

PROXY CAREGIVER RULES AND INTERPRETIVE GUIDELINES—CHAPTER 111-8-100, effective 08/07/11

TAGS	RULE	IG
0000 Initial Comments.		Interpretive Guideline Clarification for Providers (This information is intended to clarify rules and to provide technical assistance and examples for providers with occasional notes on how surveyors may survey for a particular requirement. Such clarification and examples are subject to change from time to time as necessary to better reflect rule requirements. Any references which may be made to "Best Practices" are suggestions for raising the quality of care but are not requirements at this time. References to other related rules may be provided here to assist the reader in finding information.)
0100 Legal Authority. 111-8-100-.01	Legal Authority. These rules are adopted and published pursuant to the Official Code of Georgia Annotated (O.C.G.A.) §§ 31-7-2.1 and 43-26-12. Authority O.C.G.A. §§ 31-7-2.1 and 43-26-12.	
0200 Title and Purpose. 111-8-100-.02	Title and Purpose. These rules, known as the Rules and Regulations for Proxy Caregivers Used in Licensed Healthcare Facilities, set forth the requirements for designated proxy caregivers performing health maintenance activities in connection with certain licensed healthcare facilities subject to regulation by the department. Authority O.C.G.A. §§ 31-2-7, 31-7-2.1 and 43-26-12	These rules are to be applied in all licensed healthcare facilities where designated proxy caregivers are allowed by law to function. Under O.C.G.A. § 43-26-12, proxy caregivers are not permitted to function in nursing homes (including intermediate care facilities for the mentally retarded), hospitals (including residential mental health facilities for children), Medicare-certified home health agencies and hospices. See definition of "licensed healthcare facilities" in Rule .03(k).

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0300 Definitions. 111-8-100-.03(a)	"Administrative action" means the initiation of a contested case as defined in the Georgia Administrative Procedures Act (APA), O.C.G.A. § 50-13-2(2) against a licensed facility for violation of licensing requirements.	
0301 Definitions. 111-8-100-.03(b)	"Client(s)" means a person or persons receiving services through the licensed facility. Clients include such terms as residents, consumers, patients and program participants.	
0302 Definitions. 111-8-100-.03(c)	"Competency-based training" means training which is tied to an identified set of skills and knowledge and requires demonstration and documentation of an acceptable level of performance of a task or achievement of an outcome.	This refers to training on a particular set of skills that relates to the particular needs of the client being served.

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0303 Definitions. 111-8-100-.03(d)	<p>"Complex wound care" means the specialized nursing care that is required for certain wounds. Typically, the following kinds of wounds require complex care: wounds in the lower extremity of diabetic patients, pressure ulcers, chronic venous ulcers, wounds following extensive necrotic processes caused by infections (Fournier's and other), and chronic wounds related to vasculitis and immunosuppressive therapy that have not healed using simple care.</p>	<p>Such complex wounds meet one or more of the following criteria:</p> <ol style="list-style-type: none"> 1. There is extensive loss of the integument whether it is an acute or chronic wound. Chronic wounds are defined as wounds that have not healed expontaneously in 3 months and usually have a common pattern of complexity. 2. Infection is present as a complication in chronic wounds and in itself may be the cause of the problem that resulted in tissue loss, as happens in aggressive infections like Fournier's gangrene. 3. There is compromised viability of superficial tissues – clear necrosis, or signs of circulation impairment either localized or more extensive, usually in the limbs, leading to extensive loss of substance. 4. The client has a systemic pathology that impairs normal healing, causing wounds to fail to heal with simple care and to require special attention. Feet ulcers in diabetic patients and many forms of vasculitis are common examples.
0304 Definitions. 111-8-100-.03(e)	<p>"Department" means the Department of Community Health, its agents and employees.</p>	

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0305 Definitions. 111-8-100-.03(f)	"Health maintenance activities" means those limited activities that, but for a disability, a person could reasonably be expected to do for himself or herself. Such activities are typically taught by a registered professional nurse, but may be taught by an attending physician, advanced practice registered nurse, physician assistant, or directly to a patient and are part of ongoing care. Health maintenance activities are those activities that do not include complex care such as administration of intravenous medications, central line maintenance, and complex wound care; do not require complex observations or critical decisions; can be safely performed and have reasonably precise, unchanging directions; and have outcomes or results that are reasonably predictable. Health maintenance activities conducted pursuant to this paragraph shall not be considered the practice of nursing.	Wording of definition tracks O.C.G.A. § 43-26-12(a)(9)(C)(ii).
0306 Definitions. 111-8-100-.03(g)	"Individual with a disability" or "disabled individual" means an individual who has a physical or mental impairment that substantially limits one or more major life activities such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing and/or learning, and who meets the criteria for a disability under state or federal law.	
0307 Definitions. 111-8-100-.03(h)	"Inspection" means any examination by the department or its representatives of a licensed healthcare facility, including but not necessarily limited to the premises, and staff, persons in care, and documents pertinent to initial and continued licensing so that the department may determine whether a facility is operating in compliance with licensing requirements. The term "inspection" includes any survey, complaint investigation, monitoring visit, or other inquiry conducted for the purpose of making a compliance determination with respect to licensing requirements.	

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0308 Definitions. 111-8-100-.03(i)	<p>"Legally authorized representative" means the person legally authorized to act on behalf of the individual with a disability with respect to providing consent to medical treatment or procedures not prohibited by law which may be suggested, recommended, prescribed or directed by a duly licensed physician or as otherwise authorized by law. The representative is not authorized to act on behalf of the individual with a disability to provide consent until a medical determination has been made that the individual with a disability lacks decision-making capacity regarding medical treatment or the ability to communicate such decisions by any means.</p>	
0309 Definitions. 111-8-100-.03(j)	<p>"Licensed healthcare professional" means an individual who is licensed and authorized under Georgia law to perform certain healthcare practices. The term includes physicians, advance practice registered nurses, physician's assistants, registered nurses, pharmacists, physical, speech and occupational therapists who are functioning within their scopes of licensed practice. The term does not include licensed practical nurses, certified nursing assistants or medication aides.</p>	

