

ALABAMA STATE COMMITTEE OF PUBLIC HEALTH  
ALABAMA DEPARTMENT OF PUBLIC HEALTH  
DIVISION OF LICENSURE AND CERTIFICATION  
ADMINISTRATIVE CODE

CHAPTER 420-5-3  
CEREBRAL PALSY TREATMENT CENTERS

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420-5-3-.01      General.

(1) Legal Authority. Under and by virtue of authority vested in it by the Legislature of Alabama, Code of Ala. 1975, § 22-21-20, et seq., the State Board of Health does hereby adopt and promulgate the following rules governing all hospitals, sanatoria, and other related institutions except hospitals operated by the federal government and mental hospitals under the supervision of the Board of Trustees of the Alabama State Hospitals.

(2) Definitions.

(a) AAC Rule means Alabama Administrative Code Rule.

(b) Advisory Board means the Advisory Board set up by law to assist in the establishment of rules necessary to carry out the provisions of this act and to serve as consultants to the State Board of Health.

(c) Board or State Board of Health means the Alabama State Board of Health.

(d) Cerebral Palsy Treatment Centers means a building or place maintained for the care of patients suffering from that group of neuromuscular disorders in which there is impairment or loss of muscular control due to an abnormality of the brain. Included are institutions that provide dormitory facilities and which offer custodial care or an educational program, but this does not include day schools or clinics where the patients attend during the day and return to their homes at night.

(e) Convalescent, Rest or Nursing Home means a building or place maintained for the care of patients who are not acutely

ill or do not require special facilities such as surgical or maternity care. These homes also include private homes boarding aged and infirm persons, provided the home is giving chronic or convalescent care, for a period of twenty-four hours or longer, to two or more unrelated persons at any one time.

(f) Duly Licensed when applied to a person means that the person to whom the term is applied has been duly and regularly licensed by the proper authority to follow his or her profession within the State of Alabama, and when applied to an institution, means that the institution has been duly and regularly licensed by the Alabama State Board of Health.

(g) Hospitals means hospitals, sanatoria, and other related institutions, when such institution is primarily engaged in offering to the public generally, facilities for the diagnosis and treatment of injury, deformity, disease or obstetrical care and when such institution offers such care for not less than twenty-four hours in any week to two or more nonrelated individuals.

(h) Maternity Home means a building or other place maintained and conducted for the care and treatment of women during pregnancy, delivery and subsequent to the birth of children.

(i) Registered Nurse means a person graduated from an accredited school of nursing and currently registered in the State of Alabama in accordance with Code of Ala. 1975, § 34-21-2.

(j) These Rules means Rules 420-5-3-.01 through 420-5-3-.04, Chapter 420-5-3, Cerebral Palsy Treatment Centers, Alabama Administrative Code.

**Author:** L. O'Neal Green

**Statutory Authority:** Code of Ala. 1975, §§ 22-2-2(6), et seq.; 22-21-28, et seq.

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#### **420-5-3-.02      The License.**

##### **(1) Issuance of License.**

(a) Applications for a license to operate cerebral palsy treatment centers must be made in writing upon a form provided by the State Board of Health and shall contain such information as the licensing agency may require.

(b) The application for a license shall be accompanied by a standard fee of \$200.00 plus a fee of \$5.00 per bed for each bed to be licensed (over ten beds). Increase in a cerebral

palsy treatment center's bed capacity during the calendar year is assessed at the standard fee of \$200.00 plus \$5.00 each for the net gain in beds. No fee shall be refunded. All fees shall be paid to the State Health Department. (Acts 1949, No. 530, p. 835, § 5; Acts 1975, 3rd Ex. Sess., No. 140, p. 382; Acts 1980, No. 80-642, p. 1213, Act 88-902).

(c) Every cerebral palsy treatment center shall be designated by a permanent and distinctive name, which shall not be changed without first notifying the Board in writing. Such notice shall specify the name to be discontinued as well as the new name.

