



*Investing for tomorrow, delivering today.*

# Assisted Living: Regulatory Update 2023

Presenters:

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## Licensed Facilities

- 231 Assisted Living Facilities
- 26 Adult Day Cares
- 3 Boarding Homes
- 4 Crisis Triage Centers

## Licensed Oversight Surveyors

- 12 LO surveyor positions
- (1) Manager
- (1) Vacancy (RN Surveyor)

# Licensed Oversight Department

# Brief Overview- 2022

Renamed Licensed Oversight  
Department

Currently Revising Assisted Living  
Regulations  
NMAC 7.8.2

Boarding Homes

- (3) Licensed Boarding Homes in Albuquerque
- (2) Boarding Home Surveyor positions
- Conducted onsite visits for 99 potential Boarding Homes

# 2022 Assisted Living Survey Stats

9 Initials  
44 Full onsite with complaints  
23 Complaints Surveys  
81 Revisits

Conducted 156 total surveys  
Cited 570 Deficiencies  
Completed 137 Complaint investigations

Average onsite survey time: 40 hours  
Survey reports submitted within 10 days:

# Top Deficiencies

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0034 - Custodial Drug Permits	35
0032 - Reporting of Incidents	34
0025 - Resident Evaluation	31
0026 - Individual Service Plan	27
0035 - Medication	27
0038 - Housekeeping Services	26
0016 - Staff Qualifications	24
0017 - Staff Training	24
0020 - Admissions and Discharge	22
0036 - Nutrition	20
0065 - Fire Drills	17
0066 - Staff and Resident Fire and Safety Training	17
0059 - Windows	14
0033 - Resident Rights	12
0022 - Facility Reports, Records, Rules, Policies	11
0037 - Laundry Services	11
0047 - Lighting and Lighting Fixtures	11

# Infection Control Compliance



New Mexico Public Health Order 12/19/22

[121922-PHO-Omnibus-Order.pdf \(nmhealth.org\)](https://www.nmhealth.org/121922-PHO-Omnibus-Order.pdf)

- All facilities certified by CMS are instructed to adhere to all COVID-related requirements prescribed by CMS.
- All Assisted Living Facilities and Adult Day Care Settings are required to adhere to all COVID-related requirements to which Nursing Homes are held by CMS

CMS QSO 20-39 NH

[QSO-20-39-NH REVISED 09/23/2022 \(cms.gov\)](https://www.cms.gov/Regulatory-and-Enforcement/Division-Directives/CMS20-39-NH)

- Visitation is allowed for all residents at all times
- Updated guidance for face coverings and masks during visits
- Removed vaccination status from the guidance
- Refer to CDC

# Infection Control Citations

- A33: Resident Rights

NMAC 7.8.2.33 (D) (4) provide residents with a safe and sanitary living environment

- Overall facility cleanliness
- Wearing gloves during medication administration
- Not washing hands
- Kitchen trash cans with no lids
- Food and drinks being left on the floor
- Not screening visitors \*
- Staff not wearing masks \*
- Outdated food items



## Civil Monetary Penalties (CMPs)

Collected \$3k from (2) ALF Providers

- A032/A033: Staff to resident sexual assault and failing to report: Fined \$2400
- A033/A034: Resident not receiving prescribed medications resulting in change of behavior and not sleeping: Fine \$600

Note: \$9k collected in 2021