum facilities shall be provided on each floor where residents live:

(1) One toilet and washbasin for each five (5) residents.

(2) One bath or shower for each ten (10) residents.

(b) If both sexes are admitted, facilities shall

be arranged according to need for segregation and privacy.

Stall showers with side sprays, stools and handrailing are desirable for residents unable to get in and out of the tub easily.

Bathrooms shall be well lighted and ventilated to the outside.

Toilet rooms used by female staff shall be provided with a covered waste receptacle.

8.4.9. Recreation - A sitting room shall be provided for reading and recreational purposes. This room should be equipped with television, reading material, a daily paper, and comfortable chairs. Thought should be given to making it as cheerful and homelike as possible.

8.4.10. Lighting

(a) All living rooms, halls, toilets, and other parts of the building used by residents shall be equipped with artificial light for night use.

(b) In order to provide sufficient natural light in rooms occupied by residents, the floor area shall not be greater than eight times the window area.

8.4.11. Temperature Maintained - Heat is preferably supplied from a central heating plant. All bedrooms, dining rooms and general living quarters used by residents shall be supplied with heat so that a temperature suitable for aged persons can be maintained in winter. All gas heaters shall be vented to the outside.

8.4.12. Fire Protection - A certificate of approval or a list of deficiencies shall be obtained from the state fire marshal by any personal care home required to be licensed. A copy of such certificate of approval or list of deficiencies shall be filed with the West Virginia nursing home licensing board.

(a) The home shall be free from fire hazards and have adequate fire protection.

(b) A sufficient number of fire extinguishers properly charged and placed on each floor and easily accessible shall be provided as required by the state fire marshal.

(c) There shall be at least two exits from each floor and these shall be at a reasonable distance from each other. Additional exits may be required.

(d) If any outside stairway is to be erected, the type shall first be approved by the state fire marshal.

(e) Ashes shall be kept in metal containers with metal covers.

(f) The cellar, attic, closets, and shafts of elevators and dumbwaiters shall be kept free from trash, paint, gasoline or other inflammable materials.

(g) All heating and cooking appliances other than electrical shall be properly vented to the outside. All gas connections shall be of rigid metal piping. Open fireplaces shall be protected by screens.

(h) The use of portable heaters is prohibited. Precautionary measures meeting the requirements of safety shall be taken when electric appliances such as irons, fans and coffee pots are used.

(i) A fire plan shall be worked out for each home. Wherever possible, this plan should be drawn up with the advice of the nearest local fire department or the local fire prevention bureau. The manager and all employees shall be fully informed on the fire plan for the facility, including their duties, location and operation of fire extinguishers, fire alarm boxes and telephone procedure in calling the fire department.

(j) Residents shall not be permitted to smoke in bed except that those confined in bed by illness or infirmity may be permitted to do so under the direct supervision of an attendant.

(k) Adequate flashlights shall be provided for use in emergencies. Open flame lights such as candles, kerosene lamps, gasoline lamps or lanterns are prohibited.

8.4.13. Sanitation and Preventive Health Measures

(a) An ample supply of hot and cold water shall be available at all times. Precautions shall be taken to prevent scalding in baths or showers.

(b) All applicable public health requirements must be met. The local public health authority or the

state department of health will be requested to make a sanitation inspection annually and when otherwise indicated.

(c) All parts of the premises shall be kept neat, clean, and free from all accumulations of dirt, and rubbish; well ventilated and free from foul, stale, and musty odors. Rooms shall be thoroughly cleaned following the departure of any resident.

(d) Adequate provisions for the collection and disposal of garbage, ashes and waste material shall be provided. Covered watertight containers shall be provided for garbage and metal containers for ashes.

(e) Satisfactory precautions shall be taken to guard against the presence of flies, roaches, rats and other vermin.

(f) Adequate linen shall be available so that beds are clean at all times and emergencies can be met.

(g) Clothing shall be kept clean and in good repair.

(h) Special supervision and assistance shall be given to those persons who are unable to keep themselves neat and clean. Proper care of hair and nails is essential.

(i) All poison or toxic substances shall be stored in such a manner as to be nonaccessible to residents.

(j) The facility shall make provisions for the proper cleaning of linen and other washable goods either on or off the premises.

8.4.14. Sanitation, Housekeeping and Maintenance

(a) Water Supply and Sanitation - All systems of water supply, plumbing, sewage, garbage, or refuse disposal shall be approved by the state department of health.

(b) Housekeeping and Maintenance - Housekeeping and maintenance are required to be such that safe, comfortable, and sanitary living conditions for residents and employees are maintained constantly.

Accumulated waste or refuse shall be kept in approved, easily cleanable, covered refuse containers and shall be removed daily or more frequently if necessary.

Stairwells and corridors shall be kept free from obstructions at all times.

The grounds shall be kept in sanitary, safe, and presentable condition.

There shall be sufficient supplies and equipment, properly stored and conveniently located, to permit frequent cleaning of floors, walls, woodwork, windows, and screens, to facilitate all necessary building and grounds maintenance.

Enamelware equipment is prohibited.

