

105 CMR 144.000: LICENSURE OF PINE STREET INN NURSES CLINICS

Section

- 144.001: Purpose
- 144.002: Authority
- 144.003: Scope
- 144.006: Definitions
- 144.009: Administration
- 144.010: Staffing
- 144.011: Clinical Program
- 144.014: Physical Environment
- 144.015: Supplies and Equipment
- 144.016: Quality Evaluation and Assurance Program
- 144.019: Licensure Application Process
- 144.020: Inspection
- 144.021: Licensing

144.001: Purpose

105 CMR 144.000 sets forth standards for the operation of the Pine Street Inn Nurses Clinics for the Homeless.

144.002: Authority

105 CMR 144.000 is adopted under the authority of St. 1994, c. 176.

144.003: Scope

Applies to the Pine Street Inn Nurses Clinics for the Homeless subject to licensure pursuant to St. 1994, c. 176.

144.006: Definitions

Applicant - Pine Street Inn, Inc..

Application - initial or renewal application for licensure.

Client - guest of the Pine Street Inn or other recipient of services provided by the Pine Street Inn Nurses Clinics.

Department - the Department of Public Health.

Licensed Practical Nurse - an individual licensed under M.G.L. c.112, § 74A.

Licensee - Pine Street Inn, Inc. and its related entities.

Nurses Clinic(s) - a nursing model of care providing health assessment, promotion, maintenance, education, and screening activities, nursing treatments/interventions, referrals, case management, emergency assistance, and community outreach, as allowed under the definition of nursing practice, to the homeless population by the Pine Street Inn, Inc..

Nursing Practice - as defined in M.G.L. c. 112, § 80B.

Original License - the first license issued to the Pine Street Inn Nurses Clinics for a particular location or locations. Additional sites approved by the Department shall amend the original license.

Registered Nurse - an individual registered under M.G.L. c.112, § 74.

Satellite Nurses Clinic - a nurses clinic operated off the premises of the main nurses clinic, subject to same requirements as main clinic.

144.006: continued

Transfer of Ownership - changes in Pine Street Inn Board of Directors or membership of the corporation as the Department determines to constitute a shift in control.

144.009: Administration

(A) Lines of authority within the organization shall be clearly defined. There shall be a full-time Administrator, who is a Registered Nurse, responsible for the daily administration of the nurses clinics and assurance of compliance with all pertinent laws and regulations. The Administrator shall be responsible for developing and implementing operational policies and procedures, and shall participate in the development and implementation of personnel policies relating to nurses clinics staff.

(B) Policies and procedures shall be developed and maintained to safeguard the health and safety of clients and staff, and shall include but not be limited to:

- (1) Job descriptions and qualifications for each position;
- (2) Personnel records for each employee including evidence of any required license or registration number; documentation of any specialty certification, education and job experience, and orientation/in-service training;
- (3) Orientation, training and ongoing staff education;
- (4) Employee health policies and relevant health records;
- (5) Hours of operation at each site and outreach activities;
- (6) Identification of services that the clinic provides. Written agreements with other providers shall specify responsibilities of each entity, including responsibility for verifying qualifications;
- (7) Admission criteria;
- (8) Medical emergency response, including specification of emergency equipment available;
- (9) Storage of drugs;
- (10) Medication administration;
- (11) Infection control;
- (12) Procedures for complying with laws and regulations relating to reportable diseases and conditions;
- (13) Client grievances/complaints, including provision for written notification to client of resolution;
- (14) Smoking on premises/non-smoking areas;
- (15) Fire safety plan and drills;
- (16) Quality Evaluation and Assurance Program; and
- (17) Content of client records.

(C) Client records shall be maintained and the information contained therein shall remain confidential. All client records shall be kept in a locked storage area and maintained for a minimum of 20 years from the last encounter. All records shall be readily available and furnished within a reasonable period of time, upon the request by the client, an authorized representative, or a representative of the Department.

