

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**Health Facilities Regulation Division****6 CCR 1011-1****STATE BOARD OF HEALTH****STANDARDS FOR HOSPITALS AND HEALTH FACILITIES****CHAPTER XXVI - HOME CARE AGENCIES****Section 3. DEFINITIONS**

3.6 "COMMUNITY CENTERED BOARD" MEANS A PRIVATE CORPORATION, FOR PROFIT OR NOT FOR PROFIT, THAT, WHEN DESIGNATED PURSUANT TO SECTION 27-10.5-105, C.R.S., PROVIDES CASES MANAGEMENT SERVICES TO PERSONS WITH DEVELOPMENTAL DISABILITIES, IS AUTHORIZED TO DETERMINE ELIGIBILITY OF THOSE PERSONS TO RECEIVE SERVICES AND SUPPORTS UNDER C.R.S. TITLE 27, ARTICLE 10.5, AND PROVIDES AUTHORIZED SERVICES AND SUPPORTS TO THOSE PERSONS EITHER DIRECTLY OR BY PURCHASING SERVICES AND SUPPORTS FROM SERVICE AGENCIES.

3.76 "Consumer" means a person who receives skilled home health services or personal care services in his or her temporary or permanent home or place of residence from a home care agency or a provider referred by a home care placement agency.

3.87 "Department" means the Colorado Department of Public Health and Environment.

3.98 "Employee" means any person providing home care and services on behalf of the agency.

3. "Geographic area" means an area of land, for which the agency shall be licensed surrounding the home care agency's primary location. There is no restriction as to the number of agencies that may provide services in a particular geographic area.

3.110 "Home care agency" means any sole proprietorship, partnership, association, corporation, government or governmental subdivision or agency subject to the restrictions in Section 25-1.5-103(1)(a)(II), C.R.S., not-for-profit agency, or any other legal or commercial entity that manages and offers, directly or by contract, skilled home health services or personal care services to a home care consumer in the home care consumer's temporary or permanent home or place of residence. Home care agency is also referred to in this chapter as "HCA" or "agency."

(A) A residential facility that delivers skilled home health or personal care services which the facility is not licensed to otherwise provide, shall either be licensed as a home care agency or require the skilled home health or personal care services to be delivered by a licensed home care agency.

(B) "Home care agency" does not include:

(1) Organizations that provide only housekeeping services;

- 1 (2) Community and rural health networks that furnish home visits for the purpose of public
2 health monitoring and disease tracking;
- 3 (3) An individual who is not employed by or affiliated with a home care agency and who
4 acts alone, without employees or contractors;
- 5 (4) Outpatient rehabilitation agencies and comprehensive outpatient rehabilitation facilities
6 certified pursuant to Title XVIII or XIX of the "Social Security Act," as amended;
- 7 (5) Consumer-directed attendant programs administered by the Colorado Department of
8 Health Care Policy and Financing;
- 9 (6) Licensed dialysis centers that provide in-home dialysis services, supplies, and
10 equipment;
- 11 (7) Subject to the requirements of Section 25-27.5-103(3), C.R.S., a facility otherwise
12 licensed by the department; or
- 13 (8) A home care placement agency as defined in this section.
- 14 (9) SERVICES PROVIDED BY A QUALIFIED EARLY INTERVENTION SERVICE PROVIDER AND OVERSEEN
15 JOINTLY BY THE DEPARTMENT OF EDUCATION AND THE DEPARTMENT OF HUMAN SERVICES.
- 16 3.124 "Home care placement agency" means an organization that, for a fee, provides only referrals of
17 providers to home care consumers seeking services. A home care placement agency does not provide
18 skilled home health services or personal care services to a home care consumer in the home care
19 consumer's temporary or permanent home or place of residence directly or by contract. Such
20 organizations shall follow the requirements of Sections 25-27.5-103(2), 25-27.5-104(1)(c), and 25-27.5-
21 107, C.R.S., and section 4 of this chapter
- 22 3.132 "Informal caregiver" means a person who provides care to the consumer when the paid caregiver is not
23 in the home.
- 24 3.143 "Intermediate care provider" means a nurse practitioner or physician assistant.
- 25 3.154 "Nurse aide" means a nurse aide certified by the Colorado Department of Regulatory Agencies or a
26 nurse aide who has completed the requisite training and is within four (4) months of achieving
27 certification.
- 28 3.165 "Parent home care agency" means the agency that develops and maintains administrative control of
29 branch offices.
- 30 3.176 "Personal care services" means assistance with activities of daily living, including but not limited to
31 bathing, dressing, eating, transferring, walking or mobility, toileting, and continence care. It also includes
32 housekeeping, personal laundry, medication reminders, and companionship services furnished to a
33 home care consumer in the home care consumer's temporary or permanent home or place of
34 residence, and those normal daily routines that the home care consumer could perform for himself or
35 herself were he or she physically capable, which are intended to enable that individual to remain safely
36 and comfortably in the home care consumer's temporary or permanent home or place of residence.
- 37 3.187 "Plan of correction" means a written plan prepared by the HCA and submitted to the department for
38 approval that specifies the measures the HCA shall take to correct all cited deficiencies.