(d) Each license shall specify the maximum allowable number of beds in the cerebral palsy treatment center.

(e) A separate license shall be required for each cerebral palsy treatment center when more than one home is operated under the same management; however, separate licenses are not required for separate buildings on the same grounds used by the same home.

(f) The license must be conspicuously posted in the office where patients are admitted.

(g) The license shall not be transferable or assignable, and shall be issued only for the premises named in the application.

(2) Expiration and Renewal of License.

(a) Each license to operate a cerebral palsy treatment center shall expire on December 31 following the date of issuance and shall be subject to review and renewal by the State Board of Health.

(b) Each application for renewal of license shall be accompanied by such fee as set forth in AAC Rule 420-5-3-.02(1)(b).

(c) Each cerebral palsy treatment center licensed hereunder must furnish an annual report which shall be on a form prepared by the State Board of Health.

(3) Revocation of License. A license issued to any cerebral palsy treatment center will be suspended, revoked or not renewed by the Board in any case where the Board finds that there has been a substantial failure to comply with the provisions of these rules. Failure to comply with any of these rules as well as the operation of any home for which a license has not been obtained prior to the time of opening, or has not been restored following suspension or revocation thereof, or resistance to or interference with the Board in the enforcement of these rules are

hereby declared to be violations of these rules constituting a misdemeanor as set forth and declared punishable in Code of Ala. 1975, § 22-21-33.

(4) Right of Appeal.

(a) Any cerebral palsy treatment center which has been denied a license or its renewal, or whose license has been suspended or revoked by the State Board of Health, has the right of appeal as set forth in Code of Ala. 1975, §§ 22-21-25, 22-21-26.

(b) A new license may be granted after proper inspection has been made and all provisions of this act and rules hereunder as heretofore and hereinafter provided have been complied with and recommendation has been made therefor by the proper representatives of the State Board of Health.

(5) Return of License. Each license shall be returned to the Board immediately on its suspension or revocation, or if the institution voluntarily ceases operation.

(6) Inspection.

(a) Every cerebral palsy treatment center for which a license has been issued under these rules shall be periodically inspected by the State Board of Health.

(b) Information received by the State Board of Health through filed reports, inspection, or as otherwise authorized, shall not be disclosed publicly in such manner as to identify individuals or hospitals, except in proceedings involving the question of licensure

**Author:** L. O'Neal Green

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**420-5-3-.03      The Standards.**

(1) The State Board of Health, with the advice and after approval by the Advisory Board, shall have the power to make and enforce, and may modify, amend and rescind reasonable rules governing the operation and conduct of cerebral palsy treatment centers as defined in Code of Ala. 1975, § 22-21-20, et seq.

(2) The Board shall give wide publicity to the initial rules among the cerebral palsy treatment centers likely to be affected,

at least ten days prior to the date set for hearing and determination of such rules.

(3) All hearings shall be joint hearings set by the Board of Health and the Advisory Board, at which time any interested cerebral palsy treatment centers may be heard.

(4) Amendment, Recision or New Rules.

(a) Subsequent to the initial hearing as set forth in AAC Rule 420-5-3-.03(4)(c), thirty days' notice in writing shall be given all licensed cerebral palsy treatment centers of the date of hearing and of the substance of any new rule proposed to be made.

(b) Any person affected by any rule, amendment or recision thereof may appeal consideration thereof as set forth in AAC Rule 420-5-3-.03(4)(c).

(c) Rules adopted hereunder shall become effective upon the expiration of thirty days from the date of adoption, amendment or recision or, if an appeal has been taken, upon the final disposition of the appeal.

**Author:** L. O'Neal Green

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**History:** Filed September 1, 1982.

#### **420-5-3-.04      General Rules.**

(1) Personnel.

(a) There shall be one person in charge of the institution at all times. This person may be the owner of the business or a person employed for the purpose who is qualified to assume the management and operation of the institution.

