

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

CHAPTER 420-5-4
ASSISTED LIVING FACILITIES

420-5-4-.04 Personnel.

(1) An assisted living facility shall ensure personnel are employed and on duty to meet the care and safety needs of all residents 24 hours a day, 7 days a week.

(a) An assisted living facility shall be staffed at all times by at least one individual who has a current certification in cardiopulmonary resuscitation (CPR).

(b) An assisted living facility must be staffed to ensure the safe evacuation of all residents in the event of a fire or emergency.

(2) **Employee Schedule.** An assisted living facility shall post a schedule of employees indicating names and days and hours scheduled to work. This schedule shall be retained in the facility for 6 months after use.

(3) **Employee Screening.**

(a) Prior to any resident contact, such as but not limited to assistance with activities of daily living, newly employed personnel shall have a physical examination certifying that the employee is free of signs and symptoms of infectious skin lesions and diseases that are capable of transmission to residents through normal staff to resident contact. Employees who develop signs or symptoms of infectious skin lesions or diseases that would be capable of transmission to residents through normal staff to resident contact shall not be permitted to have resident contact until free from such signs and symptoms.

(b) Not more than 30 days prior to any resident contact, newly employed personnel shall be properly evaluated for tuberculosis.

(c) Vaccines. Assisted living facilities shall immunize employees in accordance with current recommended *Centers for Disease Control and Prevention* (CDC) guidelines (www.cdc.gov/vaccines). Any particular vaccination requirement may be waived or delayed by the State Health Officer in the event of a vaccine shortage.

(d) An assisted living facility shall not hire an individual whose name is on the Alabama Department of Public Health Nurse Aide Abuse Registry.

(4) **Personnel Records.** An assisted living facility shall maintain a personnel record for each employee. This record shall contain:

(a) An application for employment which contains information regarding the employee's education, training, and experience.

(b) Verification of current certification or licensure, if applicable.

(c) Record of required physical examinations and vaccinations.

(d) Verification the facility has not hired an individual whose name is on the Alabama Department of Public Health Nurse Aide Abuse Registry.

(e) Date of hire.

(f) Date of initial resident contact.

(g) Date employment ceased.

(5) No member of the assisted living facility governing authority, and no employee of an assisted living facility, including the administrator, shall serve as legal guardian, as conservator, or as attorney-in-fact for any resident of the facility, nor shall any such individual solicit or accept control over the property of any resident, such as by becoming authorized to sign checks for the resident, or by becoming authorized to enter a resident's safe deposit box, or by having authority to control real property or securities owned by the resident. No member of the assisted living facility governing authority, and no employee of an assisted living facility, including the administrator, shall accept gifts, cash, or any item of value from a resident of the assisted living facility other than what the resident is obligated to pay the facility for services rendered, as specified in the resident's financial agreement with the facility. Provided, however, that assisted living facility residents, sponsors, and family members may offer, and employees may accept, gifts whose value does not exceed \$25, on appropriate occasions such as holidays or birthdays if the gift is offered freely and voluntarily. In the case of a gift from a resident, the resident must have sufficient cognitive ability to knowingly, freely, and voluntarily offer a gift. Provided further, that none of these prohibitions shall apply between a resident and any member of the governing authority or employee if the two individuals are related to one another as defined in Section 420-5-4-.01(2)(b). Notwithstanding the foregoing, individuals appointed before October 5, 2001, as legal guardians for assisted living facility residents may continue to serve. This subsection is not intended to prevent assisted living

facilities from offering to place resident funds in an escrow or trust account for the benefit of the resident whose funds are deposited, so long as exclusive decision-making authority for fund disbursement is vested in the resident or responsible family member, and so long as disposition of escrowed funds are periodically reported to the resident or family member as appropriate. This subsection is also not intended to prohibit facilities from accepting memorial gifts in any amount from family members of deceased relatives, nor is it intended to prohibit facilities from accepting testamentary bequests in any amount from the estates of deceased residents.

(6) **Training.**

(a) All staff who have contact with residents, including the administrator, shall have initial training prior to resident contact and refresher training annually and as necessary. Documentation of all staff training to include attendance records and any required post-test or evaluations shall be maintained in the facility. In addition to any information otherwise required by the facility's policies and procedures, the facility shall ensure that prior to resident contact, all staff members receive training on the subject matter listed below:

1. State law and rules on assisted living facilities.
2. Facility policies and procedures.
3. Resident rights.
4. Current certification from the American Heart Association or the American Red Cross in cardiopulmonary resuscitation (CPR) within 90 days of hire.
5. Identifying and reporting abuse, neglect, and exploitation.
6. Basic first aid.
7. Advance directives.
8. Protecting resident confidentiality.
9. Resident fire and environment safety.
10. Special needs of the elderly, mentally ill, and mentally retarded.
11. Safety and nutritional needs of the elderly.
12. Identifying signs and symptoms of dementia.

(b) Cardiopulmonary Resuscitation. An assisted living facility shall be staffed at all times by at least one individual who has a current certification from the American Heart Association or the American Red Cross in CPR. All employees of an assisted living facility who have contact with residents must be certified in CPR from the American Heart Association or the American Red Cross. New employees must obtain certification in CPR within 90 days of hire. An assisted living facility equipped with an automated external defibrillator (AED) shall be staffed at all times by at least one individual who has a current certification from the American Heart Association or the American Red Cross in AED utilization. Substitute training approved by the Department for use by emergency medical services personnel (EMSP) may be utilized in lieu of those courses or certifications offered by the American Heart Association or American Red Cross in CPR or AED utilization.

(c) If the facility admits or retains residents with special needs such as diabetes, hospice, or oxygen therapy, the facility shall provide staff with the appropriate training.

(d) Continuing Education. All staff must receive annual continuing education sufficient to remain knowledgeable of the training specified above.

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Statutory Authority: Code of Ala. 1975, §§22-21-20, et seq.

History: Filed November 20, 1991. **Repealed and New Rule:** Filed October 18, 2001; effective November 22, 2001. **Amended:** Filed March 21, 2007; effective April 25, 2007. **Amended:** Filed August 20, 2015; effective September 24, 2015; operative October 1, 2015. **Repealed and New Rule:** Filed February 20, 2019; effective April 7, 2019.