

Article 2
Day Care Centers for the Elderly and
Disabled Adults

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NOTE: Rule-making authority originally cited for formulation of regulations for the Day Care Centers for the Elderly and Disabled Adults, 10 GCA §20705.

These Rules and Regulations were filed with the Legislative Secretary on January 27, 1988.

§9201. Authority. Title 10 Guam Code Annotated, Guam Environmental Health Act, Chapter 20, §20105; and Chapter 21, §21102 authorize the Director to establish rules and regulations as may e necessary to carry out the provisions of 10 GCA, Part 1.

§9202. Purpose. The primary purpose of Adult Group Day Care Center is and shall be to prevent unnecessary 24 hour institutionalization of disabled and/or elderly adults where such persons can otherwise be provided necessary care in a normal home or family environment, but where such persons cannot be cared for 24 hours per day. The centers shall provide a protected environment with an emphasis on individualized personal care under the supervision of trained personnel, as well as opportunities for social psychological stimulation to prevent mental deterioration and social isolation of the elderly and/or disabled adults.

§9203. Scope. These rules and regulations shall be the minimum requirements for protecting the health, safety and welfare of elderly and/or disabled participants attending Adult Group Day Care Centers, and shall be adhered to by all personnel of such centers ministering to the needs of the participants. These rules and regulations shall not be construed as lowering other standards or regulations established by the Department of Public Health

and Social Services or other agencies of the Government of Guam, or Federal Government where such may apply. In all instances, the more stringent regulations/standards shall apply.

§9204. Definitions. As used in these rules and regulations:

(a) *Adult Group Care Center* (hereinafter referred to as Center) shall mean a place maintained and operated by an individual, organizations or agency whether for profit or not, including Centers operated by the Government of Guam for the purpose of providing protective and supportive care for two or more elderly and/or disabled adults not related to the Center's owner/operator by blood or marriage within the third degree of consanguinity for a specified time period of 10 hours or less in each 24 hour day. At the end of the specified time period, the participant shall be discharged to the custody of his/her family, guardian or sponsor.

(b) *Center Director* shall mean the person having responsibility to administer the Center and develop its total program. Other titles such as administrator or operator may be used interchangeably with Center Director.

(c) *Department* shall mean the Department of Public Health and Social Services (also DPH&SS).

(d) *Elderly or Disabled Adults* shall mean any adult who is unable to function independently and is in need of protective or supportive care.

(e) *Participant* shall mean any elderly or disabled person attending a Center full-time (8-10 hours) or part-time (less than 8 hours) during regular operating hours.

(f) *Protective and Supportive Care* shall mean the provision of a protective environment, personal care, supervision and opportunities for social, psychological and physical stimulation to prevent mental deterioration, social isolation and physical deterioration.

(g) *Regular Care* shall mean the care of elderly or disabled adults at fixed and certain intervals which is regular.

(h) *Sanitary Permit* shall mean a document issued by the Department which authorizes the operation of a Center.

(i) *Staff Member* shall mean any person working for a Center as an employee or volunteer who assists regularly in the care of the participants.

(j) *Volunteer Worker* shall mean any person who gives his/her time and service regularly without remuneration.

§9205. Sanitary Permit. (a) No person, association or corporation shall directly or indirectly in any manner, conduct, control, manage, maintain or operate a Center unless a valid sanitary permit issued by the Department to operate such a Center has been obtained and properly posted.

(b) An application for a sanitary permit to operate a Center shall be made in writing on a form prescribed by the Department, signed by the applicant or his authorized agent, and shall contain such information that will determine that the facility and its operation are in compliance with the provisions of these regulations.

(c) Before the application for sanitary permit is approved, the Department shall verify that the Center meets all the minimum sanitary requirements and standards of these regulations which shall involve right of entry, inspection and investigation.

(d) If upon inspection the Department is satisfied the Center meets all sanitary requirements and standards prescribed, a non-transferable sanitary permit designating the type of facility shall be issued. Said sanitary permit shall be posted in a conspicuous area designated by the Director. All new sanitary permits shall be valid until the first June 30 following their issuance. All renewed sanitary permits shall be valid for 12 months and shall be renewed on June 30 for each year.

(e) If the new or renewed application indicates that the Center does not meet the minimum sanitary requirements or standards, the sanitary permit will be denied or terminated.

(f) When ill treatment of participants is evident, the Center Director shall be contacted by the Director of the DPH&SS or his/her authorized representative from the Division of Social Services to discuss such circumstances. If the Department is convinced that facts exist or have occurred during the term of the current sanitary permit, the Center's current sanitary permit shall be suspended or revoked.