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0310 Definitions. 111-8-100-.03(k)	"Licensed healthcare facility" or "licensed facility" means any agency, institution, entity or person subject to regulation by the department under Chapters 7, 13, 22, 23, 44 of Title 31; paragraph (8) of subsection (d) of Code Section 31-2-4; Chapter 5 of Title 26; and Article 7 of Chapter 6 of Title 49 of the Official Code of Georgia Annotated, except hospitals, residential mental health facilities, nursing homes, intermediate care facilities for the mentally retarded, Medicare-certified home health agencies and hospices.	To the extent that "health maintenance activities" are being performed in licensed facilities, proxy caregivers may function in the following: assisted living communities (refer to the assisted living community rules since there are some limitations on what proxy caregivers can do in assisted living communities), community living arrangements, personal care homes, private home care providers, drug abuse treatment education programs and traumatic brain injury facilities. Given the nature of the health services being provided, it is unlikely that proxy caregivers would be performing any "health maintenance activities" in ambulatory surgery centers, birthing centers, end stage renal disease centers, clinical laboratories or x-ray facilities.
0311 Definitions. 111-8-100-.03(l)	"Licensed residential facility" means a licensed facility which serves as the home, either temporarily or permanently, of an individual with a disability. Such facilities are licensed as assisted living communities, personal care homes, community living arrangements, residential drug abuse treatment programs and traumatic brain injury facilities.	
0312 Definitions. 111-8-100-.03(m)	"Proxy caregiver" means an unlicensed person who has been determined qualified to have the necessary knowledge and skills acquired through training by a licensed healthcare professional to perform documented health maintenance activities, including specialized procedures, for an individual with a disability who has delegated to the designated proxy caregiver the performance of such health maintenance activities through execution of a written informed consent by the individual with a disability or a person legally authorized to act on behalf of such individual with a disability.	The department has made available a model informed consent form which meets the requirements of the rules which licensed healthcare facilities may choose to use. See Appendix A. or go to the HFRD website at www.dch.georgia.gov . Just click on Healthcare Facility Regulation, then Forms and Applications, then scroll down to Other Forms to see Informed Consent Form. For surveyors: Appendix A can be found: 1. In ACO under Letters, Proxy Caregiver Rules, Appendix A OR 2. On the shared network drive in J:\Proxy Caregiver Rules Appendices OR 3. In Citrix in C:\Proxy Caregiver Rules Appendices

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0313 Definitions. 111-8-100-.03(n)	<p>"Written plan of care" means the specific set of written instructions which have been determined necessary, usually by a registered professional nurse, to implement the written orders of the attending physician or an advanced practice registered nurse or physician assistant working under a nurse protocol agreement or job description respectively.</p> <p>Authority O.C.G.A. §§ 31-7-2.2, 31-9-2 and 43-26-12(a)(9).</p>	<p>The department has made available a model written plan of care form that the licensed healthcare facility may choose to use. See Appendix B or go to the HFRD website at www.dch.georgia.gov. Just click on Healthcare Facility Regulation, then Forms and Applications, then scroll down to Other Forms, Written Plan of Care.</p> <p>For surveyors: Appendix B can be found:</p> <ol style="list-style-type: none"> 1. In ACO under Letters, Proxy Caregiver Rules, Appendix B OR 2. On the shared network drive in J:\Proxy Caregiver Rules Appendices OR 3. In Citrix in C:\Proxy Caregiver Rules Appendices.
0400 Use of Proxy Caregivers. 111-8-100-.04(1)	<p>Proxy Caregiving Permitted. Licensed facilities, may allow proxy caregivers to perform health maintenance activities for individuals with disabilities who are being served by or through the licensed facility, as authorized in these rules, provided that the individual with a disability or legally authorized representative has executed a written informed consent.</p>	<p>Note: Language is permissive. It does not appear that HB 1040 requires licensed health care facilities to allow proxy caregivers to function in their programs.</p> <p>Proxy caregivers may not be used in hospitals, nursing homes, Medicare-certified home health agencies and hospices.</p>

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0401 Written Informed Consent. 111-8-100-.04(2)	Written Informed Consent. No licensed facility will permit a proxy caregiver to provide health maintenance activities by or through the licensed facility unless the individual with a disability, or the legally authorized representative has executed an informed consent. ...	The expectation is that if the licensed facility is aware of the proxy caregiver, e.g. the caregiver comes into the licensed residential facility or the licensed facility is asked to train proxy caregiver or provide backup services, then the licensed facility must ensure that a written informed consent meeting all of the requirements has been executed. See Appendix A or go to the HFRD website at www.dch.georgia.gov . Just click on Healthcare Facility Regulation, then Forms and Applications, then scroll down to Other Forms, Informed Consent. The licensed facility may either use the department's informed consent form or use its own form provided that the consent form meets all of the requirements set forth in the rules. For surveyors: Appendix A can be found: 1. In ACO under Letters, Proxy Caregiver Rules, Appendix A OR 2. On the shared network drive in J:\Proxy Caregiver Rules Appendices OR 3. In Citrix in C:\Proxy Caregiver Rules Appendices.
0402 Written Informed Consent. 111-8-100-.04(2)(a)	The written informed consent must contain the following information: (a) a definition of health maintenance activities as set forth in the law; ...	See Rule 111-8-100-.03(f) for definition of health maintenance activities.
0403 Written Informed Consent. 111-8-100-.04(2)(b)	The written informed consent must contain the following information: ... (b) the actual health maintenance activities to be performed; ...	The specific activity/task must be listed. Use of the generic term, "health maintenance activities" as a statement of the actual tasks to be performed does not satisfy this rule. The actual task must be listed.

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0404 Written Informed Consent. 111-8-100-.04(2)(c)	The written informed consent must contain the following information: ... (c) an explanation that such health maintenance activities are to be provided pursuant to the written orders of an attending physician, advance practice registered nurse or physician's assistant working under protocol or job description as further detailed in the written plan of care; ...	
0405 Written Informed Consent. 111-8-100-.04(2)(d)	The written informed consent must contain the following information: ... (d) the name(s) of the proxy caregiver(s) who are being authorized to provide health maintenance activities; ...	Actual names of the proxy caregivers must be listed, e.g. Jane Smith, Mary Jones, etc. It is not acceptable to say "any proxy caregiver employed by the licensed healthcare facility".
0406 Written Informed Consent. 111-8-100-.04(2)(e)	The written informed consent must contain the following information: ... (e) a disclosure that Georgia law now allows licensed healthcare professionals to train unlicensed proxy caregivers to provide the specific health maintenance activities listed on the written plan of care; ...	
0407 Written Informed Consent. 111-8-100-.04(2)(f)	The written informed consent must contain the following information: ... (f) an acknowledgement that proxy caregivers are not licensed healthcare professionals and do not have the same education and training as licensed healthcare professionals. Therefore, there may be additional health risks associated with receiving this care from proxy caregivers who may not recognize an important change in the individual's medical condition requiring assessment and/or treatment; ...	