(c) Safe Plumbing - Plumbing shall be so sized, installed and maintained as to carry adequate quantities of water to required locations throughout the facility; as to prevent contamination of water supply; as to properly convey sewage and liquid waste from the establishment to the sewerage or sewage disposal system; and so that it does not constitute a source of contamination of food, equipment, or create an unsanitary condition or nuisance.

§64-14-9. Resident Care and Supervision

9.1. Resident Care

9.1.1. The owner or superintendent of each home shall arrange for the services of a regularly licensed physician or physicians to be available on call in case of emergency or when otherwise needed by residents who do not have the services of a personal physician available to them.

9.1.2. Whenever a resident suffers serious illness or accident, the next of kin, or other designated person, shall be notified of such condition. All accidents or illness must be recorded on the resident's record.

9.1.3. First aid and emergency supplies and equipment shall be readily available at all times and their use known to persons on duty.

9.1.4. If a resident's condition is such that there is danger of falling from his bed, side rails shall be used on the bed.

9.1.5. A bell or other signaling device shall be provided.

9.1.6. The operator and employees shall not abuse or punish any resident of the home by any method of physical force, confinement to a locked room, withholding of food, or otherwise.

9.1.7. If a resident becomes ill, disturbed, or unmanageable, a physician shall be notified promptly. Methods of physical restraint shall not be used except in an emergency or under the direction of a physician. If such a resident does not respond to the treatment provided by the physician, arrangements shall be made for his removal from the home.

9.1.8. The medicine cabinet or closet shall be conveniently located and adequately illuminated. All drugs shall be locked and accessible only to a responsible person in charge. A record shall be kept of all resident medication provided.

9.1.9. No medications shall be kept by the residents in their rooms for self administration. If a resident is in need of routine supportive drugs, such medications shall be kept in a locked cabinet and released to the resident as directed by a regularly licensed physician.

Drugs shall be administered only by an adult responsible employee of the personal care home or other qualified personnel.

9.1.10. Personnel of the home shall take charge of all medications unless the resident's condition is such that the physician will permit the resident to handle the medications himself and there is no danger of any other residents having access to the medications. This permission shall be in writing.

9.2. Nursing Services

9.2.1. Supervising Nurse - All personal care homes with thirty or more beds shall retain the services of a registered nurse or a LPN currently registered in West Virginia as supervising nurse.

Responsibilities of the supervising nurse shall include:

(a) Daily visits to the personal care home, availability for patient care and emergencies at all times, and administration of all medications and

treatments.

(b) A brief report of each visit to the personal care home.

(c) Assurance of safe and competent resident care by personnel who have been thoroughly instructed and trained in their delegated duties.

(d) A written notice, upon termination of services, is to be given to the administrator, allowing sufficient time to secure a replacement. A copy of such notice of termination shall be sent by the administrator to the board.

9.2.2. A separate incident report shall be prepared on any accident affecting the resident inside or outside the home. The report shall include the time, place, and the details as to how the accident occurred. The report shall be written and signed by the person who is responsible for the resident at that time. The resident's physician shall be notified within a reasonable time not to exceed 24 hours, and a notation of this notification made on the resident's record.

§64-14-10. Food Service

10.1. Personal care homes shall maintain a food service program which is adequately organized, equipped, and staffed to serve nutritionally adequate meals at optimum temperatures to all residents. Salt shall not be omitted in food preparation unless it is contraindicated by a physician's orders. Texture of food shall be given special attention when served to residents with no dentures, ill-fitting dentures, or impaired teeth. In new facilities constructed after date of these revisions, an adequate furnished dining room sized to accommodate the number of licensed beds shall be provided.

10.1.1. Meal Hours and Tray Service - At least three meals per day shall be served. Unless a substantial bedtime snack is provided, not more than 14 hours shall elapse between a substantial evening meal and breakfast. If facility has less than ten beds, meal spacing may be altered at the discretion of the board.

Trays served to residents in their rooms shall be provided with firm supports.

Residents who require assistance with eating shall be served promptly at regular dining hours. Spe-

cial effort shall be made to offer fluids to residents at frequent intervals when the resident is unable to obtain fluids for himself.

10.1.2. Menu Planning - Menus shall be planned and written at least one week in advance for general and modified diets. Menus shall be dated and posted in the kitchen for easy reference by food service employees. Menus, as served, with all substitutions noted, shall be filed for at least three months. The advanced planning of menus may be waived by the board in facilities with less than ten beds. Food purchasing records shall be kept on premises.

The following foods and amount are considered the minimum to meet nutritional requirements, and shall be served daily as the general or "regular" diet. The texture or form of these foods shall be modified as needed for residents with impaired dentition.

(1) Milk Group: One pint of milk or its equivalent. Cheese, cottage cheese, or ice cream may be used as part of the milk allowance, and part may be used in cooking.

(2) Meat Group: Two or more servings of lean meat, fish, poultry, eggs, or cheese, with dried beans or peanut butter as occasional alternates. Eggs shall be served at least four times a week. One serving shall be at least a two ounce edible portion of meat or its equivalent.

(3) Vegetables: Two or more servings, including a yellow or leafy green vegetable at least four times each week.

