

2025 Legislative Session Residential Assisted Living



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Agenda

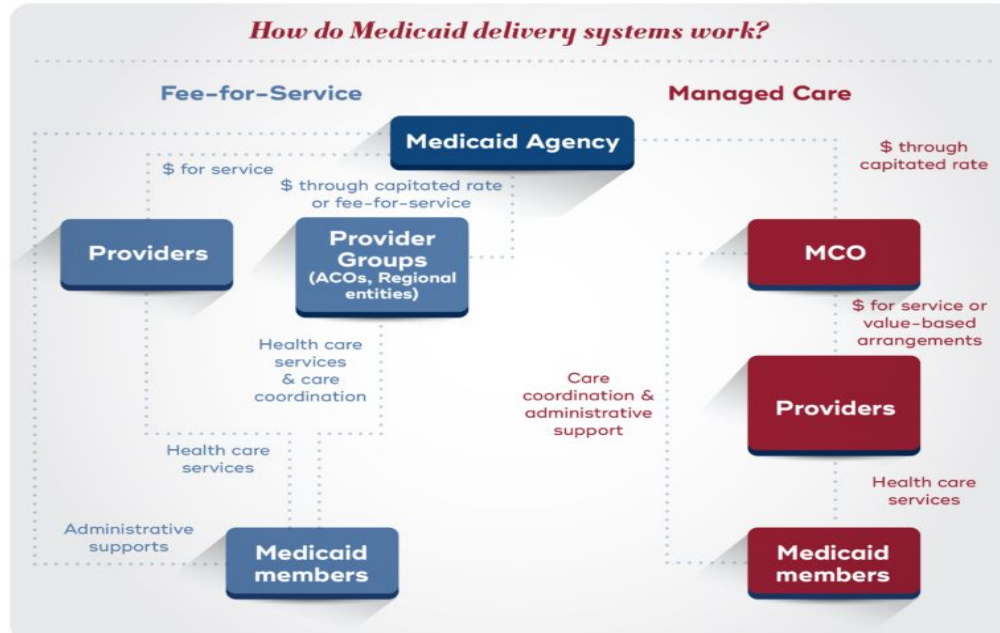
- Medicaid Managed Care
- Changes to Nursing Delegation
- SB 1102

Medicaid Managed Care: HB 345

- Repeal of I. C. § 56-270, authorization for state plan amendment for expansion of Medicaid postpartum care to 12 months
- Authorization to submit state plan amendments for:
 - Rural Emergency Hospital designation
 - Participant cost-sharing
 - Comprehensive Idaho Managed Care
 - Medicaid expansion limits -
 - Work Requirements
 - Choose own health insurance over Medicaid if eligible
 - Change eligibility requirements
 - Change usage of certain funding

What is comprehensive Idaho managed care?

- 42 CFR § 438 sets out what managed care in Medicaid looks like:



Why managed care?

- Budget predictability
- Increased federal flexibility
- Reduced administrative responsibilities/burden
- Potential for improved care coordination and social supports

Nurse Assessments: HB 89

- Idaho Code § 54-1402(3) defines a Licensed Practical Nurse (LPN)
- Subsection (b) amended to allow LPNs to perform appropriate delegated assessments of patients and groups of patients



SB 1102

Streamlining Residential Care

Oversight Streamlining: SB 1102

- DHW rulemaking regarding payment levels is now subject to legislative approval, as are any rules set by the Board of Health and Welfare
- Overall goal to reduce rules and regulations.
- Reduce administrative burdens on facility compliance!
- Effective July 1, 2025.

Definitions

Eleven definitions in Statute:

- NEW:
 - Manager - delegated day to day operations.
 - Immediate Jeopardy - FKA Immediate Danger.
- Modified:
 - Administrator's designee
 - Inadequate Care - simplified
 - Physical Restraint - removed "or normal access to"
 - Core Issue - simplified (removes core for lack of administrator for 30 days)

Oversight Streamlining: SB 1102 (cont'd)

- Level of Care Changes - may increase as of the date of the notice provided by the facility. (§ 39-3303(2)(b))
- Initial assessments may be completed in the 30 days prior to a resident's move into residential care or assisted living, but must be completed prior to admission. (§ 39-3308 (1))
- Move nursing services P&P to statute (§ 39-3308(c)); aligns with possibility that LPN performs the 90 day assessments. RN must still be available to address changes in conditions.