(D) The nurses clinics shall maintain a client's rights policy that shall include, but not be limited to, attention to insuring the personal dignity and privacy of clients during interview, examination and treatment. A Notice of Client Rights shall be prominently posted at each clinic site. The notice shall contain clear, concise instructions on how to notify clinic staff of any claim of violation of those rights and the process available to investigate and resolve such claim, including the client's right to file a complaint with the Department. The nurses clinics shall maintain records of client grievances/complaints, which document the investigation, resolution, and written notice to the client of the resolution.

(E) Any incident that occurs on the premises covered by the nurses clinic license and seriously affects the health or safety of clients shall be reported to the Department. The following incidents shall be reported immediately by telephone to the Department: fire, suicide, serious criminal acts (including drug diversion), serious physical injury or harm to a client resulting from an accident or unknown cause, and other serious incidents that affect the health and safety of clients, e.g., poisonings, infectious disease outbreaks, medication errors, etc..

144.009: continued

"Serious physical injury" means injury that is life threatening, results in death, or requires a client to undergo significant diagnostic or treatment measures. "Accident" includes falls, burns, electrocutions, or other misadventures not related to the provision of client services in the clinics.

144.010: Staffing

In addition to the full-time Administrator, the nurses clinics shall at a minimum have:

(A) One full-time equivalent (FTE) Nurse Manager, who is a Registered Nurse, responsible for supervision of the nursing practice of all nurses clinics' staff. The Nurse Manager shall work with the Administrator to plan, implement and evaluate the nurses clinics standards and policies to ensure safe and uniform practice.

(B) One Registered Nurse or Licensed Practical Nurse, at each site during normal operating hours, responsible for supervision of the daily operation of the clinic. The Nurse Manager may serve this function at one site.

(C) Other Health Care Staff - Each clinic site shall retain sufficient qualified professional health care and ancillary staff to render adequately and appropriately to each client's needs the services the clinic holds itself out as providing. Professional health care staff shall be registered and/or licensed as required by law. They shall comply with the regulations of their registration and/or licensing boards.

144.011: Clinical Program

(A) The clinics shall provide those services allowed under the standards of nursing practice as defined in M.G.L. c. 112, § 80B, including health assessment, promotion, maintenance, education, and screening services, nursing treatments/interventions, referrals to other health care providers, case management, emergency assistance and community outreach.

(B) The clinics shall have policies and procedures describing:

- (1) Triage system used to assess urgency of clients' needs;
- (2) Staffing patterns sufficient to meet needs of clients for daily, routine services; and
- (3) Emergency response and transfer.

(C) The clinics shall comply with the federal Clinical Laboratory Improvement Amendments (CLIA) standards and at a minimum secure a Certificate of Waiver in order to perform any of the tests included on the list of waived tests at 42 CFR 493.15(c).

144.014: Physical Environment

(A) The clinics shall provide a safe, sanitary, well-maintained and secure environment. The clinic shall develop and implement procedures, consistent with accepted standards of practice, for the disinfection and sanitary maintenance of supplies and equipment.

(B) The clinics must provide secure storage for items that may cause harm, e.g., medication and medical supplies, cleaning solutions/equipment.

(C) The clinics shall meet the requirements for the storage and disposal of infectious or physically dangerous medical or biological waste (105 CMR 480.000 *et seq.*).

(D) The clinics shall maintain a fire safety plan and participate in the Pine Street Inn's regularly scheduled evacuation drills to assess and ensure the ability of staff and clients to quickly and safely evacuate the buildings.

(E) The clinics shall have adequate lighting, temperature control and ventilation to provide a comfortable environment for staff and clients.

144.014: continued

(F) The clinics shall provide adequate availability of handwashing and toilet facilities for clients and personnel.

(G) The clinics shall provide consultation, examination, treatment and dressing areas appropriate to the services provided by the nurses clinic. These areas shall be furnished and arranged in a manner that is consistent with their use.

(H) The clinics shall provide adequate administrative and staff offices.

