

**RULES
OF
THE TENNESSEE DEPARTMENT OF HEALTH
BOARD FOR LICENSING HEALTH CARE FACILITIES**

**CHAPTER 1200-8-31
EDEN ALTERNATIVE™ GRANTS PROGRAM**

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1200-8-31-.01 DEFINITIONS.

- (1) Administrator. A person currently:
 - (a) Licensed as such by the Tennessee Board of Examiners for Nursing Home Administrators; or,
 - (b) Certified as such by the Tennessee Board for Licensing Health Care Facilities.
- (2) Assisted Care Living Facility. A facility currently licensed as such by the Tennessee Board for Licensing Health Care Facilities.
- (3) Board. The Tennessee Board for Licensing Health Care Facilities.
- (4) Commissioner. The Commissioner of the Tennessee Department of Health or his or her authorized representative.
- (5) Department. The Tennessee Department of Health.
- (6) Eden Alternative™. A philosophy developed by Dr. William H. Thomas dedicated to ending loneliness, helplessness and boredom in long term care institutions by transforming individual facilities into human habitats through the adoption of the concepts and principles of the Eden Alternative™.
- (7) Home for the Aged. A facility currently licensed as such by the Tennessee Board for Licensing Health Care Facilities.
- (8) Licensee. The person or entity to whom the license is issued. The licensee is held responsible for compliance with all rules and regulations.
- (9) Resident. For the purpose of this rule, a resident includes but is not limited to: Any person who is admitted to a nursing home; or,
 - (a) Any person who is admitted to an assisted care living facility; or,
 - (b) Any person who is admitted to a home for the aged.

(Rule 1200-8-31-.01, continued)

- (10) Shall or must. Compliance is mandatory.
- (11) Tennessee Eden Alternative™ Coalition. An association dedicated to improving the quality of life for long term care residents through the promotion of the Eden Alternative™ process.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.02 PURPOSE.

The Tennessee Eden Alternative™ Grant Assistance Program was established for the purpose of enhancing the quality of life for nursing home, assisted care living facility and home for the aged residents in Tennessee through the promotion and support of the concepts of the Eden Alternative™. The Tennessee Eden Alternative™ Grant Program was developed to provide seed money to nursing home, assisted care living, and home for the aged facilities that are committed to implementation of the Eden Alternative™ process. The goals of the Tennessee Eden Alternative™ Grant Assistance Program are: 1) to accomplish direct improvement in the quality of life for residents and staff of participating facilities; and 2) to establish participating facilities as resources for other facilities that may be interested in implementation of the Eden Alternative™ process or similar efforts in the future.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.03 PARTICIPATION OF PROVIDERS.

- (1) Eligibility for participation in the Grant Program is limited to nursing homes, assisted care living facilities and homes for the aged licensed and in good standing by the Tennessee Department of Health.
- (2) To be eligible to participate in this program, the facility must meet all of the following requirements:
 - (a) Have been free, for one (1) year, of any disciplinary sanction ordered by the Commissioner, the Board, or the Health Care Financing Administration, with disciplinary sanction being defined as a suspension of admissions, license revocation or a federal immediate jeopardy finding;
 - (b) Be in compliance with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990 (ADA); and,
 - (c) Be free of current deficiencies which endanger or restrict the rights of a resident.
- (3) The Department will take appropriate steps to notify eligible providers of the availability of this program, of the requirements to participate, and of the process to apply for consideration.
- (4) Grant awards may only be utilized in the facility named in the grant application.
- (5) Only one grant proposal may be submitted per facility, per fiscal year.
- (6) Proposals must contain the required information described in section .05 of these rules.
- (7) All applicants and/or participating facilities must comply with all other requirements of the Grant Program, in addition to remaining in compliance with applicable state and/or federal statutes, regulations and guidelines.

(Rule 1200-8-31-.03, continued)

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.
Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.04 FUNDING AND GRANT AWARD AMOUNTS.