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0408 Written Informed Consent. 111-8-100-.04(2)(g)	The written informed consent must contain the following information: ... (g) an acknowledgment that the individual with a disability, or the legally authorized representative consents and is willing to take such risks; ...	
0409 Written Informed Consent. 111-8-100-.04(2)(h)	The written informed consent must contain the following information: ... (h) that the informed consent is conditioned upon the proxy caregiver(s) being determined by an appropriately qualified licensed healthcare professional to have the knowledge and skills necessary to perform safely the specific health maintenance activities listed on the consent; ...	
0410 Written Informed Consent. 111-8-100-.04(2)(i)	The written informed consent must contain the following information: ... (i) a statement that the informed consent for any proxy caregiver designated to deliver health maintenance activities may be withdrawn orally or in writing by the individual with a disability or the legally authorized representative by informing the proxy caregiver and any licensed facility through which the proxy caregiver may be operating; ...	
0411 Written Informed Consent. 111-8-100-.04(2)(j)	The written informed consent must contain the following information: ... (j) an authorization for such health maintenance activities to be provided which is signed and dated by the individual with a disability or the legally authorized representative.	Where a person signs on behalf of the individual with the disability, there must be some medical evidence that the individual "lacks sufficient understanding or capacity to make significant responsible decisions regarding medical treatment or the ability to communicate by any means such decision" or is otherwise legally authorized to sign, e.g. guardianship.

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<p>0412 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(a)</p>	<p>Proxy Caregivers Functioning Independently in Licensed Residential Facilities. Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following:</p> <p>(a) Develop and enforce written policies and procedures which do not conflict with the requirements of the law and these rules, and which outline the following:</p> <ol style="list-style-type: none"> 1. The scope of the health maintenance activities that proxy caregivers are permitted to perform; 2. The notification procedures that will be utilized when either the proxy caregiver observes a change in the condition of the individual with a disability which may require evaluation/treatment by a licensed healthcare professional, or there is a change in the care being provided through the licensed residential facility that might impact the performance of health maintenance activities; and 3. The safety and security precautions that will be employed in the licensed residential facility to protect clients being served from harm by proxy caregivers who are independent and not under the control of the facility. ... 	<p>These rules recognize that the licensed facility has oversight and coordination of care responsibilities for residents who receive services from proxy caregivers that function independently of the licensed facility.</p> <p>Outline what may and/or may not be provided by independent proxy caregivers in the licensed facility.</p> <p>Licensed facility staff must be knowledgeable of the methods used to communicate resident needs to ensure that the resident receives necessary services delivered in a safe manner at the appropriate time.</p> <p>A licensed residential facility may want to require a local criminal record check for protection of other residents, evidence of search of Georgia Sex Offender Registry, Georgia Nurse Aide Registry, etc. The procedures must state what the licensed facility will do if there is an unsafe situation that puts the client or others in the licensed residential facility at risk.</p>
<p>0416 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(b)</p>	<p>Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following: ...</p> <p>(b) Maintain a copy of the written informed consent which meets the requirements of rule 111-8-100-.04(2) and appears to be properly executed by the individual with a disability or the legally authorized representative ...</p>	

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0417 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(c)	<p>Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following: ...</p> <p>(c) Maintain a copy of the written plan of care for the individual with a disability which has been developed by a licensed healthcare professional pursuant to written orders of an attending physician, or an advanced practice registered nurse or physician assistant working under a nurse protocol agreement or job description respectively. ...</p>	<p>Depending upon the unique needs of the client, a written plan of care may be developed by a licensed healthcare professional other than a registered nurse, e.g. physical therapist.</p>
0418 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(d)	<p>Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following: ...</p> <p>(d) Determine that the written plan of care provided specifies the health maintenance activities to be performed, the frequency of training and evaluation for the proxy caregiver and the kinds of changes in the written plan of care that would necessitate additional training for the proxy caregiver. ...</p>	

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<p>0419 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(e)</p>	<p>Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following: ...</p> <p>(e) Maintain current documentation signed by a licensed healthcare professional which reflects that the proxy caregiver has been determined to have the knowledge and skills necessary to perform safely the required health maintenance activities for the individual client. ...</p>	<p>"Current" documentation refers to evidence that the health maintenance activities being performed are the ones that the proxy caregiver has received training on and there has not been a substantial change in the client's condition that, according to the written plan of care, would trigger the need for additional training. Where the caregiver is provided by the family and the licensed provider has not arranged for the care being provided by the proxy caregiver, but is aware of the caregiver and has to coordinate care/services with the caregiver for the benefit of the client, the licensed provider is responsible for having a document that evidences that a licensed professional has determined that the proxy caregiver has the knowledge and skills necessary to perform the health maintenance activities. A licensed facility might obtain a signed copy of a skills competency checklist or signed plan of care completed by the RN who trained the caregiver, for example, or a signed statement or separate order signed by a licensed healthcare professional stating that the caregiver has the knowledge and skills to do the activities assigned.</p>

