

APA-1
07/04

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 135 Department or Agency Board of Examiners of Assisted Living Administrators

Rule No. 135-X-2-.01 (q) (r)

Rule Title: Definitions

 New X Amend Repeal Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? NO

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? NA

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note

prepared in accordance with subsection (f) of Section 412223, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Amy Judley

Date 7/24/12

(DATE FILED)
(STAMP)

APA-2
07/04

Board of Examiners of Assisted Living Administrators
NOTICE OF INTENDED ACTION

AGENCY NAME: Board of Examiners of Assisted Living Administrators

RULE NO. & TITLE: 135-X-2-.01 (q) (r) – Definitions

INTENDED ACTION: adding a definition for Administrator in Training and Preceptor

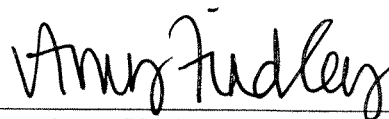
SUBSTANCE OF PROPOSED ACTION: The Board of Examiners of Assisted Living Administrators proposes to amend Rule 135-X-2-.01 (q) (r) by adding a definition for
(q) Administrator in Training AND
(r) Preceptor

TIME, PLACE, MANNER OF PRESENTING VIEWS: The Board of Examiners of Assisted Living Administrators will hold a public hearing to hear written comments from 10:00 am until 11:00 am on October 11, 2012. The public hearing will be held in the conference room of the ALAA Office, 5921 Carmichael Road, Montgomery, Alabama.

Notice - If you require special accommodations (wheel chair access) and would like to attend our Board Meetings, you MUST notify the BOEALA Office by calling (334) 271.2418 at least 10 days in advance of any meeting.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: The date for completion of notice is October 10, 2012.

CONTACT PERSON AT AGENCY: The contact person for the Board of Examiners of Assisted Living Administrators is: Amy Findley, Executive Director, 5921 Carmichael Road, Montgomery, Alabama, 36117. The phone number is (334) 271-2418.



Amy Findley
Executive Director

**ALABAMA BOARD OF EXAMINERS OF ASSISTED LIVING
ADMINISTRATORS**

**CHAPTER 135-X-2
GENERAL DEFINITIONS**

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135-X-2-.01 Definitions

135-X-2-.01 Definitions. Whenever used in these rules and regulations unless expressly otherwise stated, or unless the context or subject matter requires a different meaning, the following terms shall have the respective meanings hereinafter set forth or indicated.

(a) “Acute Care Hospital” means a health institution planned, organized, and maintained for offering to the public generally facilities and beds for use in the diagnosis and/or treatment of illness, disease, injury, deformity, abnormality or pregnancy, when the institution offers such care of service for not less than twenty-four consecutive hours in any week to two (2) or more individuals not related by blood or marriage to the owner and/or chief executive officer/administrator and in addition, the hospital may provide for the education of patients, medical and health personnel, as well as conduct research programs to promote progress and efficiency in clinical and administrative medicine.

(b) “Applicant” means one who has applied for and is fulfilling the requirements for licensure as an assisted living administrator.

(c) “Assisted Living Administrator” means any individual who is charged with the general administration of an assisted living facility or a specialty care assisted living facility, whether or not the individual has an ownership interest in the facility, and whether or not his or her functions and duties are shared with one or more individuals.

(d) “Assisted Living Facility,”(according to Act 2001-1057) means any facility, including both assisted living facilities and specialty care assisted living facilities, that is defined as such for licensing purposes pursuant to Section 22-21-20, Code of Alabama, 1975. For purpose of this act, the term “assisted living facility” shall not include family assisted living facilities as the term is defined in the rules and regulations promulgated by the Department of Public Health.

(e) “Assisted Living Facility” (according to the Rules of Alabama Department of Public Health, Chapter 420-5-4, Assisted Living Facilities) means an individual, individuals, corporation, partnership, limited partnership, or any other entity that provides or offers to provide residence and personal care to individuals who are in need of

assistance with activities of daily living. A facility shall not be deemed to meet the definition of assisted living facility unless a residence and personal care services are provided to two or more individuals not related to the owner or administrator. To be deemed related to the owner or administrator for the purposes of this definition, an individual residing at the facility and receiving personal care must be the parent, sibling, grandparent, great-grandparent, child, grandchild, niece, nephew, aunt, uncle, first cousin, or spouse of the owner or administrator, or must stand in such relationship to the owner or administrator's spouse or deceased spouse. Provided that facilities whose resident are under the care, oversight, or protection of another governmental agency shall not be deemed to be assisted living facilities and shall be subject to these rules, if both of the following conditions are satisfied:

1. A federal, state, or other governmental body, agency, or authority has a fiduciary relationship or some other legally recognized and enforceable relationship to the residents of the facility which carries an obligation to oversee the health, safety and welfare of the residents and

2. The federal, state, or other governmental body, agency, or authority licenses, certifies, or otherwise legally authorizes the facility to provide accommodations and care for the residents.

(f) "Board" means the Board of Examiners of Assisted Living Administrators of the State of Alabama.

(g) "Emergency Permit" means a permit issued by the Board to a person temporarily performing the functions of administrator in the assisted living facility for a reasonable period of time from the date of death, unexpected resignation, incapacitation, or revocation of the licensed assisted living administrator, but not to exceed 120 days.

(h) "Examiner" means a member of the Board of Examiners of Assisted Living Administrators of the State of Alabama.

(i) "Executive Director" means the executive director of the board.

(j) "Person" means an individual and does not include the term firm, corporation, association, partnership, institution, public body, joint stock association, or any other group of individuals.

(k) "Petty Traffic Offense" means any misdemeanor arising out of the operation of a motor vehicle except: driving while under the influence of liquors, narcotics, or hallucinating drugs; leaving the scene of an accident; and manslaughter resulting from the operation of a motor vehicle.

(l) "Practice of Assisted Living Administration" means the planning, organizing, directing and control of the operation of an assisted living facility.

(m) “Provisional Assisted Living Administrator” means an individual who has been issued a provisional license by the Board.

(n) “Provisional License” means a temporary license issued to a provisional assisted living administrator by the Board.

(o) “Specialty Care Assisted Living Facility” (according to Rules of Alabama State Board of Health Alabama Department of Public Health, Chapter 420-5-20, Specialty Care Assisted Living Facilities) means a facility that meets the definition of Assisted Living Facility but which is specially licensed and staffed to permit it to care for residents with a degree of cognitive impairment that would ordinarily make them ineligible for admission or continued stay in an assisted living facility. Residents admitted to specialty care assisted living facilities must meet all eligible and continued stay requirements specified elsewhere in these rules.

(p) “Residential Care Setting” – an accredited or licensed facility or organization that provides health care to the elderly or disabled, such as: hospice, home health care or patient care consortiums; shall not include care given by individuals to other individuals (such as family members or friends) at home, or care provided to individuals at an unlicensed or unaccredited facility, organization or company.

(q) “Administrator in Training” – a supervised internship during which the Administrator in Training (the AIT) works under the guidance and supervision of a preceptor.

(r) “Preceptor” – a licensed assisted living administrator who has three (3) years of full-time experience working as a licensed assisted living administrator and who has been approved by the BOEALA board and is actively supervising an AIT.

Author: Theresa Jordan.

Statutory Authority: Code of Ala. 1975, Section 34-2A-1-16.

History: New Rule Filed September 16, 2002., Amendment Filed August 10, 2007.

Amended: September 29, 2008. Amendment Filed July 24, 2012.