(4) Fruits: Two or more servings, at least one of which shall be a citrus fruit or other good

source of vitamin C. Fruit flavored drinks, preserves, jellies or plain gelatin desserts shall not be considered as fulfilling these requirements.

(5) Whole Grain, Enriched, or Restored Bread and Cereals: One or more servings each meal.

(6) Other foods to round out meals and snacks for individual appetites and to provide additional calories.

10.1.3. Special diets shall be served to residents in accordance with physician's written orders. Special diets shall be reviewed every three months. Food service personnel shall be advised in writing of such orders for modified diets (or changes in orders) and the physician's order shall be retained in the patient's medical record.

10.1.4. An adequate supply of quality food shall be kept on the premises as follows:

(1) Staples for a minimum of one week period.

(2) Perishables for a minimum of 48 hours.

Editor's note: This regulation (now legislative rule) was promulgated and filed in 1971 by the West Virginia nursing home licensing board which was abolished in 1977. The authority for personal care home licensure was transferred to the state health department. The authority for promulgation of licensure regulations was transferred to the state board of health. References to the nursing home licensing board within this regulation should be interpreted in accordance with these and additional changes in the law in 1977.

WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Personal Care Home Licensure

WEST VIRGINIA LEGISLATIVE RULES
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Personal Care Home Licensure

Chapter 16-5C
Series 14
(1983)

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WEST VIRGINIA LEGISLATIVE RULES
BOARD OF HEALTH

Chapter 16-5C
Series 14
(1983)

Subject: Personal Care Home Licensure

Section 1. General

1.1. Scope - These legislative rules govern the licensing of personal care homes.

1.2. Authority - These legislative rules are issued under the authority of and are related to Chapter 16, Article 5C, Section 1 et seq. of the West Virginia Code of 1931, as amended.

1.3. Filing Date - These legislative rules were promulgated on the 27th day of October, 1971 and were filed on the 27th day of October, 1971 in the Secretary of State's office.

1.4. Effective Date - These legislative rules became effective on the 28th day of November, 1971.

1.5. Refiling Date - These legislative rules were refiled pursuant to Chapter 29A, Article 2, Section 5 of the West Virginia Code of 1931, as amended, on the 30th day of December, 1982.

Editor's note: This regulation (now legislative rule) was promulgated and filed in 1971 by the West Virginia nursing home licensing board which was abolished in 1977. The authority for personal care home licensure was transferred to the state health department. The authority for promulgation of licensure regulations was transferred to the state board of health. References to the nursing home licensing board within this regulation should be interpreted in accordance with these and additional changes in the law in 1977. A detailed analysis has not been attempted for this refiling.

Section 2. Application and Enforcement

2.1. Application - These legislative rules shall apply to every individual and every form of organization whether incorporated or unincorporated, including any partnership, corporation, trust, association or political subdivision of the state which shall operate or apply to operate a personal care home as defined in these rules.

2.2. Enforcement - The enforcement of these rules is vested with the West Virginia department of health.

Section 3. Definitions

3.1. Ambulant Resident - Means any resident who, without assistance in an emergency, would be physically and mentally capable of traveling to safety.

3.2. Applicant - Shall mean the person who submits an application for a license, or a renewal of a license, to operate a personal care home.

3.3. Bed Capacity - Means the greatest number of beds the personal care home is licensed to offer for resident use.

3.4. Board - Whenever used in these standards and regulations means the West Virginia nursing home licensing board.

3.5. License - Means the document issued by the West Virginia nursing home licensing board and constitutes the authority to receive residents and perform services included within the scope of these regulations.

3.6. Personal Care Home - Shall include, but not be limited to, homes for the aged, convalescent homes and other facilities not offering medical and nursing care on a full-time basis. A "personal care facility" as distinguished from a "nursing home" is a place for the care of aged or

infirm persons whose principal need is a home with such sheltered and custodial care as their age or infirmities require. In such homes, medical care is only occasional or incidental, such as may be required in the home of any individual or family for persons who are aged or infirm. The resident of such homes will not, as a rule, have remedial ailments or other ailments for which continuing skilled planned medical and nursing care is indicated.

All facilities coming within the definition of the term "personal care facility" in which an accommodation of four or more beds is maintained, furnished or offered for patients or individuals for board and personal care of not less than twenty-four hours in any week, shall be licensed as a personal care facility.

3.7. Resident - When used throughout these standards and regulations means any person who is residing in a personal care home as a boarder or guest.

3.8. Violation - Means failure to comply with the licensing law or any provisions of these regulations. A violation constitutes a misdemeanor as set forth in Section 5, Article 5E, Chapter 16, Code of West Virginia, 1931, as amended.

Section 4. Procedures Governing Adoption, Amendment, and Recision of Regulations - The West Virginia nursing home licensing board shall have the power to make, enforce, modify, amend, or rescind rules and regulations governing the operation and conduct of personal care homes as specified in Section 4, Article 5C, Chapter 16, Code of West Virginia, 1931, as amended.