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0420 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(f)	<p>Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following: ...</p> <p>(f) Verify that there is a back-up proxy caregiver service plan which has been put in place for the individual with a disability which addresses at a minimum the following:</p> <ol style="list-style-type: none"> 1. The notification procedures and contact information that will be utilized when the proxy caregiver and/or licensed facility staff observe a change in the condition of the individual with a disability which may require evaluation/treatment by a licensed healthcare professional; 2. The alternative resources to be used to provide needed health maintenance activities in the event that the proxy caregiver is not available for any reason; and 3. The notification procedures and contact information that will be utilized if staff members of the licensed facility become aware of a potentially unsafe situation involving the client and the proxy caregiver. ... 	<p>The licensed facility and resident need to be clear regarding who is responsible for providing back-up care if the proxy caregiver is not available for any reason. The back up plan must utilize appropriately licensed or trained individuals and may include the following:</p> <ul style="list-style-type: none"> · Family member · Licensed residential facility itself · Licensed private home care provider
0424 Proxy Caregivers Functioning Independently. 111-8-100-.04(3)(g)	<p>Where the licensed residential facility permits the individual with a disability or the legally authorized representative to hire a proxy caregiver directly to perform tasks that are appropriately classified as health maintenance activities, the licensed residential facility must do the following: ...</p> <p>(g) Ensure that the proxy caregiver is familiar with emergency evacuation procedures.</p>	<p>“Familiar with the emergency evacuation procedures” means at a minimum that the proxy caregiver is able to identify potential situations that require an emergency evacuation, the emergency routes the facility uses; the evacuation point, proper procedures for evacuation, and the proxy caregiver’s role in evacuation. The facility must maintain documentation showing that the proxy caregiver has been trained in emergency evacuation procedures.</p>

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<p>0425 Services Through Proxy Caregivers. 111-8-100-.04(4)(a)</p>	<p>Licensed Facilities Delivering Services Through Proxy Caregivers. Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following:</p> <p>(a) Develop and enforce written policies and procedures, which do not conflict with the requirements of the law and these rules and which outline the following:</p> <ol style="list-style-type: none"> 1. The scope of the health maintenance activities that proxy caregivers are permitted to perform; 2. The notification procedures that will be utilized when the proxy caregiver observes a change in the condition of the individual with a disability which may require evaluation/treatment by a licensed healthcare professional; and 3. The safety and security precautions that will be employed by the licensed facility to protect clients being served by the licensed facility from harm by proxy caregivers. ... 	<p>See the definition of a licensed facility in Rule .03(k). Licensed facilities do not include hospitals, residential mental health facilities, nursing homes, intermediate care facilities for the mentally retarded, Medicare-certified home health agencies or hospices.</p> <p>Private home care providers may refer persons who function as independent contractors and serve as designated proxy caregivers. Where the private home care provider makes such referrals, it assumes responsibility for ensuring that the designated proxy caregiver meets these requirements.</p> <p>Proxy caregivers working for the licensed facility are subject to criminal record check requirements as for all employees. Additionally, the licensed facility may require additional qualifications, depending on the types of health maintenance activities to be performed.</p>

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<p>0429 Services Through Proxy Caregivers. 111-8-100-.04(4)(b)</p>	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(b) Disclose to individuals with disabilities who are potential clients of the licensed facility or the legally authorized representative the following:</p> <ol style="list-style-type: none"> 1. The manner in which proxy caregivers are used to deliver health maintenance activities and the general professional qualifications of the staff providing supervision to the proxy caregivers; 2. Whether there are additional charges for such proxy caregivers and the amount that would be charged; 3. The manner in which the licensed facility ensures that clients are permitted to designate and change proxy caregivers; 4. The qualifications of the licensed healthcare professionals who develop written plans of care for the clients and provide training; and 5. The frequency of competency-based skills determinations and the extent of trainings provided to proxy caregivers. ... 	<p>The facility needs to inform prospective clients what things the proxy caregivers will be allowed to do in the facility and the general qualifications of supervisors that the facility provides so that the client knows what the level or professional oversight they are getting for the fee they pay.</p> <p>For instance, a facility, other than a licensed assisted living community, could decide that they will allow proxy caregivers to manage assistance with routine medications, but will not permit them to assist in the administration of any medications, even if they are routine medications through a G-tube. That same facility would also disclose that an RN provides training to the proxy caregivers and works under contract or part-time, etc. but would also disclose the caregivers are supervised on an on-going basis in between re-evaluations as required by plan of care or annually, by a supervisor who has x amount of experience in providing and supervising personal care, has a bachelor's or AA degree in home economics, for example, or a high school diploma with x hours of training in providing personal care. This rule does not require that the caregiver be supervised 24 hours per day by a nurse. A facility has to determine what the qualifications will be of the supervisors it hires to routinely supervise/oversee proxy caregivers based on the health maintenance activities it allows proxy caregivers to perform.</p>
<p>0435 Services Through Proxy Caregivers. 111-8-100-.04(4)(c)</p>	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(c) Ensure that the individual with a disability or the legally authorized representative has executed a written informed consent which meets the requirements of rule 111-8-100-.04(2). ...</p>	

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0436 Services Through Proxy Caregivers. 111-8-100-.04(4)(d)	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(d) Ensure that a written plan of care is developed for the individual with a disability by a licensed healthcare professional in accordance with the written orders of an attending physician, an advanced practice registered nurse or physician's assistant working under a nurse protocol agreement or job description respectively, and that such plan of care specifies the frequency of training and evaluation requirements for the proxy caregiver and when additional training will be required for new duties added to the written plan of care for which the proxy caregiver has not been previously trained. The licensed facility must either use the written plan of care form made available by the Department or another form containing all the required elements. ...</p>	
0437 Services Through Proxy Caregivers. 111-8-100-.04(4)(e)	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(e) Ensure that the written plan of care is implemented by appropriately trained proxy caregivers who have been specifically designated by the individual with a disability or the legally authorized representative. ...</p>	<p>Proxy caregivers are to be chosen by the individual with a disability or his/her legally authorized representative. The licensed facility may not unilaterally change, substitute, or replace a client's designated proxy caregiver.</p>

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<p>0438 Services Through Proxy Caregivers. 111-8-100-.04(4)(f)</p>	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(f) Maintain documentation of the specific training that was provided on the health maintenance activities that the proxy caregiver performs. The documentation must include a competency-based skills checklist completed by the licensed healthcare professional. The checklist must reflect that the proxy caregiver has personally demonstrated to the satisfaction of the licensed healthcare professional the necessary knowledge and skills to perform safely the specific health maintenance activities. ...</p>	<p>HFRD may periodically post acceptable competency based skills checklists on the website as a guide for certain health maintenance activities. These checklists must be revised to address the specific needs of the resident and abilities of the proxy caregiver. Check the HFRD website periodically to note any updates.</p>
<p>0439 Services Through Proxy Caregivers. 111-8-100-.04(4)(g)</p>	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(g) Maintain supporting documentation reflecting that the employee or contractor serving as the proxy caregiver has the basic qualifications as represented, e.g. no findings of abuse, neglect or exploitation entered against the individual in the nurse aide registry, a satisfactory report of motor vehicle driving record where the proxy caregiver may be transporting clients and a satisfactory criminal records check where required by other rules applicable to the specific licensed facility. ...</p>	<p>Proxy caregivers working for the licensed facility are subject to criminal record check requirements as for all employees. Additionally, the licensed facility may require additional qualifications, depending on the types of health maintenance activities to be performed.</p>

