

ALABAMA BOARD OF EXAMINERS OF ASSISTED LIVING ADMINISTRATORS
ADMINISTRATIVE CODE

CHAPTER 135-X-2
GENERAL DEFINITIONS

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135-X-2-.01 Definitions

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Whenever used in these rules and regulations unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.

(a) "Acute Care Hospital" means a health institution planned, organized, and maintained for offering to the public generally facilities and beds for use in the diagnosis and/or treatment of illness, disease, injury, deformity, abnormality or pregnancy, when the institution offers such care of service for not less than twenty-four consecutive hours in any week to two (2) or more individuals not related by blood or marriage to the owner and/or chief executive officer/administrator and in addition, the hospital may provide for the education of patients, medical and health personnel, as well as conduct research programs to promote progress and efficiency in clinical and administrative medicine.

(b) "Applicant" means one who has applied for and is fulfilling the requirements for licensure as an assisted living administrator.

(c) "Assisted Living Administrator" means any individual who is charged with the general administration of an assisted living facility or a specialty care assisted living facility, whether or not the individual has an ownership interest in the facility, and whether or not his or her functions and duties are shared with one or more individuals.

(d) "Assisted Living Facility," (according to Act 2001-1057) means any facility, including both assisted living facilities and specialty care assisted living facilities, that is defined as such for licensing purposes pursuant to Section 22-21-20, Code of Ala. 1975. For purpose of this act, the term "assisted living facility" shall not include family assisted living facilities as the term is defined in the rules and regulations promulgated by the Department of Public Health.

(e) "Assisted Living Facility" (according to the Rules of Alabama Department of Public Health, Chapter 420-5-4, Assisted Living Facilities) means an individual, individuals, corporation, partnership, limited partnership, or any other entity that provides or offers to provide residence and personal care to individuals who are in need of assistance with activities of daily living. A facility shall not be deemed to meet the definition of assisted living facility unless a residence and personal care services are provided to two or more individuals not related to the owner or administrator. To be deemed related to the owner or administrator for the purposes of this definition, an individual residing at the facility and receiving personal care must be the parent, sibling, grandparent, great-grandparent, child, grandchild, niece, nephew, aunt, uncle, first cousin, or spouse of the owner or administrator, or must stand in such relationship to the owner or administrator's spouse or deceased spouse. Provided that facilities whose resident are under the care, oversight, or protection of another governmental agency shall not be deemed to be assisted living facilities and shall be subject to these rules, if both of the following conditions are satisfied:

1. A federal, state, or other governmental body, agency, or authority has a fiduciary relationship or some other legally recognized and enforceable relationship to the residents of the facility which carries an obligation to oversee the health, safety and welfare of the residents and

2. The federal, state, or other governmental body, agency, or authority licenses, certifies, or otherwise legally authorizes the facility to provide accommodations and care for the residents.

(f) "Board" means the Board of Examiners of Assisted Living Administrators of the State of Alabama.

(g) "Emergency Permit" means a permit issued by the Board to a person temporarily performing the functions of administrator in the assisted living facility for a reasonable period of time from the date of death, unexpected resignation, incapacitation, or revocation of the licensed assisted living administrator, but not to exceed 120 days.

(h) "Examiner" means a member of the Board of Examiners of Assisted Living Administrators of the State of Alabama.

(i) "Executive Director" means the executive director of the board.

(j) "Person" means an individual and does not include the term firm, corporation, association, partnership, institution,

public body, joint stock association, or any other group of individuals.

(k) "Petty Traffic Offense" means any misdemeanor arising out of the operation of a motor vehicle except: driving while under the influence of liquors, narcotics, or hallucinating drugs; leaving the scene of an accident; and manslaughter resulting from the operation of a motor vehicle.

(l) "Practice of Assisted Living Administration" means the planning, organizing, directing and control of the operation of an assisted living facility.

(m) "Provisional Assisted Living Administrator" means an individual who has been issued a provisional license by the Board.

(n) "Provisional License" means a temporary license issued to a provisional assisted living administrator by the Board.

(o) "Specialty Care Assisted Living Facility" (according to Rules of Alabama State Board of Health Alabama Department of Public Health, Chapter 420-5-20, Specialty Care Assisted Living Facilities) means a facility that meets the definition of Assisted Living Facility but which is specially licensed and staffed to permit it to care for residents with a degree of cognitive impairment that would ordinarily make them ineligible for admission or continued stay in an assisted living facility. Residents admitted to specialty care assisted living facilities must meet all eligible and continued stay requirements specified elsewhere in these rules.

(p) "Residential Care Setting" an accredited or licensed facility or organization that provides health care to the elderly or disabled, such as: hospice, home health care or patient care consortiums; shall not include care given by individuals to other individuals (such as family members or friends) at home, or care provided to individuals at an unlicensed or unaccredited facility, organization or company.

(q) "Administrator In Training" a supervised internship during which the Administrator In Training (the AIT) works under the guidance and supervision of a preceptor.

(r) "Preceptor" a licensed assisted living administrator who has three (3) years of full-time experience working as a licensed assisted living administrator and who has been approved by the BOEALA board and is actively supervising an AIT.

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