Section 5. Inspections - Duly authorized representatives of the West Virginia nursing home licensing board shall have the right to enter upon or into the premises of any personal care home in order to make whatever inspection is deemed necessary in accordance with the licensing authority vested in the board, but all duly authorized representatives prior to making inspection shall properly identify themselves to the administrator of the personal care home or his duly authorized representative and after completing any inspection shall, prior to leaving the personal care home premises leave either an oral or written report of his findings with the administrator of the personal care home or his duly authorized representative.

Section 6. The License

6.1. Institutions to be Licensed - A license is required of all places that are conducted as personal care homes, within the meaning of the term as defined in Chapter I, Section B, of these regulations and in Section I, Article 5E, Chapter I6, Code of West Virginia, provided that such place is not specifically excluded by the code. A separate license shall be required for personal care homes maintained on separate premises even though operated under the same management.

6.2. Institutions Exempt from These Regulations - The following homes or facilities for adults do not come within the meaning of these regulations: nursing homes, convalescent homes, home for the chronically ill and similar facilities that offer or provide either medical or nursing attention and which are subject to license by the state department of health or the West Virginia nursing home licensing board, or as defined in Section I, Article 5E, Chapter I6, Code of West Virginia, 1931, as amended.

6.3. Application for License - Applicants for license shall file applications with the West Virginia nursing home licensing board upon forms prescribed by the board and shall pay an annual license fee as required in Section 4, Article 5E, Chapter 16, Code of West Virginia, as follows: "An application fee in the amount of ten dollars for an original personal care facility license shall be paid at the time application is made for such license. The license fee for renewal of license shall be two dollars per bed. The bed capacity for the holder of each license shall be determined by the board. All such license fees shall be due and payable to the board on or before June thirtieth of each year. Such fee and application shall be submitted to the secretary of the board who shall retain both the application and fee pending final action on the application."

Subterfuge or other evasive means, such as filing for a license through a second party when an individual has been disqualified for licensure, shall constitute grounds for the refusal or revocation of a license.

Furnishing of an application form is in no way a guarantee that the completed application will be acceptable or that a license will be issued by the West Virginia nursing home licensing board.

6.3.1. Name of Personal Care Home - Every personal care home shall be specifically identified as such by an appropriate name, which shall be used in applying for a license. It shall not be changed without the approval of the West Virginia nursing home licensing board. Following such approval, the new name will be shown on the next issue of a license. The words "clinic," "hospital," "sanitorium," "sanitarium," "nursing home," or any other such word which will reflect a different type of institution, shall

not appear in the title of a personal care home. False or misleading advertising by a personal care home is prohibited.

6.3.2. Number of Beds - Each application for license shall specify the maximum number of beds established by the West Virginia nursing home licensing board as the facility's legal bed capacity. Personal care homes shall not exceed their legal bed capacity at any time.

6.3.3. References - Each new applicant must provide the names of five reputable citizens with whom he is personally acquainted and who can certify to the good character and qualifications of the applicant.

6.4. Issuance of License - The license will be issued on a form prescribed by the West Virginia nursing home licensing board and shall set forth the name, location, legal applicant, and number of beds for which the personal care home is licensed.

A Class I license will be issued when all requirements have been met.

A Class II license with deficiencies listed may be issued at the discretion of the board when the facility does not fully meet the requirements for sanitation and fire safety, but good personal care is being provided for the residents.

6.4.1. Expiration and Renewal of License - All licenses shall expire on the thirtieth day of June following the date of their issuance.

Applications for the renewal of licenses will be mailed to each personal care home, and shall be completed and returned by the applicant, with the required license fee, to the West Virginia nursing home licensing board before June thirtieth of each year.

The renewal of a Class I license shall be contingent upon evidence of compliance with the licensing law and all minimum standards and regulations.

The renewal of a Class II license with deficiencies shall be at the discretion of the board and shall be contingent upon the continued efforts of the licensee to comply with all minimum standards and requirements.

Each applicant will be duly notified of any noncompliances. He shall have complied with the provisions of the law, rules and regulations before issuance of a license will be considered.

6.4.2. Posting of License - The license shall be conspicuously posted within the personal care home so as to be plainly visible from the main entrance of the building.

6.4.3. A facility operating under a Class II license with deficiencies should supply all current and incoming residents with a list of deficiencies.

6.5. Revocation of License - After an opportunity for a hearing, the West Virginia nursing home licensing board may revoke the license of any facility found in violation of the licensing law or these regulations.

6.5.1. Reissuance of License - If a license is revoked, a new application for a license will be considered by the West Virginia nursing home licensing board when the conditions upon which revocation was based have been corrected and evidence of this fact has been furnished.

6.6. Return of License Certificate - Each license shall be returned by the licensee to the West Virginia nursing home licensing board immediately upon its revocation, or when the personal care home voluntarily ceases operation.

Section 7. Administration

7.1. Administrative Management

7.1.1. Administrative policies and procedures shall be designed to meet the needs of each personal care home and its residents.

7.1.2. Activity not Related to Personal Care Home Operation - No part of the licensed personal care home may be rented, leased, or used for any purpose not related to the operation of same.

Only those persons actively engaged in the operation of the personal care home shall be permitted to reside therein.