(b) Each institution shall have sufficient employees present at all times for the adequate care of patients or residents and maintenance of the institution. All persons in charge of, employed by, or associated with the institution must be of suitable character and temperament to function in their appointed capacities and to provide for the care and comfort of the patients or residents. Adequacy of personnel shall be determined by the State Board of Health.

1. There shall be housekeeping, cooking, and kitchen personnel sufficient to maintain the institution in a sanitary condition at all times.

2. Adequate personal and nursing care shall be provided when such care is necessary, either through registered nurses, practical nurses, or attendants. A registered nurse may be required when in the opinion of the State Board of Health the patients or residents require skilled nursing care.

(c) Each person employed shall be required to furnish a health certificate showing such employee to be free from communicable disease.

(d) The names and qualifications of all professional employees shall be on file and available for inspection by authorized representatives of the State Board of Health.

(e) If the center conducts a school or educational program as part of the institution's program, staff members should have special qualifications in diagnostic and remedial instruction; special qualifications in physical, occupational, and speech therapy.

(f) The school program and qualifications of teachers should be approved by the county and/or State Department of Education.

(g) There should be one or more persons trained or experienced in medical social case work and social group work.

(h) Each institution shall have an adequate organized medical staff.

(i) Included on the medical staff should be such specialists as pediatricians, orthopedists, neurosurgeons, neuropsychiatrists and psychiatrists. This medical staff should assume responsibility for continuous care and treatment of patients. (It is not considered sufficient if members of the medical staff are called only on presumed need.)

**(2) Admission Policies.**

(a) Admissions must be made only on the basis of a complete medical work-up. This medical work-up must contain:

1. A statement of the physical condition of the patient;
2. A recommended treatment and/or educational program;  
and
3. A specified trial period in the institution.

(b) The institution shall not give false hopes or make promises which cannot be filled.

(c) Admission must be limited to the patients that the institution is qualified by staff and equipment to serve adequately.

(d) A social investigation should be made before admission. This investigation should be recorded and include all the information consistent with good case work.

(e) Whenever there is found to be evidence of fraud or misrepresentation to secure money or property from residents, patients, or applicants, or there is any evidence of misappropriation or conversion of money or property of residents, patients, or applicants, the State Board of Health shall report such facts to the prosecuting attorney of the county where such institution is located, or to the Attorney General of the State for further investigation and prosecution.

(3) Medical Care and Treatment.

(a) No medication or treatment shall be given except on the written orders of a licensed physician. All treatment and medication ordered or advised by a physician shall be in writing and shall be recorded and signed by him; also discontinuance of medication shall be signed by him and dated. Such records shall be kept as a permanent record in the institution.

(b) Any illness, accident or death of a patient shall be reported immediately to members of the patient's family.

(c) All children should be given necessary vaccination and inoculation for communicable diseases.

(d) Dental examinations should be made of all children at least once a year, and necessary follow-up treatment should be carried out.

(e) In the case of acute infection or of any communicable disease, such patients must be isolated at once. One or more rooms shall be available for such isolation, depending upon the size of the institution.

(f) Each child must have his own toilet articles, clothing, etc.

(g) Patients shall receive kind, considerate care and treatment at all times. No patient shall be abused or punished by any method of physical force, confinement to a room, or by withholding of food.

(h) All poisonous substances must be plainly labeled and kept in a locked cabinet or closet.