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0440 Services Through Proxy Caregivers. 111-8-100-.04(4)(h)	<p>Where the licensed facility employs, contracts or refers proxy caregivers to deliver health maintenance activities to individuals with disabilities receiving services through the licensed facility, the licensed facility must do the following: ...</p> <p>(h) Maintain written evidence of satisfactory performances on initial and annual skills competency determinations utilizing skills competency checklists which have either been made available by the department or developed and completed by appropriately licensed healthcare professionals. The competency-based skills checklists must reflect a testing of the knowledge and observation of the skills associated with the completion of all of the discrete tasks necessary to do the specific health maintenance activity in accordance with accepted standards of care.</p> <p>Authority O.C.G.A. §§ 31-7-2.2, 31-9-2 and 43-26-12(a)(9).</p>	<p>Evidence of satisfactory performances on an annual skills competency determination may be documented for employees of the licensed facility in accordance with the employee's annual performance review.</p> <p>Accepted standards of care refers to the treatment process that has developed over time or as a result of research and is determined to represent the generally approved method for providing care to an individual with a particular set of symptoms or with a specific illness or disease.</p>
0500 Training and Other Requirements. 111-8-100-.05(1)	<p>Training and Other Requirements for Proxy Caregivers</p> <p>Training Curricula. A licensed facility utilizing proxy caregivers must employ a written training curricula developed by appropriately licensed healthcare professionals which ensures that the proxy caregiver accurately demonstrates how to do the required health maintenance activities correctly and safely. ...</p>	<p>Examples of training curricula that might be adopted could include curricula resources such as the following:</p> <p>**Massachusetts Medication Administration Program (MAP) www.mass.gov (search on Medication Administration Program)</p> <p>** North Carolina Nurse Aide Skills Training and Competency Program www.ncbon.com/content.aspx?id=830</p> <p>**Ohio Medication and Health Activities Training Manual www.dodd.ohio.gov/</p> <p>All are available free via the internet.</p>
0501 Training Curricula. 111-8-100-.05(1)(a)	<p>... At a minimum, the training curricula used for proxy caregivers must include the following:</p> <p>(a) Learning objectives which relate specifically to the health maintenance activities to be performed; ...</p>	

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0502 Training Curricula. 111-8-100-.05(1)(b)	At a minimum, the training curricula used for proxy caregivers must include the following: ... (b) Content knowledge and skills that are required to accomplish the learning objectives; ...	
0503 Training Curricula. 111-8-100-.05(1)(c)	At a minimum, the training curricula used for proxy caregivers must include the following: ... (c) Learning activities that will be utilized to provide instruction on knowledge and skills required; ...	
0504 Training Curricula. 111-8-100-.05(1)(d)	At a minimum, the training curricula used for proxy caregivers must include the following: ... (d) The results of the Test of Functional Health Literacy (TOFHLA) used as an assessment tool to individualize necessary training for the specific skills if the caregiver does not have a high school diploma or a general equivalency degree (G.E.D); ...	The Test of Functional Health Literacy in Adults (TOFHLA) measures the functional literacy level of the person taking the test, using real-life health care materials. These materials include patient education information, prescription bottle labels, registration forms, and instructions for diagnostic tests. The TOFHLA is available for purchase from http://www.peppercornbooks.com/ for \$90.00 and permits the purchaser to reproduce without additional charge the assessment instruments for use in its own testing program.
0505 Training Curricula. 111-8-100-.05(1)(e)	At a minimum, the training curricula used for proxy caregivers must include the following: ... (e) Satisfactory and independent completion of the required skills competency checklists relating to the specific health maintenance activities to be performed before an appropriately licensed healthcare professional; ...	

TAGS	RULE	IG
0506 Training Curricula. 111-8-100-.05(1)(f)	At a minimum, the training curricula used for proxy caregivers must include the following: ... (f) The use of skills competency checklist forms when made available by the department for the specific health maintenance activities to be performed or other skills checklist forms that include all of the competencies in the correct order as contained on the forms made available by the department and as required for the specific client ...	HFRD may periodically post acceptable competency based skills checklists on the website as a guide for certain health maintenance activities. These checklists must be individualized to address the specific needs of the resident and abilities of the proxy caregiver. Check the HFRD website periodically to note any updates.
0507 Training Curricula. 111-8-100-.05(1)(g)	At a minimum, the training curricula used for proxy caregivers must include the following: ... (g) Satisfactory evidence of routine evaluations of continued skills competencies by an appropriately licensed healthcare professional, at least annually if not assessed more frequently as specified on the written plan of care.	Evaluations must be conducted at least annually unless specified on the written plan as needed more frequently based on the specific health maintenance activity and condition of the individual receiving services.
0508 Medication Assistance. 111-8-100-.05(2)	Licensed Facilities Providing Medication Assistance. A licensed facility may use proxy caregivers to provide assistance with managing medications for an individual with a disability unless the use of proxy caregivers is subsequently prohibited or modified by regulations applicable to a specific type of licensed facility adopted after the effective date of these rules.	Proxy caregivers employed by an assisted living community may not administer medications though they may provide assistance with or supervision of self-administered medications to residents who are capable of self-administration. Certified medication aides must be used in assisted living communities to administer medications. See Chapter 111-8-63 for regulations for Assisted Living Communities.
0509 Medication Assistance. 111-8-100-.05(2)(a)	In the absence of more specific requirements, the licensed facility using proxy caregivers for medication assistance must meet the following conditions: (a) The individual with a disability or the legally authorized representative has provided a written informed consent which meets the requirement of these rules; ...	