7.1.3. Resident Policies

(a) Types of Residents - Personal care homes shall not admit residents who are ill or need professional nursing care.

Personal care homes shall care only for residents: (1) who may need assistance with meals, dressing, movement, bathing or other personal needs; or (2) who may need general supervision of their physical well being, exclusive of nursing, because of age, physical incapacity, imperfection, or deterioration; or (3) who may be mentally incapable of maintaining a private, independent residence; or (4) who are incapable of managing his person.

(b) Medical Examination by a physician licensed in West Virginia shall be given each resident within seven days prior to, or within seventy-two hours after, admission. The results of this examination shall be recorded in the resident's record.

(c) Responsible Party - The resident or his agent shall sign all admission forms at the time of admission.

(d) Designation of Private Physician - Each person shall be permitted to designate a licensed physician of his choice.

7.1.4. Inventories for Resident's Personal Effects - Items entrusted to the personal care home for safekeeping shall be inventoried and properly stored by the licensee or a responsible agent. A written receipt for any personal belongings or money turned over to the home for safekeeping shall be given to the resident or a responsible person.

7.1.5. Fraud or misrepresentation to secure money or property from residents, or persons applying for admission, will be reported to the county prosecuting attorney or the attorney general of West Virginia for further investigation and prosecution.

7.1.6. Privacy of Residents - The privacy of residents shall be as fully respected as adequate care for them will permit. Residents shall receive their mail unopened and outgoing mail shall not be censored unless otherwise arranged with the resident or his legal guardian.

Official representatives of private or public social agencies shall be allowed privacy for interview with their own clients in the home.

7.1.7. Visiting Hours - Daily visiting hours shall be maintained. The visiting hours shall be posted in a conspicuous place on the premises.

7.2. Records and Reports

7.2.1. Admission records shall be completed without delay upon the resident's admission and shall contain the following information: name and home address; birth date; race; sex; marital status; general health report by physician on admission; name, address, telephone of resident's personal physician; name, address, telephone of nearest relative or other responsible

person to contact in case of emergency; date of admission; place to which moved, if known; name of mortician in case of death; religion and name of minister; and date of discharge.

This record is to be signed by the resident or his agent and the personal care home employee responsible for admission.

7.2.2. Resident's individual file shall be established on admission and maintained on the premises. This file shall contain the resident's admission record, inventory of personal effects, financial record, medical record if any, and all other pertinent information.

7.2.3. Personnel records shall be maintained with appropriate information on each employee, including health certificates.

7.2.4. Record Retention - Resident's records shall be kept current daily from the time of admission to the time of discharge or death, and shall then be filed for a period of five years before being destroyed. Records relating to licensure shall be kept for a period of five years before being destroyed.

7.2.5. A definite place shall be designated to be used in making up and keeping records.

7.2.6. A permanent "Residents Registry Book" shall be maintained in which the name of each resident is entered in chronological order with the date and number of entry.

7.2.7. Annual reports shall be submitted to the West Virginia nursing home licensing board and the state department of health on forms which will be supplied for this purpose.

Every home shall provide the board with such financial and statistical data as the board may reasonably request from time to time.

7.3. Management and Personnel of Personal Care Homes

7.3.1. The administrator, if not the licensee, shall be appointed by the licensee. The administrator shall designate an individual who, in his absence but under his supervision, will perform all the necessary duties of this position. The administrator and his representative each shall be at least 21 years of age, of reputable and responsible character, and otherwise qualified. At no time shall a personal care home be left without competent administrative direction.

The administrator shall be qualified through education, training, or experience in the skills appropriate to the functions and responsibilities of administration.

7.3.2. Personnel Requirements - No person under the age of 18 years shall be employed. There shall be on duty at all times sufficient personnel to render proper resident care and all related services.

Adequate relief personnel should be available to allow uninterrupted services to residents during scheduled staff absences, off days, or rest periods.

The number of staff needed for a given facility will vary with the size and kind of program, the type of residents, and a variety of other factors. This is determined more by demonstrated personal care and attitude of the residents. It is essential that every home have a sufficient number of competent personnel employed to meet personal and activity needs of residents and to take care of housekeeping and food service. The train-

ing, intelligence, physical condition, and competence of employees determine to some extent the number of employees needed.

A registered nurse shall be employed in a supervisory capacity to make a weekly visit, or the management or administrator may make arrangements with the local health officer for a public health nurse to make the periodic visit. If a registered nurse cannot be obtained, a licensed practical nurse may fulfill this responsibility if approved by the board. Written documentation of the weekly visit shall be kept. Personal care homes with 30 or more beds must comply with section 9, subsection 9.2., paragraph 9.2.1.

7.3.3. Physical Examinations

(a) Each employee shall have an annual physical examination including tuberculin skin test and/or chest x-ray. Such shall be in writing and retained in the employee's personnel records.

(b) All persons engaged in the handling or serving of food shall obtain a food handler's permit from the local health department prior to employment and it shall be retained in the files of the personal care home and available for inspection upon request.

(c) Personnel absent from duty because of any communicable disease shall not return to duty until a physician has declared them fully recovered.