(g) An application for renewal of a sanitary permit shall be filed 30 days prior to the permit's expiration date, and upon approval by the DPH&SS, a new sanitary permit shall be issued.

(h) When a Center intends to discontinue operations, it shall so notify the Department in writing at least 30 days in advance. A sanitary permit which is to be discontinued for a Center shall be surrendered to the DPH&SS if the establishment ceases operations before the permit expires.

§9206. Administration. (a) Each Center shall have a Director responsible for the total program of the Center. The organization of the Center shall be such that legal responsibility is clearly defined and administrative authority is specifically placed.

(b) Each Center shall have a written statement of operating policies. The Statement shall include the following information:

- (1) Name and address of Center.
- (2) Name of owner or sponsoring agency.
- (3) Admission policies of Center; criteria for acceptance of applicant, such as age, health conditions, etc.
- (4) Maximum number of adults for whom Center is equipped.
- (5) Specific hours of operation.
- (6) Whether meals are served.
- (7) Whether transportation is provided
- (8) Fees charged by the Center.
- (9) Plans for emergency medical care of participants.
- (10) Scope of services provided by the Center.

(c) Each Center shall keep the following records:

- (1) A statement of operational policies.
- (2) A list of current staff members, including ages, training, experience, health records, and their assigned duties.
- (3) A daily schedule of activities.
- (4) A daily menu, if meals or snacks are served.
- (5) Emergency information.

- (A) The name of family physician of participant.
- (B) Where next of kin or other relatives can be located.
- (C) A written consent to call another physician when participant's regular physician cannot be contacted.
- (6) A list of current participants at the Center.
- (7) A record of attendance of participants.
- (8) The completed application forms for each participant.
- (9) The participants' health records.
- (d) A responsible staff member shall receive all participants upon their arrival at the Center.
- (e) Each Center shall at all times maintain adequate liability insurance.

§9207. Personnel and Staffing. (a) Center Director or Administrator.

(1) The Center Director shall have basic training or experience in caring for the elderly and disabled adults. For facilities which also administer to the medical needs of participants, such training and experience should include nursing/geriatrics.

(2) The Center Director shall be responsible for the overall administration of the Center and arranging for adequate care of its participants.

(3) Whenever the Center Director is absent from the Center for any part of a day, he/she shall designate a Registered Nurse or a Licensed Practical Nurse to assume his/her responsibilities during the period of his/her absence.

(b) Staff Members.

(1) Each Center shall have sufficient staff to provide adequate supervision of the total of participants at the Center at all times.

As used herein *sufficient staff* is defined as a ratio of one regular staff member to 10 participants. This ratio may include the Director of the facility and/or any other staff member.

(2) At least one staff member must be a Registered Nurse or a Licensed Practical Nurse.

(3) At least one social worker shall be available, at least on a part-time basis but preferably full-time, for counseling of center participants and their families and to facilitate referral to other needed services.

(4) Staff members should be mature, responsible persons capable of handling emergencies and accidents and trained in first aid. They should have the ability to understand the elderly and disabled person and be in good physical and mental health.

(5) To the greatest extent possible, the Center shall have on staff persons who are fluent in English and a second language for the purpose of providing language translation with Center participants. The second language should be any of the languages commonly spoken on Guam in public.

Where it is impractical for the Center to employ as staff persons who speak a second language as spoken by Center participants, the Center shall acquire the services of a person having the necessary language skills, and who shall be available to provide translation services when needed.

(6) All staff member shall have passed a current, annual health examination which includes a satisfactory chest x-ray for negative tuberculin test.

§9208. Admissions. (a) **Admission Information.** Each application form for admission to the Center shall include:

(1) The applicant's name, home address, birth date and sex.

(2) The name, address, telephone number and other pertinent information of any responsible person.

(3) A written consent to call another physician when the family physician cannot be located.

(4) The specific hours of a day the participant is to be under care at the Center.

(5) A requirement that any medications to be administered to the applicant (participant) be listed on the form along with any detailed information concerning their administration such as dose, frequency, mode, etc.

(6) Specific information provided by the Center as to who would be liable in the event a participant becomes injured, or causes injury, at the Center.

(b) Admission Policies.

(1) The Center shall require a physical examination of each applicant by a licensed physician prior to admission. Such examination shall have taken place within ninety days prior to admission to the Center. The physician's report should contain information with regard to any special care required by the applicant while at the Center.

(2) Both the participant and his/her family shall be interviewed prior to admission to the Center. The personal interview is to secure pertinent information on the person's overall behavior and to acquaint the participant and his family with the Center's policies.

(3) Only those elderly and/or disabled persons who would benefit from the Center's care and program should be considered for admission. Persons who may be better served through another existing program should be so informed and referred to the appropriate program.

