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| Appendix A. States identified as requiring adult day services centers to provide information about advance directives to participants | | | | | | | |
| State | | Source document | | Text | | URL | |
| Arkansas | | Arkansas Department of Health and Human Services; Rules and Regulations for Adult Day Health Care Providers in Arkansas; Dated: 04/10/06 | | 404 (3) Bill of Rights "In addition to the provisions of Section 404.1(1) and (2), each client in the Adult Day Health Care has the right to, and the facility shall ensure that clients shall: w. Be allowed to maintain an advance directive or designate a guardian in advance of need to make decisions regarding the client’s health care should the client become incapacitated; 308.1 (u ) The record must contain copy of any advance directive | | https://humanservices.arkansas.gov/images/uploads/dms/adhc.pdf | |
| Colorado | | Code of Colorado Regulations; Department of Health Care Policy and Financing; 10CCR 2505-10; 8.400; Modified: 5/1/2014 | | 8.491.20 (C)(3) Documentation that the participant and/or other responsible party was provided with written information about his/her rights under state law regarding advance directives in accordance with regulations at 8.130.65. Documentation as to whether the participant has executed an advance directive shall be kept in his/her case record. | | http://www.sos.state.co.us/CCR/GenerateRulePdf.do?ruleVersionId=5709&fileName=10%20CCR%202505-10%208.400 | |
| North Carolina | | Department of Health and Human Services, Division of Aging and Adult Service; North Carolina Adult Day Care and Day Health Services Standards for Certification; Dated: 7/1/2007 | | (I)(B) The adult day care and day health program policies shall be provided to the participant's family member, responsible party or caregiver at the time of enrollment and available on request. The following items shall be addressed in the program policies: 7. Advance Directives Policies. (IV)(E)(6)(f) The program shall have a portable basic emergency file available on each participant that includes: f. advance directives, if any | | https://files.nc.gov/ncdhhs/documents/files/Standards2007.pdf | |
| Nebraska | | Nebraska Department of Health and Human Services; Title 175 Health Care Facilities and Services Licensure; Chapter 5 Adult Day Service; Effective 6/16/08 | | 5-006.04A The ADS must: 1. Inform clients of their rights in writing upon enrollment. 5-006.04C At a minimum designee rights include the right to: 3. Formulate advance directives and have the ADS comply with the directives unless the facility notifies the caretaker of their inability to do so 5-006.15A1 Content: Client records must contain information that includes but is not limited to: 13. Advance directives if available | | http://www.sos.ne.gov/rules-and-regs/regsearch/Rules/Health\_and\_Human\_Services\_System/Title-175/Chapter-05.pdf | |
| New Jersey | | New Jersey Administrative Code; Title 8 Health; Chapter 43F Standards for Licensure of Adult Day Health Services Facilities; Subchapter 3 Administration; Last amended 11/16/2009 | | 8:43F-3.6 Policies and procedures shall include, but not be limited to, policies and procedures for the following: 5. Advance directives, including but not limited to the following: ii. Requirements for provision of a written statement of participants' rights regarding advance directives, approved by the Commissioner or his or her designees, to such participants | | N.J.A.C. 8:43F-3.6 | |
| Rhode Island | | Rhode Island Code of Regulations; Department of Health; Title 216: Chapter 40, Subchapter 10, Part 7 Licensing Adult Day Care Programs; Modified 8/6/2018 Rules, Regulations and Standards for Licensing of Adult Day Services Programs, Department of Elderly Affairs, May, 1999; Last amended 12/2002 | | 7.5.1 (K) The participant (or their authorized representative) and family shall be informed of the program’s procedures for advance directives 7.5.4 (S)(3) A file readily located for each participant containing at least the following: g. Copy of any advance directive, power of health care attorney, etc. | | https://rules.sos.ri.gov/regulations/part/216-40-10-7 https://rules.sos.ri.gov/regulations/part/218-XXX-XX-1033 | |
| Texas | | Texas Administrative Code; Title 40 Social Services and Assistance; Part 1 Department of Aging and Disability Services; Chapter 98 Day Activity and Health Services Requirements; Subchapter D Licensure and Program Requirements; Last amended to be effective 9/1/2010 | | 98.61(C )(1) The facility must provide a client with the following written information: (A) the client's rights under Texas law to make decisions concerning medical care, including the right to accept or refuse medical or surgical treatment and the right to formulate advance directives...(2) the facility must document in the client's record whether the client has executed an advance directive... (5) The facility must educate the client, family members and staff, in a language they understand, on issues concerning advance directives. | | http://texreg.sos.state.tx.us/public/readtac$ext.TacPage?sl=R&app=9&p\_dir=&p\_rloc=&p\_tloc=&p\_ploc=&pg=1&p\_tac=&ti=40&pt=1&ch=98&rl=61 | |
| Vermont | | State of Vermont Agency of Human Services, Department of Disabilities, Aging, and Independent Living; Vermont Certification Standards for Adult Day services in Vermont; Revised 8/2016 | | (VIII)(D) Advance Directive Policy: An advance directive policy shall state that, upon admission, an adult day center will explain the participant's right under state law to formulate or not to formulate, an advance directive. | | https://asd.vermont.gov/sites/asd/files/documents/DRAFT\_Adult\_Day\_Standards.pdf http://asd.vermont.gov/sites/asd/files/documents/Adult\_Day\_Standards\_January\_2017.pdf | |
| Washington | | Washington State Legislature; Washington Administrative Code; Title 388 Department of Social and Health Services; Chapter 388-71 Aging and Adult services- Home and community based services and programs; Last effective 1/23/15 | | 388-71-0738 (r) The center must have an advance directive policy as required by the Patient Self Determination Act of 1990 (see 42 C.F.R. 489.102 and chapter 70.122 RCW) 388-71-0744 (j) Advance directives (if any) and a statement signed by the client that he or she has received the center's policies concerning advance directives | | http://app.leg.wa.gov/wac/default.aspx?cite=388-71&full=true#388-71-0746 | |