

**CERTIFICATION OF ADMINISTRATIVE RULES
FILED WITH THE LEGISLATIVE REFERENCE SERVICE
JERRY L. BASSET, DIRECTOR**

(Pursuant to Code of Alabama 1975, § 41-22-6, as amended).

I certify that the attached is/are a correct copy/copies of rule/s as promulgated and adopted on the 3rd day of August, 2012, and filed with the agency secretary on the 14th day of August, 2012.

AGENCY NAME: State Health Planning and Development Agency
(Statewide Health Coordinating Council)

X Amendment; _____ New; _____ Repeal; (Mark appropriate space)

Rule No. 410-2-4-.05

(If amended rule, give specific paragraph, subparagraphs, etc., being amended)

Rule Title: Assisted Living Facilities

ACTION TAKEN: State whether the rule was adopted without changes from the proposal due to written or oral comments;

No public comments were received; the rule was adopted without changes and as published for comment in the Alabama Administrative Monthly.

NOTICE OF INTENDED ACTION PUBLISHED IN VOLUME XXX

ISSUE NO. 8, DATED May 31, 2012.

Statutory Rulemaking Authority: Code of Alabama, 1975 §§ 22-21-260(13), (15) and -274; 22-4-8(b)(2).

(Date Filed)
(For LRS Use Only)

REC'D & FILED

AUG 14 2012

LEGISLATIVE REF SERVICE

Alva M. Lambert
Alva M. Lambert, Executive Director
State Health Planning and Development Agency
(Certifying Officer or his or her Deputy)

(NOTE: In accordance with § 41-22-6(b), as amended, a proposed rule is required to be certified within 90 days after completion of the notice.)

410-2-4-.05 **Assisted Living Facilities**

(1) **Definition.** Assisted living facilities are licensed facilities that consist of permanent buildings, portions of buildings, or groups of buildings (not to include mobile homes and trailers) in which room, board, meals, laundry, assistance with personal care, and other services are provided for not less than twenty-four hours in any week to a minimum of two ambulatory adults not related by blood or marriage to the owner and/or administrator.

(2) **Existing Assisted Living Facilities.** As of January 2004, there were 247 licensed assisted living facilities totaling 7,572 beds operating in the state of Alabama, or approximately 12.1 beds per 1,000 persons 65 and older. Assisted living is available in Alabama on a private-pay basis only.

(3) **Availability.** The 247 licensed assisted living facilities are concentrated in the more populated counties. Three counties contain 35% of the assisted living beds and 10 counties contain 65% of the assisted living beds. Fifty-four of the 67 counties have assisted living facilities and 13 counties have no assisted living facilities. Generally, these facilities are distributed geographically; however, there are two counties in northwest Alabama, and ten counties in central and south Alabama that have no assisted living facilities. Cherokee and Cleburne are the only northeast Alabama counties without an assisted living facility.

(4) **Continuity**

(a) **Discussion.** Assisted living facilities should provide assistance appropriate to resident needs. To insure that comprehensive services are available and to be certain residents are at a proper level of care, assisted living facilities should provide, or should have agreements with health care providers to provide, a broad range of care. When providing these services, transfer of residents and support services should be provided as necessary.

(b) **Self-Help Program.** Assisted living providers will be encouraged to provide a level of assistance that would help and encourage the residents to be self-sufficient for as long as possible before requiring a change to a more dependent home.

(5) **Quality.** Quality assistance is an obligation of all assisted living facilities operating in Alabama. Each facility must meet standards established by the Alabama Department of Public Health (see paragraph 4 above). The Division of Licensure and Certification of the Alabama Department of Public Health is responsible for determining compliance.

(6) **Assisted Living Facilities Bed Need Methodology.**

(a) Purpose. The purpose of this assisted living bed need methodology is to identify, by county, the number of assisted living beds needed to assure the continued availability, accessibility, and affordability of quality supervised assistance for residents of Alabama. Bed need projections contained in this section are recommendations only and are not intended to be regulatory.

(b) Basic Methodology. When reviewing the existing nursing homes and assisted living facilities, it was found that the total combined beds came to approximately 54.7 beds/1,000 sixty-five and older. The adjacent states combined totals were: 53.7 for Mississippi, 83.7 for Georgia, 68.3 for Tennessee, and 51.7 for Florida. Considering the availability of community and home based services and nursing homes for the elderly in Alabama, the methodology in determining the number of beds needed is based on the following formula which will bring Alabama up to 55 combined beds/1,000 sixty-five and older.

Formula

$(16 \text{ beds per } 1,000) \times (\text{population } 65 \text{ and older}) = \text{Projected Bed Need.}$

(c) Planning Policies

1. Population projections will be based on a three-year planning horizon.
2. Planning will be on a countywide basis.
3. Subject to SHCC adjustments, beds should not be added in any county where that county's projected ratio exceeds 16 beds per 1,000 populations 65 and older.
4. No new freestanding assisted living facility should be constructed having less than eight beds.
5. When any assisted living facility relinquishes its license to operate, either voluntarily or involuntarily, the facility and its resources will automatically be eliminated from this section of the State Health Plan. The new bed need in the county where the facility was located will be that number which will bring the county ratio up to 16 beds per 1,000 population 65 and older.

For a listing of Assisted Living Facilities or the most current statistical need projections in Alabama, you may contact the Data Division, as follows:

MAILING ADDRESS
(U.S. Postal Service)

PO BOX 303025
MONTGOMERY AL 36130-3025

TELEPHONE:
(334) 242-4103

E-MAIL:
bradford.williams@shpda.alabama.gov

STREET ADDRESS
(Commercial Carrier)

100 N. UNION STREET SUITE 870
MONTGOMERY AL 36104

FAX:
(334) 242-4113

WEBSITE:
<http://www.shpda.alabama.gov>

Author: Statewide Health Coordinating Council (SHCC).

Statutory Authority: § 22-21-260(4), Code of Alabama, 1975.

History: Effective November 22, 2004; Amended: Filed August 14, 2012; Effective: September 18, 2012.