Section 8. Physical Facilities

8.1. Site Selection

8.1.1. Location - The personal care home shall be accessible to physicians, services, medical facilities, and located within the service area of a

fire department. There shall be a good drainage, approved sewerage disposal, safe water supply, electricity, telephone, and other necessary facilities available on or near the site.

8.1.2. Site Inspection - An inspection of the proposed personal care home location shall be requested in writing and an approval shall be obtained from the board before construction is started or a personal care home facility is established in an existing building.

8.1.3. Local building codes and zoning restrictions shall be observed. Evidence to this effect, signed by local fire, building and zoning officials shall be available. Where local codes or regulations permit lower standards than required by these regulations, the standards contained herein shall govern.

8.1.4. Environment - Newly established personal care homes shall be located in an environment which is free from excessive noises from railroads, freight yards, traffic arteries, schools, playgrounds, and airports. The site shall not be exposed to smoke, foul odors, or dust.

8.1.5. Transportation shall be facilitated by hard surfaced, all-weather roads which are kept passable at all times. There shall be walks and parking areas provided.

8.2. New Construction - Before construction has started or contracts are awarded, for any new construction, remodeling, or alterations, plans shall be submitted to the board and to the state fire marshal for review, recommendations, and approval.

8.3. Additions and Alterations

8.3.1. Scope - Additions and alterations to all personal care homes shall conform to the minimum standards for new construction.

8.3.2. Plans and Specifications - Before making any structural changes to existing licensed institutions, the licensee shall be responsible for advising the West Virginia nursing home licensing board, in writing, as to what is intended. Upon the board's request, there shall be submitted such plans, specifications, or other information as may be required to approve the proposed changes.

8.3.3. Conversion of existing buildings, or portions thereof for use as a personal care home shall be required to meet all standards as set forth for new construction.

8.4. General Building, Space, Equipment, Safety, Sanitation, House-keeping, and Maintenance Requirements

8.4.1. Structural Soundness and Repair - The building shall be structurally sound, in good repair, and painted at sufficient intervals to remain reasonably attractive inside and out.

8.4.2. Walls, Ceilings, and Floors - Each occupied room shall have smooth floors, walls, and ceilings in good repair; be free from unfilled cracks and so finished as to enable satisfactory cleaning. Wall-to-wall carpets must be of an approved type.

8.4.3. Doors, Windows, and Outer Openings

(a) All doors and windows shall be operable.

(b) Windows shall be constructed and maintained to fit snugly, yet can be opened and closed easily.

(c) Outer openings shall be screened to prevent entrance of insects, and shall be protected against entrance of rain and snow. Screen doors and windows shall swing outward and be self-closing. Removable window screens shall be designed and installed so as not to block exit in case of emergency.

8.4.4. Corridors, stairways, and elevators shall be of a width and design that will easily accommodate the removal of residents by stretcher. They must be constructed and maintained in compliance with all safety regulations and requirements.

Elevators shall be kept in good running condition.

Nonslip treads are recommended for existing stairways and in new construction will be required.

8.4.5. Ramps and inclines shall not be less than 44" wide nor steeper than one foot of rise in eight feet of run, and shall be finished with a nonslip surface.

8.4.6. Handrails shall be provided on all inside and outside stairs, ramps, and elevators as recommended by the board. Low windows, open porches, changes in floor level and similar accident hazards must be so protected that the danger of accidents is minimized. Danger areas on the property outside the building shall also be safeguarded.

8.4.7. Resident's rooms shall have an outside exposure through a vertical transparent window. Rooms extending below ground level shall not be used for residents unless specifically approved by the board. In new construction, no resident's room shall be allowed below ground level and all resident rooms shall open directly onto a corridor.

All resident rooms shall be numbered.

(a) Sleeping quarters shall provide:

(1) Not less than 80 square feet of floor area in one-bed rooms;

(2) Not less than 60 square feet per person in rooms accommodating two or more persons;

(3) There shall be at least three feet between beds.

(b) Beds must not be placed in corridors, living rooms, dining rooms, kitchens, basements, or attics.

A bed shall be provided for each resident. Cots or rollaway beds are not acceptable.

Each resident shall also have a bedside table, a bureau, or equivalent, a chair, and closet space.

8.4.8. Bathing and Toilet Facilities for Residents

(a) Adequate toilet and bathing facilities shall be provided. The following minimum facilities shall be provided on each floor where residents live:

(1) One toilet and washbasin for each five (5) residents.

(2) One bath or shower for each ten (10) residents.

(b) If both sexes are admitted, facilities shall be arranged according to need for segregation and privacy.

Stall showers with side sprays, stools and handrailing are desirable for residents unable to get in and out of the tub easily.

Bathrooms shall be well lighted and ventilated to the outside.

Toilet rooms used by female staff shall be provided with a covered waste receptacle.

8.4.9. Recreation - A sitting room shall be provided for reading and recreational purposes. This room should be equipped with television, reading material, a daily paper, and comfortable chairs. Thought should be given to making it as cheerful and homelike as possible.

8.4.10. Lighting

(a) All living rooms, halls, toilets, and other parts of the building used by residents shall be equipped with artificial light for night use.