- 1 3.198 "Primary agency" means the agency responsible for the CONSUMER'S DIRECT CARE COORDINATION
 2 ~~professional case management of the consumer~~ when a secondary or subcontracted agency is also
 3 providing care and services.
- 4 3.20 "QUALIFIED EARLY INTERVENTION SERVICE PROVIDER" HAS THE SAME MEANING SET FORTH IN SECTION 27-
 5 10.5-702, C.R.S.
- 6 3.21 "SERVICE AGENCY" MEANS A FACILITY OR PROGRAM AS DEFINED IN SECTION 27-10.5-102, C.R.S. THAT IS
 7 CURRENTLY CERTIFIED BY THE COLORADO DEPARTMENT OF HUMAN SERVICES (DHS) AND THAT IS DEEMED TO
 8 MEET THE REQUIREMENTS OF THIS CHAPTER IF THE ONLY SERVICES IT PROVIDES ARE PURSUANT TO A
 9 CONTRACT OR PROVIDER AGREEMENT WITH DHS.
- 10 3. "Service note" means a written notation that is signed, with date and time, by an employee of the home
 11 care agency furnishing the non-medical services.
- 12 3.230 "Skilled home health services" means health and medical services furnished in the consumer's
 13 temporary or permanent place of residence that include wound care services; use of medical supplies
 14 including drugs and biologicals prescribed by a physician; in-home infusion services; nursing services;
 15 or certified nurse aide services that require the supervision of a licensed or certified health care
 16 professional acting within the scope of his or her license or certificate; occupational therapy; physical
 17 therapy; respiratory care services; dietetics and nutrition counseling services; medication administration;
 18 medical social services; and speech-language pathology services. "Skilled home health services" does
 19 not include the delivery of either durable medical equipment or medical supplies.
- 20 3.244 "Subdivision" means a component of a multi-function health agency, such as the home care department
 21 of a hospital or the nursing division of a health department, which independently meets the licensure
 22 requirements for HCAs. A subdivision that has branch offices is considered a parent agency.
- 23 3.252 "Summary report" means the compilation of the pertinent factors of a home care consumer's clinical
 24 notes that is submitted to the consumer's physician by the skilled home health care agency.
- 25 3.263 "Supervision" means authoritative procedural guidance by a qualified person for the accomplishment of
 26 a function or activity.
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- 28 **Section 5. DEPARTMENT OVERSIGHT**
- 29 5.1 License classification
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- 31 (D) Services provided to the developmentally disabled
- 32 (1) ON OR AFTER SEPTEMBER 1, 2011, A COMMUNITY CENTERED BOARD THAT IS DIRECTLY
 33 PROVIDING HOME CARE SERVICES SHALL BE LICENSED AS EITHER A CLASS A OR B HOME CARE
 34 AGENCY DEPENDING ON THE SERVICES BEING PROVIDED.
- 35 (2) ON OR AFTER SEPTEMBER 1, 2011, A SERVICE AGENCY THAT HAS RECEIVED PROGRAM
 36 APPROVAL FROM THE DEPARTMENT OF HUMAN SERVICES (DHS) AS A DEVELOPMENTAL
 37 DISABILITIES SERVICE AGENCY UNDER RULES PROMULGATED BY DHS THAT IS PROVIDING
 38 SERVICES PURSUANT TO THE SUPPORTED LIVING SERVICES WAIVER OR THE CHILDREN'S
 39 EXTENSIVE SUPPORT WAIVER SHALL BE LICENSED AS EITHER A CLASS A OR B HOME CARE
 40 AGENCY DEPENDING ON THE SERVICES BEING PROVIDED.

(43) Pursuant to Section 27-10.5-109(2), C.R.S., Independent Residential Support Services provided by the Colorado Department of Human Services (DHS) do not require licensure by the Department.

(4) NOTHING IN THIS SECTION RELIEVES AN ENTITY THAT CONTRACTS OR ARRANGES WITH A COMMUNITY CENTERED BOARD OR SERVICE AGENCY, AND THAT MEETS THE DEFINITION OF A "HOME CARE AGENCY " UNDER SECTION 25-17.5-102, C.R.S., FROM THE ENTITY'S OBLIGATION TO APPLY FOR AND OPERATE UNDER A LICENSE IN ACCORDANCE WITH THESE REGULATIONS.

~~(2) A service agency as defined in Section 27-10.5-102(28), C.R.S. that is currently certified by DHS shall be deemed to meet the requirements of this chapter if the only services it provides are pursuant to a contract or provider agreement with DHS.~~

5.2 License procedure

(A) The HCA shall comply with the requirements of 6 CCR 1011-1, Chapter II, ~~sections 2.3 and 2.4 at the time of the agency's request for initial or renewal licensure, and at the time of any change in ownership~~ REGARDING LICENSE APPLICATION PROCEDURES, THE PROCESS FOR CHANGE OF OWNERSHIP AND THE CONTINUING OBLIGATIONS OF A LICENSEE.