- (1) Funding for the Grant Program is provided from the Nursing Home Resident Trust Account, established with State and/or federal civil monetary penalties collected through enforcement activities against nursing homes.
- (2) No more than \$50,000 shall be expended from the State's Nursing Home Resident Trust Account in any fiscal year to finance the Eden Alternative™ Grant Assistance Program.
- (3) A maximum of ten (10) Eden Alternative™ grants, of not more than five thousand dollars (\$5,000) each, shall be awarded in any fiscal year from the State's Nursing Home Resident Trust Account.
- (4) Of the ten (10) facilities selected to receive grant awards annually, at least five (5) shall be nursing homes, three (3) shall be assisted care living facilities, and two (2) shall be homes for the aged.
- (5) Should the Department receive fewer grant proposals than the allotted number for any facility type in any fiscal year, the Coalition may select from grant proposals submitted by other facility types for that year and the Commissioner is authorized to award the grants to such other Coalition-recommended facility types for that year.
- (6) Should the Department determine, in any fiscal year, that insufficient funds exist in the State's Nursing Home Resident Trust Account to implement this program, the Commissioner may augment available State Nursing Home Resident Trust Account funds with private donations to ensure that sufficient funding is available to implement this program each year.
- (7) Should the Department become the recipient of additional funding from state or federal allocations, private donations or grants for the purpose of implementing, administering or continuing this program, the Commissioner may utilize such funds to issue additional grants, to educate the public about the Eden Alternative™, and to further the implementation of the Eden Alternative™ Grant Assistance Program.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.
Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.05 SUBMISSION OF GRANT PROPOSALS.

- (1) The original grant proposal/application and six (6) copies must be submitted to the Department and must be postmarked no later than March 30 of each year to be eligible for participation during the upcoming fiscal year, beginning July 1.
- (2) Grant proposals must be typed and contain the following information:
 - (a) Facility name, address, telephone number and fax number;
 - (b) Facility owner/operator name, license number, and, administrator's name, if different;
 - (c) Grant contact person's name, and telephone number;
 - (d) Medicaid and/or Medicare provider number, if any;

(Rule 1200-8-31-.05, continued)

- (e) Facility federal identification number, or if none, the owner's social security number; and,
 - (f) Number and type of beds.
- (3) In addition, the applicant must submit a detailed proposal for implementing The Eden Alternative™ concepts that indicates a clear understanding of the principles of "Edenizing" a facility, written in the following format:
- (a) Vision. A vision of the Eden Alternative™ in your facility and how the implementation of the process will improve the lives of your residents and staff members;
 - (b) Education.
 - 1. Explain what efforts have already been made to educate the corporate staff, board members, administrative staff, management staff, front-line staff, residents and families about the Eden Alternative™ concept;
 - 2. Explain plans to educate staff and medical director, residents, families, and the community about the vision and the changes that will be made in the facility. Explain how these proposed changes will be managed; and,
 - 3. Explain what on-going educational programs the facility will have for new staff, residents and families.
 - (c) Implementation. Explain how each of the following components of the Eden Alternative™ will be implemented:
 - 1. Employee empowerment and employee teams;
 - 2. Plants;
 - 3. Animals;
 - 4. Intergenerational opportunities;
 - 5. Family and community education and/or involvement; and,
 - 6. Self-sufficiency. Describe how the facility plans to achieve self-sufficiency in order to continue the Eden Alternative™ process.
 - (d) Management Support. The following must be attached to the proposal:
 - 1. Letters of endorsement from the managing corporation, owner, and building owner, where applicable; and,
 - 2. Demonstration of continuity of management staff and their involvement in the facility's Eden Alternative™ process, e.g., administrator, assistant administrator, director of nursing, etc.
 - (e) Required documentation. The following must be attached to the proposal:
 - 1. A carefully documented budget and budget narrative, including other funding sources (both direct and in-direct funding, in-kind contributions, and other resources);

(Rule 1200-8-31-.05, continued)

2. A timeline indicating proposed educational events and implementation activities;
3. A letter of agreement and support from the medical director and/or attending physician(s); and,
4. Any additional pertinent supporting documentation that would be helpful to the evaluation of the proposal.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.06 PROPOSAL REVIEW PROCESS.