(b) In order to provide sufficient natural light in rooms occupied by residents, the floor area shall not be greater than eight times the window area.

8.4.11. Temperature Maintained - Heat is preferably supplied from a central heating plant. All bedrooms, dining rooms and general living quarters used by residents shall be supplied with heat so that a temperature suitable for aged persons can be maintained in winter. All gas heaters shall be vented to the outside.

8.4.12. Fire Protection - A certificate of approval or a list of deficiencies shall be obtained from the state fire marshal by any personal care home required to be licensed. A copy of such certificate of approval or list of deficiencies shall be filed with the West Virginia nursing home licensing board.

(a) The home shall be free from fire hazards and have adequate fire protection.

(b) A sufficient number of fire extinguishers properly charged and placed on each floor and easily accessible shall be provided as required by the state fire marshal.

(c) There shall be at least two exits from each floor and these shall be at a reasonable distance from each other. Additional exits may be required.

(d) If any outside stairway is to be erected, the type shall first be approved by the state fire marshal.

(e) Ashes shall be kept in metal containers with metal covers.

(f) The cellar, attic, closets, and shafts of elevators and dumb-waiters shall be kept free from trash, paint, gasoline or other inflammable materials.

(g) All heating and cooking appliances other than electrical shall be properly vented to the outside. All gas connections shall be of rigid metal piping. Open fireplaces shall be protected by screens.

(h) The use of portable heaters is prohibited. Precautionary measures meeting the requirements of safety shall be taken when electric appliances such as irons, fans and coffee pots are used.

(i) A fire plan shall be worked out for each home. Wherever possible, this plan should be drawn up with the advice of the nearest local fire department or the local fire prevention bureau. The manager and all employees shall be fully informed on the fire plan for the facility, including their duties, location and operation of fire extinguishers, fire alarm boxes and telephone procedure in calling the fire department.

(j) Residents shall not be permitted to smoke in bed except that those confined in bed by illness or infirmity may be permitted to do so under the direct supervision of an attendant.

(k) Adequate flashlights shall be provided for use in emergencies. Open flame lights such as candles, kerosene lamps, gasoline lamps or lanterns are prohibited.

8.4.13. Sanitation and Preventive Health Measures

(a) An ample supply of hot and cold water shall be available at all times. Precautions shall be taken to prevent scalding in baths or showers.

(b) All applicable public health requirements must be met. The local public health authority or the state department of health will be requested to make a sanitation inspection annually and when otherwise indicated.

(c) All parts of the premises shall be kept neat, clean, and free from all accumulations of dirt, and rubbish; well ventilated and free from foul, stale, and musty odors. Rooms shall be thoroughly cleaned following the departure of any resident.

(d) Adequate provisions for the collection and disposal of garbage, ashes and waste material shall be provided. Covered watertight containers shall be provided for garbage and metal containers for ashes.

(e) Satisfactory precautions shall be taken to guard against the presence of flies, roaches, rats and other vermin.

(f) Adequate linen shall be available so that beds are clean at all times and emergencies can be met.

(g) Clothing shall be kept clean and in good repair.

(h) Special supervision and assistance shall be given to those persons who are unable to keep themselves neat and clean. Proper care of hair and nails is essential.

(i) All poison or toxic substances shall be stored in such a manner as to be nonaccessible to residents.

(j) The facility shall make provisions for the proper cleaning of linen and other washable goods either on or off the premises.

8.4.14. Sanitation, Housekeeping and Maintenance

(a) Water Supply and Sanitation - All systems of water supply, plumbing, sewage, garbage, or refuse disposal shall be approved by the state department of health.

(b) Housekeeping and Maintenance - Housekeeping and maintenance are required to be such that safe, comfortable, and sanitary living conditions for residents and employees are maintained constantly.

Accumulated waste or refuse shall be kept in approved, easily cleanable, covered refuse containers and shall be removed daily or more frequently if necessary.

Stairwells and corridors shall be kept free from obstructions at all times.

The grounds shall be kept in sanitary, safe, and presentable condition.

There shall be sufficient supplies and equipment, properly stored and conveniently located, to permit frequent cleaning of floors, walls, woodwork, windows, and screens, to facilitate all necessary building and grounds maintenance.

Enamelware equipment is prohibited.

(c) Safe Plumbing - Plumbing shall be so sized, installed and maintained as to carry adequate quantities of water to required locations

throughout the facility; as to prevent contamination of water supply; as to properly convey sewage and liquid waste from the establishment to the sewerage or sewage disposal system; and so that it does not constitute a source of contamination of food, equipment, or create an insanitary condition or nuisance.

Section 9. Resident Care and Supervision

9.1. Resident Care

9.1.1. The owner or superintendent of each home shall arrange for the services of a regularly licensed physician or physicians to be available on call in case of emergency or when otherwise needed by residents who do not have the services of a personal physician available to them.

9.1.2. Whenever a resident suffers serious illness or accident, the next of kin, or other designated person, shall be notified of such condition. All accidents or illness must be recorded on the resident's record.

9.1.3. First aid and emergency supplies and equipment shall be readily available at all times and their use known to persons on duty.