(I) Any applicant believing himself or herself aggrieved by such denial may seek review of the decision if the applicant, within ~~30~~ 60 days after receiving the written notice of denial, petitions the department to set a hearing.

Section 8. NON-MEDICAL/PERSONAL CARE

8.5 Personal care worker

(D) In order to delineate the types of services that can be provided by a personal care worker, the following are examples of limitations where skilled home health care would be needed to meet higher needs of the consumer.

(6) Feeding. Assistance with feeding may generally be performed by a personal service worker. Personal care workers can assist consumers with feeding when the consumer can independently chew and swallow without difficulty and be positioned upright. UNLESS OTHERWISE ALLOWED BY STATUTE, assistance by a personal care worker does not include syringe, tube feedings and intravenous nutrition. Whenever there is a high risk that the consumer may choke as a result of the feeding the consumer should be in the care of an agency licensed to provide home health services.

(7) Hair care. As a part of the broader set of services provided to consumers who are receiving personal services, personal care WORKERS ~~service agencies~~ may assist consumers with the maintenance and appearance of their hair. Hair care within these limitations may include shampooing with non-medicated shampoo or shampoo that does not require a physician's prescription, drying, combing and styling of hair.

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3 (15) Transfers. A personal care worker may assist with transfers only when the consumer
4 has sufficient balance and strength to reliably stand and pivot and assist with the
5 transfer to some extent. Adaptive and safety equipment may be used in transfers,
6 provided that the consumer and personal care worker are fully trained in the use of the
7 equipment and THE CONSUMER, CONSUMER'S FAMILY MEMBER OR GUARDIAN can direct the
8 transfer step by step. Adaptive equipment may include, but is not limited to wheel
9 chairs, tub seats and grab bars. Gait belts may be used in a transfer as a safety device
10 for the personal care worker as long as the worker has been properly trained in its use.

11 (a) A personal care worker shall not perform assistance with transfers when the
12 consumer is unable to assist with the transfer. Personal care workers, with
13 training and demonstrated competency, may assist a consumer in a transfer
14 involving a lift device.

15 (b) A personal care worker may assist the informal caregiver with transferring the
16 consumer provided the consumer is able to direct and assist with the transfer.

17 (16) Medication ASSISTANCE ~~reminding~~. UNLESS OTHERWISE ALLOWED BY STATUTE, a personal
18 care worker may assist a consumer with medication ~~reminding~~ only when THE
19 medications have been pre-selected by the consumer, a family member, a nurse, or a
20 pharmacist, and are stored in containers other than the prescription bottles, such as
21 medication minders. Medication minder containers shall be clearly marked as to day
22 and time of dosage and reminding includes: inquiries as to whether medications were
23 taken; verbal prompting to take medications; handing the appropriately marked
24 medication minder container to the consumer; and, opening the appropriately marked
25 medication minder container for the consumer if the consumer is physically unable to
26 open the container. These limitations apply to all prescription and all over-the-counter
27 medications. Any irregularities noted in the pre-selected medications such as
28 medications taken too often, not often enough or not at the correct time as marked in
29 the medication minder container, shall be reported immediately by the personal care
30 worker to the supervisor.

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32 (F) Supervision of a personal care worker shall:

33 (1) Be performed by a qualified employee of the agency who is in a designated supervisory
34 capacity and available to the worker for questions at all times;

35 ~~(2) Provide on-site supervision at a minimum every three (3) months and includes an~~
36 ~~assessment of consumer satisfaction with services and the personal care worker's~~
37 ~~adherence to the service plan; and~~

38 ~~(32)~~ Include evaluation of each personal care worker providing services at least annually.
39 The evaluation shall include observation of tasks performed and relationship with the
40 consumer; AND

41 ~~(3)~~ PROVIDE ON-SITE SUPERVISION AT A MINIMUM OF EVERY THREE (3) MONTHS AND INCLUDE AN
42 ASSESSMENT OF CONSUMER SATISFACTION WITH SERVICES AND THE PERSONAL CARE
43 WORKER'S ADHERENCE TO THE SERVICE PLAN.

44 (a) FOR A SERVICE AGENCY THAT PROVIDES ONLY SUPPORTED LIVING SERVICES OR
45 CHILDREN'S EXTENSIVE SUPPORT SERVICES THROUGH A PROGRAM APPROVED BY

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THE COLORADO DEPARTMENT OF HUMAN SERVICES, THE CRITERIA SET FORTH IN
PARAGRAPH F(3) SHALL BE ACCOMPLISHED BY COMPLIANCE WITH 2 CCR 503-
1,SECTION 16.612.