TAGS	RULE	IG
0510 Medication Assistance. 111-8-100-.05(2)(b)	<p>In the absence of more specific requirements, the licensed facility using proxy caregivers for medication assistance must meet the following conditions:</p> <p>(b) The medications and assistance being provided have been determined by an appropriately licensed healthcare professional to be health maintenance activities that may be safely performed by properly trained proxy caregivers ...</p>	This determination by the appropriately licensed healthcare professional is evidenced by the healthcare professional's development of the written plan of care and training of the proxy caregiver.
0511 Medication Assistance. 111-8-100-.05(2)(c)	<p>In the absence of more specific requirements, the licensed facility using proxy caregivers for medication assistance must meet the following conditions: ...</p> <p>(c) The proxy caregiver has been trained in accordance with these rules and determined through completion of a skills competency checklist before an appropriately licensed healthcare professional to have the knowledge and skills necessary to perform the specific health maintenance activities in accordance with the written plan of care.</p>	
0512 Medication Assistance Curriculum. 111-8-100-.05(3)	Medication Assistance Curriculum. Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional[.]	
0513 Medication Assistance Curriculum. 111-8-100-.05(3)(a)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(a) The licensed facility's medication policies and procedures; ...</p>	Medication policies and procedures must, at a minimum, address procedures for receiving medications, reconciling medications received against those ordered, storage of medications, procedures for managing medications, discontinued medications, and disposal of medications.

TAGS	RULE	IG
0514 Medication Assistance Curriculum. 111-8-100-.05(3)(b)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(b) How to read prescription labels including common abbreviations; ...</p>	
0515 Medication Assistance Curriculum. 111-8-100-.05(3)(c)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(c) Providing the right medication to the right client at the right time in the right amount and the right way including how to measure various medications that the specific client is taking; ...</p>	

TAGS	RULE	IG
0516 Medication Assistance Curriculum. 111-8-100-.05(3)(d)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(d) The importance of taking the medications as prescribed; ...</p>	
0517 Medication Assistance Curriculum. 111-8-100-.05(3)(e)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(e) Recognition of side effects and adverse reactions for the specific medications; ...</p>	
0518 Medication Assistance Curriculum. 111-8-100-.05(3)(f)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(f) Understanding the common classifications of medications, typical side effects and adverse reactions and medications which must never be administered by proxy caregivers; ...</p>	See rule -.05(7) for Prohibited Assistance, Also consider the specific individual, his/her condition, and current medications.

TAGS	RULE	IG
0519 Medication Assistance Curriculum. 111-8-100-.05(3)(g)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(g) Actions to take when concerns regarding medications are identified; ...</p>	Concerns regarding medications include identification of potential side effects and adverse reactions to medications and changes in the client/resident's condition.
0520 Medication Assistance Curriculum. 111-8-100-.05(3)(h)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(h) Infection control procedures; ...</p>	
0521 Medication Assistance Curriculum. 111-8-100-.05(3)(i)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(i) Proper medication storage and disposal; ...</p>	For personal care homes employing proxy caregivers, proper medication storage must be in accordance with facility policies and procedures. Proxy caregivers in licensed facilities must function in accordance with facility rules.

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0522 Medication Assistance Curriculum. 111-8-100-.05(3)(j)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(j) Proper documentation and record keeping that the proxy caregiver is required to complete using a Medication Assistance Record (MAR) and the role of reference documents such as package inserts and medication manuals ...</p>	
0523 Medication Assistance Curriculum. 111-8-100-.05(3)(k)	<p>...Where the licensed facility provides medication assistance through proxy caregivers, the licensed facility must maintain documentation reflecting that the proxy caregiver providing assistance with medications has received training with an established written curriculum developed by an appropriately licensed healthcare professional that includes ...</p> <p>(k) Information about medication errors, error-prone situations and strategies to prevent such medication errors and instruction on proper documentation and reporting of medication errors.</p>	
0524 Medication Assistance Other. 111-8-100-.05(4)	<p>The training on medication assistance must be provided by an appropriately licensed healthcare professional, e.g. registered professional nurse, advance practice registered nurse, physician's assistant, pharmacist or physician and must be individualized and supplemented as appropriate to meet the unique needs of the individual with a disability being served.</p>	<p>A licensed practical nurse does not qualify as an appropriately licensed healthcare professional.</p>

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0525 Medication Assistance Other. 111-8-100-.05(5)	Where a new medication is ordered, the licensed healthcare professional who completed the written plan of care must be contacted by phone to ensure that no additional training is required prior to the caregiver providing assistance with the new medication. The date, time and the outcome of the phone call to the licensed healthcare professional must be documented in the individual's record by the caregiver making the call at the time that the call is made. Where additional training is required prior to the caregiver providing assistance, such training will be provided and documented by a licensed healthcare professional.	The obligation is on the caregiver working for the licensed facility to make a record of the conversation with the licensed healthcare professional regarding the new medication at the time that the conversation occurs.
0526 Medication Assistance Other. 111-8-100-.05(6)	Proxy caregivers providing medication assistance must be proficient in reading and following detailed written instructions in English, recording understandable written entries in the client's records, communicating effectively with the client and have achieved at least a minimum score of 75 on the Test of Functional Health Literacy for Adults (TOFHLA).	
0527 Prohibited Assistance. 111-8-100-.05(7)(a)	<p>Prohibited Assistance. The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications:</p> <p>(a) Mixing, compounding, converting, or calculating medication doses, except for measuring a prescribed amount of liquid medication, breaking a scored tablet, crushing a tablet or adding water or other liquid to laxatives and nutritional supplements when such substance preparations are being done in accordance with a specific written prescription; ...</p>	<p>The items that are prohibited do not meet the definitional requirements of health maintenance activities.</p> <p>Medications in the form of gels or ointments, which only require squeezing a prescribed amount out of a tube, etc., without having to do any mixing, etc. are considered liquid medications and would be permissible if the medication assistance meets the definition of a health maintenance activity.</p> <p>Sliding scale insulin that requires calculation of an appropriate dose does NOT meet the definition of a health maintenance activity. An example that requires calculation and is therefore prohibited follows: $BS - 100 / 30 = \text{units}$. An example that does NOT require calculation and is thus permitted as a health maintenance activity follows: Blood glucose $200 - 249 = 3 \text{ units}$; $250 - 299 = 5 \text{ units}$; $300 - 349 = 7 \text{ units}$; $350 = \text{notify MD}$.</p>