§9209. Transportation. When transportation is provided by the Center, rules and regulations of the Guam Department of Public Health and Social Services shall be met.

§9210. Care of Elderly and/or Disabled. (a) Health Care.

(1) All participants shall have a physical examination at least once a year after admission to the Center.

(2) There shall be daily monitoring of health regimes of the participants by qualified staff.

(3) When a participant becomes ill while attending the Center, he/she shall be appropriately cared for. The responsible person, next of kin and the physician of the participant shall be notified.

(4) For inter-personal, behavioral or family relationship problems observed in the participant, proper referral to a social worker shall be made.

(5) Where symptoms of communicable disease are evident, the participant shall be isolated pending medical clearance. His/her family or representative shall be contacted and advised to seek medical care for the participant.

(6) Specific instructions obtained from a physician for the care of a participant with special problems shall be written into their records and followed.

(7) A Registered Nurse or Licensed Practical Nurse shall supervise the taking of medication and, where necessary, will encourage or remind a participant about the need to take the prescribed medication.

(8) Sufficient first aid supplies shall be kept on hand at the Center at all times.

(b) Meals.

(1) Each Center that provides meals shall provide to participants well-balanced meals which shall satisfy the minimum Federal standards, Type A.

(2) Local products shall be incorporated into the meals to the extent possible in order to provide a culturally acceptable meal.

(3) Appropriate snacks shall be offered between meals.

(c) Programs.

(1) A planned, well-balanced program of activities and services shall be available at each Center in order to enhance the elderly and/or disabled participant's well-being and to maximize individual functioning.

(2) The Center shall provide supervision and personal care services in order to protect the elderly and/or disabled persons. It shall provide assistance with toileting and encourage withdrawn or passive participants to participate in activities and to develop self-help skills.

(3) The Center shall make available therapeutic, social, education, recreational and other activities as follows:

(A) Opportunities for arts and crafts.

(B) Daily exercise as tolerated by the participant or as prescribed by his/her physician.

(C) Development of hobbies.

(D) Helping with community activities which can be handled at the Center and as the participant is capable of managing.

(E) Reading of magazines, books and other sedentary activities such as television viewing, listening to radio, and etc.

(F) Group excursions or outings to points of interest to the participants, such as the Guam senior centers or other scheduled senior activities, as often as practicable.

(4) The Center shall provide for regular rest periods for participants in the morning and in the afternoon.

(5) The Center shall provide for family consultation, if requested by the participant's family or physician, or referral to appropriate community agencies, clinics or physicians when the participant or his/her family is observed to be in need of professional counseling, health or mental health services.

§9211. Physical Plant. (a) Location.

(1) The Center shall be located in a safe and sanitary area and shall conform to laws and regulations of the Government of Guam.

(2) The Center shall be clean and sanitary and shall provide proper means of refuse disposal. All solid waste shall be properly stored and removed from the premises at least twice a week. There shall be proper disposal of sewage, with all plumbing outlets connected to an approved private sewage disposal system or public sewer system.

(3) The building shall have adequate natural light, and shall be well lighted, ventilated and airy.

(4) The building shall be maintained in good condition, be free from leakage during periods of rainfall and free from rodent and insect infestation.

(5) There shall be adequate space for outdoor activities.

(6) The outdoor space shall be well-drained with both sunny and shady areas. It shall not be subject to ponding during periods of heavy rainfall.

(b) Buildings Used for Day Care Centers.

(1) The Center shall conform to the construction standards of local building ordinances, including architectural barrier requirements and rules and regulations of the Department of Public Health and

Social Services, as well as other government agencies as applicable.

(2) New Construction. Preliminary floor plans for any proposed new building or for alterations of existing buildings of Adult Group Day Care Centers shall be submitted to the Department for approval before any work is begun.

(c) Electrical Circuits.

(1) Electrical circuits shall be maintained with proper fire protection and shall be installed in accordance with the respective Guam Electrical Code.

(2) Extension cords shall not exceed ten feet in length and shall not extend from one room to another, nor shall they be stapled or nailed or otherwise permanently fastened to walls, floors or ceilings or be run under rugs.

(d) **Capacity and Occupancy.** There shall be a combined minimum of fifty square feet of floor space per participant for recreational, resting and dining purposes.

(e) Toilet Facilities.

(1) There shall be minimum of one toilet and one wash basin conveniently located for every ten persons or fraction thereof of each sex.

(2) Grab bars shall be installed in all toilet enclosures.

(3) Toilet doors must be at least three feet, ten inches in width to allow the pass-through of wheel chairs.

(4) Lavatories exclusively for use by participants using wheel-chairs shall be set out on wall brackets eight inches from the wall and shall provide thirty-one inch clearance from floor to lower edge.