Changes to Resident Rights

Idaho Code 39-3316

- Moved record access to Statute - immediate access with copies provided no later than 2 business days.
 - Removes requirement for locked storage unit (still required to be provided locking door if sharing room for Medicare).
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Changes to Resident Rights cont.

- Updates to financial management of Resident funds - no longer req. 5x Personal Needs Allowance, no longer req. Interest bearing account.
- Update reference to notice requirement upon resident's death - to Medicaid Estate Recovery.

Changes to Resident Rights

Supporting Devices with Restraining Qualities.

- Permits use of devices that may be perceived as a physical restraint so long as certain conditions are met.
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Supportive Devices with Restraining Qualities

1. Resident request or approval AFTER healthcare provided has informed resident of risks and benefits.
2. Facility nurse conducted a thorough assessment.
3. Facility documents use of lesser restrictive measures prior to use of device AND obtains consent from resident or representative.
4. Facility instructs direct care staff on use of device and any precautions needed to be taken.

Patients lacking capacity to consent - obtain consent from PR, Guardian, POA

Changes to Resident Rights

Supporting Devices with Restraining
Qualities.

DOCUMENTATION IS KEY!!

FACILITY MUST DOCUMENT THE
SDRQ'S USE, TO BE INCLUDED IN
RESIDENT'S SERVICE PLAN.

MUST BE REVIEWED QUARTERLY!

Resident Rights cont.

- Moved Refusal of Treatment requirements to Statute. (documentation of informed of consequences, notice to physician/authorized provider of refusal)
- Removes list of specific access rights - instead of conditions - access is access for personal representatives and advocates.
- Transfer and discharge only for medical reasons, safety of resident or other residents, or for non-payment. Right to appeal any non-voluntary discharge.

NEW SECTION - Notice of Resident Rights

1. Inform resident of rights at time of admission (orally and in writing).
2. Make written statement of rights available to resident upon request and notify when changes are made.
3. Written statements of rights must include instructions on how to notify DHW with complaints.
4. Conspicuously post rights at facility at all times.

Incidents and Complaints § 39-3318

- *Simplified!*
 - **Must have a process in place to address incidents and complaints**
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Administrator Qualifications § 39-3321

Moved administrator requirements regarding reportable incidents from rule to statute.

- *Investigation documentation and requirements.*
 - *Supervision requirements*
 - *Notification requirements (reportable incidents and change of administrators)*
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Medication Management § 39-3326

- Medication policy - nurse must label medications with the name, dosage, amount, time to be taken, and special instructions.
- Facilities may use bulk containers for over the counter meds.

Licensing §39-3340

- Administrator may delegate day-to-day activities to Facility Manager.
- Administrator may serve as administrator for up to three (3) facilities.
 - NO NEED FOR WAIVER
 - NO GEOGRAPHICAL RESTRICTIONS.
 - Will need to delegate day-to-day to Facility Manager.

Licensing §39-3340 cont.

- Changes to facility licensing requirements:
 - CHOW, new construction, building conversions req. Licensure prior to commencing operations.
 - New facilities for existing licensed operations not required to resubmit P&P.
 - FLS - required within 180 days for new operator or lessee.
- Minor changes of ownership must be communicated to DHW within 60 days of the change.
- Exceptions for temporary management.

INSPECTIONS

§ 39-3355A

- Initial and follow-up surveys must be announced!
 - Complaint surveys still unannounced.
 - Moved Inspection authority from rule to statute (DHW access to staff, residents, and records).
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Inspections

- Core issues - 10 days after exit conference, facility may adopt opposed POC or submit alternate plan. Follow-up surveys on core issues only. See NEW § 39-3355B
- SELF INSPECTION FOR MINOR COMPLAINTS GOLD AND SILVER STAR FACILITIES! - DHW still able to conduct complaint surveys. Process TBD in rule.

COMPLAINTS

§ 39-3352

- Complaints are not listed on DHW's website (e.g. FLARES)
 - Substantiated Complaints may still be included in inspection reports published on DHW's website.
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SB 1102 Deleted Rules

- .001.05 Exemptions
- .130 Inspections of facilities
- .152.03.b Admission requirements (no NF level of care) - must only take on residents for which the facility may appropriately provide care.
- .215 Requirements for Administrator
- .300 Requirements for Nursing Services
- .550 Requirements for Resident Rights
- .560 Notice of Resident Rights

Questions?



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