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0528 Prohibited Assistance. 111-8-100-.05(7)(b)	The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ... (b) Preparing syringes for intravenous injection or the administration of medications intravenously; ...	
0529 Prohibited Assistance. 111-8-100-.05(7)(c)	The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ... (c) Administering any intravenous medications and the first dose of any subcutaneous or intramuscular injection; ...	The items that are prohibited do not meet the definitional requirements of health maintenance activities. Placing any medication in the bloodstream through a port is considered administering an intravenous medication and may not be done by a proxy caregiver. The limitations against first dose administration are precautionary, as the management of an immediate allergic reaction requires medical training. Assisting a client with the use of a properly prescribed EPI pen is not prohibited. It is assumed that the client has previously received a "first dose" of epinephrine.
0530 Prohibited Assistance. 111-8-100-.05(7)(d)	The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ... (d) Interpreting a "PRN" (as needed) medication order when the order does not identify the resident behaviors or symptoms which would trigger the need for the medication and/or does not identify the appropriate dosing and is not specifically authorized on the written plan of care; ...	The items that are prohibited do not meet the definitional requirements of health maintenance activities. Not all PRN orders are prohibited. General PRN orders, such as give acetaminophen as needed, would not be permissible. A PRN order that reads give 500mg. acetaminophen for pain every 8 hours would be acceptable if the caregiver had been trained to provide assistance with this class of medications and the medication was on the client's written plan of care.

TAGS	RULE	IG
0531 Prohibited Assistance. 111-8-100-.05(7)(e)	The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ... (e) Irrigating or debriding agents used in the treatment of skin conditions; ...	
0532 Prohibited Assistance. 111-8-100-.05(7)(f)	The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ... (f) Assisting in the administration of sample or over the counter medications where there is no written doctor's order providing amount and dosing instructions ...	The items that are prohibited do not meet the definitional requirements of health maintenance activities. Written plan of care may include those over-the-counter medications that may be administered PRN with physician's order indicating amount and dosing instructions, e.g. 1 tsp Benadryl every 8 hours PRN for seasonal runny nose. "Appropriate" evidence can include a current prescription container with name of individual and doctor and adequate instructions for usage on label.
0533 Prohibited Assistance. 111-8-100-.05(7)(g)	The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ... (g) Assisting in the administration of any medication to a client without appropriate evidence of a written order signed by an appropriately licensed healthcare professional; ...	Appropriate evidence may include a current prescription container with name of individual, physician, and adequate instructions for usage on label.

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0534 Prohibited Assistance. 111-8-100-.05(7)(h)	<p>The licensed facility providing medication management services must not train or permit proxy caregivers to provide the following assistance with medications: ...</p> <p>(h) Performing any health maintenance activities where the licensed health care professional has determined that either the care required no longer meets the definition of health maintenance activities or the proxy caregiver has not demonstrated the knowledge and skill necessary to perform the health maintenance activities safely.</p>	<p>The items that are prohibited do not meet the definitional requirements of health maintenance activities.</p> <p>The licensed healthcare professional may determine that the condition of the individual has changed such that the performance of the necessary activities is now too complex to be considered routine health maintenance activities that may be performed by a proxy caregiver.</p>
0535 Maintaining Records on Medication Assistance. 111-8-100-.05(8)	<p>Maintaining Records on Medication Assistance. Where the licensed facility manages medications for an individual with a disability, the licensed facility must maintain a daily Medication Assistance Record (MAR) for each person who receives assistance. At a minimum, the MAR must include the name of the specific person receiving assistance, any known allergies, the name and telephone number of the individual's health care provider, the name, strength and specific directions for the medications being managed, and a chart for staff who provide assistance to record initials, time and date when medications are taken, refused or a medication error is identified (e.g. missed dosage). The staff providing the assistance must immediately update the MAR for each individual each time the medication is offered or taken.</p>	
0536 Maintaining Records on Medication Assistance. 111-8-100-.05(8)(a)	<p>The licensed facility must make medication information concerning the descriptions of medication, dosing, side effects, adverse reactions and contraindications for each medication being administered to the individual with a disability immediately available for reference by proxy caregivers providing medication assistance. The licensed facility must utilize a properly indexed medication information notebook or folder which contains information about only the medications for which the caregivers are providing assistance.</p>	<p>A properly indexed medication notebook which contains the required information for the medications that the disabled individuals are taking is to be used. The informational medication resource which is used needs to be written for a broader audience than just licensed healthcare professionals. Pharmacy package inserts, which have been properly indexed to be readily retrievable in a notebook, are acceptable. The use of comprehensive medication reference books written for medical professionals as primary resources for medication information for the caregivers is not permitted. Having more comprehensive medication reference books available as a secondary resource for teaching caregivers, reviewing patient instructions, etc. is a good practice, as well.</p>

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0537 Maintaining Records on Medication Assistance. 111-8-100-.05(8)(b)	Proxy caregivers provided by the licensed facility who provide assistance with medications must document in the client's record any unusual reactions to the medications and provide such information to the individual with a disability, legally authorized representative, if any, and healthcare provider as appropriate.	Changes in the client/resident's condition must be appropriately addressed to include physician intervention as needed.
0538 Medication Assistance Competency Assessments. 111-8-100-.05(9)	Medication Assistance Competency Assessments. The licensed facility must maintain documentation showing that the proxy caregivers have been trained and determined to have the knowledge and skills necessary to provide the assistance with medications by the specified licensed healthcare professional.	
0539 Medication Assistance Competency Assessments. 111-8-100-.05(9)(a)	The specified licensed healthcare professional must sign and date the skills competency checklist for the staff they are evaluating.	<p>Sample medication skills competency checklists are included in the Ohio training materials for medication assistance. See Appendix "C".or go to the HFRD website at www.dch.georgia.gov under Healthcare Facility Regulation, then Forms and Applications, then scroll down to Other Forms, Skills Checklist.</p> <p>Any sample checklist may require further modifications in the judgment of the licensed healthcare professional, depending upon the specific health maintenance activities to be performed and the unique needs of the person with the disability who is being served.</p> <p>For surveyors: Appendix C can be found: 1. On the shared network drive in J:\Proxy Caregiver Rules Appendices OR 2. In Citrix in C:\Proxy Caregiver Rules Appendices</p>

