

6400.7085 SHARED DIRECTOR.

A. With approval of the board, an assisted living facility may share the services of a licensed assisted living director or a permitted assisted living director in residence. The director or director in residence must maintain an on-site presence to administer, manage, and supervise each assisted living facility and meet the domains of practice according to the requirements of this chapter.

B. Within 15 days after assuming the position, the shared director or director in residence must submit an application to serve as a shared director, on forms provided by the board. All applications for a shared director arrangement must be signed by a legal representative of the facility or by a controlling individual.

C. The board shall consider the following criteria to determine whether to approve the shared arrangement:

- (1) education and experience of the director or assisted living director in residence;
- (2) geographic location and distance between assisted living facilities;
- (3) whether the assisted living facilities share common management or common ownership;
- (4) external or regional administrative support and clinical support;
- (5) number of assisted living facilities to be shared;
- (6) services provided at each assisted living facility;
- (7) number of residents at each assisted living facility;
- (8) licensed staffing at each assisted living facility;
- (9) proposed duration of the shared director arrangement;
- (10) compliance and complaint history;
- (11) written delegation of authority policy;
- (12) communication plan for residents, families, and staff; and
- (13) acknowledgment of ongoing satisfaction of resident contracts at each assisted living facility.

D. If the proposed shared assisted living facilities are five or fewer in number, are all within a 60-mile radius and have common management, and the assisted living facilities' licenses and the license or permit of the proposed director are in good standing, the board shall administratively approve the shared assisted living facility arrangement.

E. The board shall review all shared assisted living facility arrangements approved or denied administrative approval under item D at the board's next regularly scheduled board meeting following the approval or denial. The board must determine, according to the criteria in item C, whether to

ratify the administrative approval or approve the shared arrangement previously denied administrative approval.

F. If the board approves the request to serve as a shared director, the licensee or permit holder must:

(1) establish procedures and delegate authority for on-site operations in the director's or assisted living director in residence's absence;

(2) be available to staff at each assisted living facility that the licensee or permit holder directs;

(3) post at each assisted living facility a board-issued license or permit in a conspicuous place within the assisted living facility;

(4) post at each assisted living facility the procedure to contact the person in charge on the premises in the absence of the director or assisted living director in residence; and

(5) make communication plans available to residents, families, and staff at each assisted living facility the licensee or permit holder directs.

G. If the board does not approve the request to serve as a shared director, the board shall provide the director written notice of the board's decision and a remediation plan.

Statutory Authority: *MS s 144A.20; 144A.21; 144A.22; 144A.23; 144A.24; 214.06*

History: *45 SR 1073*

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