- (i) First aid supplies shall be kept in a place readily accessible to the person or persons providing care in the institution.
  - (j) A flexible therapy and educational program must be established on the basis of the need of the children, as was determined by the medical work-up in the admission procedure.
  - (k) Parent participation in the institution's program should be encouraged at all times.
  - (l) There should be frequent staff conferences to discuss individual children and the therapy and education program.
  - (m) Continuous medical supervision must be provided by one or more physicians who are specialists or experienced in convulsive disorders. It is not considered sufficient if a physician is only on an "on call" basis.
  - (n) Whenever a patient requires hospitalization, medical, nursing, or other care beyond the facilities of the institution, prompt effort shall be made to secure such care.
  - (o) A balanced diet, adjusted to the age and physical development of the children should be provided. In the event special diets are ordered by the physician, such diets shall be served as prescribed and made a matter of record.
- (4) Records.
- (a) An adequate permanent record of each patient, either typewritten or legibly written with pen and ink, which will give a chronological account of the institution's contact with the patient and his family shall be kept. Following is minimum information:
    - 1. Name.
    - 2. Age.
    - 3. Sex.
    - 4. Name and address of nearest relative or sponsor.
    - 5. Date of admission.
    - 6. Diagnosis.
    - 7. Date of discharge or death.
    - 8. Name, address, and telephone number of patient's physician.



(b) The amount of weekly or monthly fee shall be set forth in writing. A definite and specific financial agreement shall be made.

(c) Inventory and disposition of personal property, money or valuables possessed at the time of entrance and death or discharge shall be made. A copy of this record must be given to the family or legal representative.

(d) There must be a complete medical and treatment record for each patient. This record must show:

1. The basis for admission as determined by the medical work-up.
2. All medication and treatment.
3. Any illness or accident.
4. Vaccinations and inoculations for communicable diseases.
5. Dental examinations and follow-up treatment.

(5) Building and Equipment.

(a) All buildings which house patients or residents must be inspected in relation to sanitation by the local or state health authorities and recommended to be reasonably safe for the care of cerebral palsy patients.

(b) The local or state authorities for fire protection must certify that the home is free from ordinary fire hazards.

(c) The building shall be maintained in repair and cleanliness at all times.

(d) Adequate porches or yard space for the use of patients shall be available.

(e) The entire building must be equipped with screens and free from flies.

(f) The State Board must be satisfied that all precautions are being taken to guard against the presence of rodents and vermin.

(g) If at all practicable, all water shall be obtained from a public water supply. If not obtained from a public water supply, the water shall meet the approval of the State Board of Health.

(h) An adequate sewage disposal system must be provided which shall meet the approval of the State Board of Health.

(i) Adequate provision for the collection and disposal of garbage, ashes, and waste material must be made. Covered containers must be used for garbage and metal containers for ashes.

(j) The home must be adequately heated at all times.

(k) Each room shall be comfortably furnished. Suitable provision for individual belongings shall be made.

(l) Sleeping rooms, except for infant nurseries, shall contain not less than 500 cubic feet of air space for each occupant and shall have at least one outside window and the window area must be 1/8 of the floor area.

(m) Separate beds shall be furnished with clean mattresses, clean and warm bedding and rubber sheeting when necessary. Beds must be so arranged that an attendant will have easy access to each bed.

(n) Adequate artificial lighting shall be available in all rooms, stairways, and hallways of the building. Night lights shall be provided in all hallways, stairways, and bathrooms.

(o) Sanitary toilet, bath and lavatory shall be provided on each floor where residents or patients stay. There should be one toilet for each six persons, one lavatory for each six persons, one tub bath or one shower bath for each ten. Non-skid mats and safety hand grips shall be provided for protecting those who use tubs or showers. Toilet rooms shall not connect directly with any room in which food is prepared, served or stored.

(p) Only ambulatory persons may be housed above the first floor of a building which is not fireproof. There must be railings on all stairways.

(q) Telephone service must be available in the home in order to summon help in case of fire or other emergency.

(r) If both sexes are cared for, facilities shall be properly arranged for segregation and privacy, as needed.

(s) Any licensee or applicant desiring to construct new facilities or to make alterations or additions to its facilities shall, before commencing such alteration, addition, or new construction, submit plans and specifications therefor to the State Board of Health for preliminary inspection and recommendations with respect to compliance with the rules herein authorized.

(6) Food Service. The preparation and handling of food shall conform with the Alabama State Board of Health's Rules Governing the Manufacture, Preparation, Display and Service of Food, Confections and Beverages.

**Author:** L. O'Neal Green

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