(5) Mirror height shall be set three feet two inches from floor to bottom of mirror and shall be of adequate height to allow participants to use them while standing up.

(6) An adequate supply of soap, toilet tissue and paper hand towels shall be supplied for the participants at all times.

(f) Kitchen Facilities.

(1) Kitchen facilities used for the preparation of meals shall comply with the food service

establishment regulations of the Guam Department of Public Health and Social Services.

(2) Adequate facilities and proper methods for the preparation, serving, refrigeration and storage of food shall be provided according to the regulations of the Guam Department of Public Health and Social Services.

(A) A separate kitchen, properly screened, insect and rodent proof, shall be provided for preparing food.

(B) There shall be an adequate number of sinks with hot and cold running water, soap and paper towels.

(C) A commercial dish washing machines must be utilized if more than ten participants attend the Center.

(3) Adequate facilities and proper methods shall be provided for garbage disposal and for washing, sanitizing, and storage of cooking, eating and drinking utensils.

(4) Kitchen stoves or commercial types of heating appliances requiring stacks or hoods shall be located at a safe distance from the wall, ceiling, roof or other combustible material and shall comply with the requirements of the Guam Building Code and the Guam Fire Department.

(5) Water Supply.

(A) There shall be an approved potable water supply.

(B) Chilled drinking water shall be supplied to the participants throughout the day.

(C) There must be provision for an emergency supply of water in case of typhoon.

(g) Health and Safety.

(1) Any facility used as a Center shall be dry, shall have adequate natural light and ventilation, and the walls and floor shall be water and damp proofed below finished grade.

(2) There shall be good natural or artificial lighting in all indoor areas.

(3) Storage of combustible material shall be limited to articles essential to the operations of the Center. There shall be no unnecessary storage of combustible material or flammable liquids or other explosive materials within the building or on the premises.

(4) Burning of rubbish shall be confined to an approved type domestic incinerator with suitable stack, well away from participant activities and must comply with pollution regulations of the Guam Environmental Protection Agency.

(5) All insect or rodent poisons and dangerous chemicals shall be stored in a locked closet or cupboard. The following classes of chemical shall be provided with their own separate, locked storage:

(A) Pesticides such as rodent and insect poisons.

(B) Cleaning chemicals such as detergents and sanitizer.

(C) Other chemicals such as paints, thinners, acids, etc.

(h) Equipment.

(1) All equipment and material shall be of sufficient quantity and quality best suited to the needs of the elderly and/or disabled audit.

(2) There shall be sufficient chairs and sufficient table space for meal time and arts and crafts activities.

(3) Equipment shall be of safe construction and material, easily cleaned, sturdy, and kept in good condition.

(4) Furniture and equipment shall be arranged so as not to block exits.

(5) The following sleeping equipment shall be provided for resting purposes:

(A) At least one bed for every three persons shall be made available for resting purposes. Each bed shall be adequately protected.

(B) Each participant shall be provided with fresh bed linens each time he/she is resting in a bed.

(i) Fire Protection.

(1) **Evacuation plan in event of fire:** The Director of the Center shall formulate a plan for the protection

and evacuation of participants to areas of refuge. This plan shall include training of all personnel and shall describe the responsibility of each in event of fire. This plan shall be submitted to the Guam Fire Department for approval.

(A) Fire drills shall be staged at least once a month in which all occupants and staff members must participate. For those adult day care centers having staff working in shifts, fire drills shall be scheduled on a rotating basis so that staff on each shift will be included.

(B) The staff at the Center shall be trained in properly reporting a fire, in extinguishing a small fire and in escaping from a fire.

(C) There shall be an alarm system approved by the Guam Fire Department.

(2) **Fire Extinguisher:** An adequate number of fire extinguisher, approved by the Guam Fire Department, shall be maintained at the Center at all times. Each shall be inspected at least once a year and kept charged and filled at all times.

(3) **Automatic Sprinkler System.** An approved automatic sprinkler system conforming to the provisions of the Guam Fire Department's Rules and Regulations shall be installed at all Centers which provide care to elderly or disabled adults for any part of a night.

§9212. Other Disasters and Evacuations. Centers located in areas subject to typhoons, flooding or like disasters shall have a plan of evacuation to a place of refuge, according to local civil defense regulations.

§9213. Penalty. Any person who willfully makes any false statement or who violates these rules and regulations shall be guilty of a misdemeanor and be punishable by a fine not to exceed one thousand dollars.

§9214. Separability. If any phrase, clause, sentence, subsection, section, provision or other part of these regulations or its application to any person or circumstances is for any reason held to be unconstitutional or invalid, the remaining portions of these regulations or the application of these regulations to other persons or circumstances shall not be affected.