- (1) Once all proposals have been received by the Department, copies of the proposals will be provided to the Tennessee Eden Alternative™ Coalition Grant Review Committee, along with any enforcement documentation pertinent to those facilities submitting proposals.
- (2) Tennessee Eden Alternative Coalition Grant Review Committee members must include trained Eden Alternative™ Associates and staff of certified Eden Alternative™ facilities.
- (3) Any Coalition Grant Selection Committee member holding financial interest in a proposing facility shall not participate in the ranking or selection process involving that facility.
- (4) Grant applicants may be requested by the Committee, prior to evaluation of the proposals, to provide additional clarification as necessary.
- (5) The Committee will meet within two (2) weeks of the submission deadline to review the proposals and conduct a preliminary screening. Proposals will be rated as follows:
 - (a) Vision;
 - (b) Education;
 - (c) Implementation;
 - (d) Self-sufficiency;
 - (e) Management Support; and,
 - (f) Required documentation.
- (6) By April 30 of each year, the Committee will submit to the Commissioner a ranked list of proposing facilities categorized by facility type which includes any information or justification necessary for the Commissioner to make an informed decision to finalize the selections.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.07 AWARDING OF GRANTS.

- (1) The Commissioner will select the ten (10) grantee facilities from the list of ranked proposals submitted by the Coalition to receive grants from the State Nursing Home Trust Account.

(Rule 1200-8-31-.07, continued)

- (2) The Commissioner may make revisions to the rankings as necessary.
- (3) On or before May 31 of each year, the Commissioner will notify applicant facilities of those selected to receive an Eden Alternative™ grant for the upcoming State fiscal year beginning July 1.
- (4) Facilities awarded a grant will sign and adhere to a contract developed in accordance with Finance and Administration contracting procedures.
- (5) Facilities will be reimbursed for actual expenditures related to Eden Alternative™ activities, up to the maximum amount of five thousand dollars (\$5,000). Such expenditures must be planned for and included in the facility's budget portion of the proposal.
- (6) Requests for minor revisions to the facility's Eden Alternative™ budget must be submitted in writing to the Department for approval.
- (7) A grantee may be terminated from participation in the Eden Alternative™ Grant Assistance Program, following an administrative hearing held in accordance with the Uniform Administrative Procedures Act, for any of the following reasons:
 - (a) An order of the Commissioner or the Board imposes discipline upon the grantee;
 - (b) The grantee loses its license to operate;
 - (c) The facility/grantee fails to comply with any of the provisions of these rules; or,
 - (d) The facility/grantee submits false or erroneous claims for reimbursement.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.08 REQUIRED TRAINING.

- (1) Eden Alternative™ Associate Training must be completed by at least two (2) staff from each of the selected facilities, including the administrator, within six (6) months of receipt of the grant.
- (2) Grantees will also be required to take part in scheduled training developed or sponsored by the Department, the Coalition, or the Eden Alternative™ to focus on Eden Alternative™ team building, staff development/involvement, or other management-related topics. Participants of this training must include the administrator and key management staff.
- (3) Reimbursement for staff attendance of Eden Alternative™ Associate Training is an allowable expenditure for purposes of the grant.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.09 RECORDS AND REPORTS.

- (1) Selected facilities are required to submit quarterly progress reports to the Department on the facility's implementation of the Eden Alternative™.
- (2) Reports shall include, but not be limited to:
 - (a) Budget expenditures;

(Rule 1200-8-31-.09, continued)

- (b) Milestones achieved;
 - (c) Comparison data; and,
 - (d) Successes or problems encountered during the process.
- (3) All data collected in relation to the grant program shall be submitted as scheduled, in a format specified by the Department. This data will be compiled and may be used by the Department for publication and distribution.
 - (4) The grantee may not copyright materials originated in the performance of the grant activities without expressed written consent from the Department or the Eden Alternative™.
 - (5) Each grantee facility should serve as a demonstration project and make information available on its Eden Alternative™ process to other facilities in the state, including establishing a process for on-site visits or tours of the facility.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.

1200-8-31-.10 PROGRAM EVALUATION.

- (1) Department representatives may make visits to grantee facilities for the purposes of evaluating the effectiveness of the program.
- (2) The Commissioner shall prepare an annual report assessing the viability of the Eden Alternative™ Grant Assistance Program and availability of funding for the next upcoming fiscal year.
- (3) The Commissioner, or his or her designee, will compile and prepare materials for disclosure and distribution utilizing information and data compiled from participating and non-participating facilities to identify trends and encourage adoption of the Eden Alternative™ process in health care institutions statewide.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-11-202, 68-11-204, 68-11-206, 68-11-209, 68-11-827 and 68-11-832.

Administrative History: Original rule filed May 17, 2000; effective July 31, 2000.