9.1.4. If a resident's condition is such that there is danger of falling from his bed, side rails shall be used on the bed.

9.1.5. A bell or other signaling device shall be provided.

9.1.6. The operator and employees shall not abuse or punish any resident of the home by any method of physical force, confinement to a locked room, withholding of food, or otherwise.

9.1.7. If a resident becomes ill, disturbed, or unmanageable, a physician shall be notified promptly. Methods of physical restraint shall

not be used except in an emergency or under the direction of a physician. If such a resident does not respond to the treatment provided by the physician, arrangements shall be made for his removal from the home.

9.1.8. The medicine cabinet or closet shall be conveniently located and adequately illuminated. All drugs shall be locked and accessible only to a responsible person in charge. A record shall be kept of all resident medication provided.

9.1.9. No medications shall be kept by the residents in their rooms for self administration. If a resident is in need of routine supportive drugs, such medications shall be kept in a locked cabinet and released to the resident as directed by a regularly licensed physician.

Drugs shall be administered only by an adult responsible employee of the personal care home or other qualified personnel.

9.1.10. Personnel of the home shall take charge of all medications unless the resident's condition is such that the physician will permit the resident to handle the medications himself and there is no danger of any other residents having access to the medications. This permission shall be in writing.

9.2. Nursing Services

9.2.1. Supervising Nurse - All personal care homes with thirty or more beds shall retain the services of a registered nurse or a LPN currently registered in West Virginia as supervising nurse.

Responsibilities of the supervising nurse shall include:

(a) Daily visits to the personal care home, availability for patient care and emergencies at all times, and administration of all medications and treatments.

(b) A brief report of each visit to the personal care home.

(c) Assurance of safe and competent resident care by personnel who have been thoroughly instructed and trained in their delegated duties.

(d) A written notice, upon termination of services, is to be given to the administrator, allowing sufficient time to secure a replacement. A copy of such notice of termination shall be sent by the administrator to the board.

9.2.2. A separate incident report shall be prepared on any accident affecting the resident inside or outside the home. The report shall include the time, place, and the details as to how the accident occurred. The report shall be written and signed by the person who is responsible for the resident at that time. The resident's physician shall be notified within a reasonable time not to exceed 24 hours, and a notation of this notification made on the resident's record.

Section 10. Food Service - Personal care homes shall maintain a food service program which is adequately organized, equipped, and staffed to serve nutritionally adequate meals at optimum temperatures to all residents. Salt shall not be omitted in food preparation unless it is contraindicated by a physician's orders. Texture of food shall be given special attention when served to residents with no dentures, ill-fitting dentures, or impaired teeth. In new facilities constructed after date of these revisions, an adequate furnished dining room sized to accommodate the number of licensed beds shall be provided.

10.1.1. Meal Hours and Tray Service - At least three meals per day shall be served. Unless a substantial bedtime snack is provided, not more

than 14 hours shall elapse between a substantial evening meal and breakfast. If facility has less than ten beds, meal spacing may be altered at the discretion of the board.

Trays served to residents in their rooms shall be provided with firm supports.

Residents who require assistance with eating shall be served promptly at regular dining hours. Special effort shall be made to offer fluids to residents at frequent intervals when the resident is unable to obtain fluids for himself.

10.1.2. Menu Planning - Menus shall be planned and written at least one week in advance for general and modified diets. Menus shall be dated and posted in the kitchen for easy reference by food service employees. Menus, as served, with all substitutions noted, shall be filed for at least three months. The advanced planning of menus may be waived by the board in facilities with less than ten beds. Food purchasing records shall be kept on premises.

The following foods and amount are considered the minimum to meet nutritional requirements, and shall be served daily as the general or "regular" diet. The texture or form of these foods shall be modified as needed for residents with impaired dentition.

(1) Milk Group: One pint of milk or its equivalent. Cheese, cottage cheese, or ice cream may be used as part of the milk allowance, and part may be used in cooking.

(2) Meat Group: Two or more servings of lean meat, fish, poultry, eggs, or cheese, with dried beans or peanut butter as occasional al-

ternates. Eggs shall be served at least four times a week. One serving shall be at least a two ounce edible portion of meat or its equivalent.

(3) Vegetables: Two or more servings, including a yellow or leafy green vegetable at least four times each week.

(4) Fruits: Two or more servings, at least one of which shall be a citrus fruit or other good source of vitamin C. Fruit flavored drinks, preserves, jellies or plain gelatin desserts shall not be considered as fulfilling these requirements.

(5) Whole Grain, Enriched, or Restored Bread and Cereals: One or more servings each meal.

(6) Other foods to round out meals and snacks for individual appetites and to provide additional calories.

10.1.3. Special diets shall be served to residents in accordance with physician's written orders. Special diets shall be reviewed every three months. Food service personnel shall be advised in writing of such orders for modified diets (or changes in orders) and the physician's order shall be retained in the patient's medical record.

10.1.4. An adequate supply of quality food shall be kept on the premises as follows:

- (1) Staples for a minimum of one week period.
- (2) Perishables for a minimum of 48 hours.