(I) The clinics shall provide adequate storage space for supplies and equipment. The clinics shall provide and maintain separate, suitable space and equipment for the handling and storage of clean linen/equipment and soiled linen/equipment.

(J) The clinics shall be handicapped accessible to clients and staff.

144.015: Supplies and Equipment

(A) The nurses clinics shall have adequate supplies and equipment appropriate to the services rendered to clients.

(B) The clinics shall keep supplies and equipment safe, sanitary, and in good working condition. The clinics shall establish and implement a preventive maintenance program to ensure all equipment is in safe working order.

144.016: Quality Evaluation and Assurance Program

The clinic administration shall develop and maintain an ongoing quality evaluation and assurance program that has been approved by the Board of Directors of Pine Street Inn. The program shall describe the mechanisms through which problems shall be identified and resolved. The findings of evaluation and studies conducted through the program shall be used to revise and improve clinic policies and procedures so as to ensure the quality of client services.

144.019: Licensure Application Process

(A) The Pine Street Inn, Inc. must be the owner of the premises on which the facility is operated or lessee of the premises pursuant to a lease or other legally sufficient agreement with a term of at least one year.

(B) The application for licensure shall be submitted to the Department on forms prescribed by the Department. The application shall clearly identify the name and location(s), including all satellite locations, of the facility, as well as the services to be provided at each site. The appropriate Department of Public Safety and local fire safety certificates for the premises in which the nurses clinics are located shall be submitted with the application.

(C) The Department shall be notified in writing at least 30 days in advance of any proposed change in name or location of a facility, including the addition of a satellite clinic. The proposed location shall be subject to prior inspection by the Department.

(D) A license shall not be transferred from the Pine Street Inn, Inc. to another entity. In the event of a transfer in ownership, an application for licensure shall be submitted within 48 hours of the transfer of ownership.

(E) An application for renewal shall be submitted three months prior to expiration of the license.

(F) The Department shall not accept an application for licensure unless it includes all the information required by 105 CMR 144.000.

144.020: Inspection

- (A) Department staff have the right to visit and inspect the nurses clinics at any time without prior notice. At a minimum, the nurses clinics shall be inspected prior to original licensure and every two years thereafter.
- (B) The Department shall prepare a written report of the findings of the survey. The nurses clinics shall have ten calendar days from the date of mailing to respond to the findings, including the submission of a plan of correction of any cited deficiencies.

144.021: Licensing

- (A) After review of the application and related submissions, satisfactory completion of an inspection and, if necessary, upon acceptance of a plan of correction of deficiencies, the Department shall issue a license for the term of two years.
- (B) An application for renewal shall have the effect of a license until such time as the Department takes action on the application.
- (C) The Department may deny the original license if the plan of correction is unacceptable. The applicant shall be notified by the Department in writing of the determination to deny.
 - (1) The applicant may appeal the Department's denial by submitting a letter of appeal to the Department within ten calendar days of mailing of the notice of denial.
 - (2) A hearing officer shall review the issues and make a recommendation to the Department. The final decision shall be made by the Commissioner.
- (D) The license shall be subject to suspension, revocation, or refusal to renew if it is determined through a complaint investigation or the regular survey process that specific practices of the clinic pose an imminent risk to the safety of the clinics' clients. Upon such determination by the Department, the licensee shall be given written notice, including the reason for the refusal to renew, revocation or suspension.
 - (1) The licensee may appeal the Department's refusal to renew, revocation or suspension to a hearing officer by requesting in writing within ten calendar days of mailing of the written notice of refusal to renew, revocation or suspension, a review by a hearing officer.
 - (2) The hearing officer shall review the issues and make a recommendation to the Department. A final determination shall be made by the Commissioner.
- (E) The clinic shall post the current license and fire safety certificate(s) in a conspicuous place at each site.

REGULATORY AUTHORITY

105 CMR 144.000: St. 1994, c. 176.

NON-TEXT PAGE