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0540 Medication Assistance Competency Assessments. 111-8-100-.05(9)(b)	Skills competency checklists for proxy caregivers assisting with medications must be promptly updated by a licensed healthcare professional whenever new medications are added for which such staff has not previously received training and at least annually.	
0541 Medication Assistance Competency Assessments. 111-8-100-.05(9)(c)	The licensed facility must not allow any proxy caregiver to assist with administration of specific medications unless the proxy caregiver has been trained and determined competent by a registered professional nurse, or an authorized advance practice registered nurse, a physician's assistant or physician to assist with the administration of medications in that classification.	
0542 Competency Evaluations. 111-8-100-.05(10)	<p>Competency Evaluations for Specialized Health Maintenance Activities. Where the health maintenance activity to be performed has multiple discrete tasks that must be performed in proper sequence to deliver safe care, the licensed healthcare professional must ensure that the skills competency checklist properly sequences all necessary tasks. The licensed healthcare professional must verify by direct observations and sign documentation that the proxy caregiver can complete all tasks required satisfactorily in proper sequence from memory without prompting or assistance of any kind. Competency to perform specialized health maintenance activities must be reevaluated whenever the health maintenance activities change, and on a regularly recurring schedule as determined appropriate by the licensed healthcare professional on the written plan of care. The schedule for such re-evaluations must take into consideration the nature of the health maintenance activities to be performed and the condition of the client. At a minimum, such reevaluations by the licensed healthcare professional must occur no less frequently than annually.</p> <p>Authority O.C.G.A. §§ 31-7-2.2 and 43-26-12(a)(9).</p>	<p>See example of competency-based skills checklists that might be used for the performance of health maintenance activities for certain individuals where determined appropriate by the licensed healthcare professional. See Appendix "D or go to the HFRD website at www.dch.georgia.gov under Healthcare Facility Regulation, then Forms and Applications, then scroll down to Other Forms, Competency checklist.</p> <p>For surveyors: Appendix D can be found:</p> <ol style="list-style-type: none"> 1. On the shared network drive in J:\Proxy Caregiver Rules Appendices OR 2. In Citrix in C:\Proxy Caregiver Rules Appendices.

TAGS	RULE	IG
0600 Variance and Waivers. 111-8-100-.06(1)	The Department may, in its discretion, grant variances and waivers of specific rules upon application or petition filed on forms provided by the Department. The Department may establish conditions which must be met by the licensed facility in order to operate under the variance or waiver granted.	The waiver application can be found on the HFRD website at www.dch.georgia.gov under Healthcare Facility Regulation, then Forms and Applications, then Waivers.
0601 Variance and Waivers. 111-8-100-.06(1)(a)	Variance. A variance may be granted by the Department upon a showing by the applicant or petitioner that the particular rule or regulation that is the subject of the variance request should not be applied as written because strict application of the rule would cause undue hardship. The applicant or petitioner must also show that adequate standards affording protection for the health, safety, and care of the individuals with disabilities exist and will be met in lieu of the exact requirements of the rule or regulations in question.	
0602 Variance and Waivers. 111-8-100-.06(1)(b)	Waiver. The Department may dispense entirely with the enforcement of a rule or regulation by granting a waiver upon a showing by the applicant or petitioner that the purpose of the rule or regulation is met through equivalent standards affording equivalent protection for the health, safety, care, and rights of the individuals being served	
0603 Variance and Waivers. 111-8-100-.06(1)(c)	Experimental Variance or Waiver. The Department may grant variances and waivers to allow experimentation and demonstration of new and innovative approaches to delivery of services upon a showing by the applicant or petitioner that the intended protections afforded by the rule or regulation which is the subject of the request are met and that the innovative approach has the potential to improve service delivery without compromising health, safety, individuals' rights, or other relevant standards.	

TAGS	RULE	IG
0604 Variance and Waivers. 111-8-100-.06(2)	The decision of the Department regarding either granting or denying the application of the governing body of the licensed facility for a waiver or variance is not subject to further administrative review. The governing body may file a petition for judicial review in the appropriate superior court.	
0605 Variance and Waivers. 111-8-100-.06(3)	Where the Department has denied the application for a waiver or variance in writing, the Department will not consider a subsequent application for the same waiver or variance as a new application unless the applicant includes new evidence of a substantial change in the circumstances which formed the basis for the initial request. Authority O.C.G.A. §§ 31-2-9, 31-7-2.1, 31-7-12, 50-13-9.1 and 50-13-19.	
0700 Enforcement of Licensing Requirements. 111-8-100-.07	A licensed facility which permits proxy caregivers to deliver health maintenance activities is subject to inspection by the Department to determine compliance with the requirements contained in the Rules and Regulations for Proxy Caregivers Used in Licensed Healthcare Facilities, Chapter 111-8-100 or other licensure regulations applicable to the specific licensed facility. A licensed facility which is determined not to be in compliance with these rules or other rules applicable to the licensed facility, is subject to civil and administrative actions brought by the Department to enforce licensing requirements as provided by law and rules. Such actions will be initiated in compliance with the Georgia Administrative Procedures Act, O.C.G.A. § 50-13-1 et seq., O.C.G.A. §31-2-11 and the Rules and Regulations for General Licensing and Enforcement Requirements, Chapter 111-8-25. Authority O.C.G.A. §§ 31-7-2.1 and 31-7-2.2 and 50-13-1 et seq.	

TAGS	RULE	IG
0800 Severability. 111-8-100-.08	<p>In the event that any rule, sentence, clause or phrase of any of the rules and regulations may be construed by any court of competent jurisdiction to be invalid, illegal, unconstitutional, or otherwise unenforceable, such determination or adjudication shall in no manner affect the remaining rules or portions thereof. The remaining rules or portions thereof shall remain in full force and effect as if such rule or portions thereof so determined, declared or adjudicated invalid or unconstitutional were not originally part of these rules.</p> <p>Authority: O.C.G.A. § 31-7-2.1</p>	