Frequently Asked Questions

Certification as a Certified Family Home

Q: When must my home be certified as a Certified Family Home?

A: Idaho Code Title 39, "Health and Safety," Chapter 35, "Idaho Certified Family Homes," Section 39-3512 states, "*Application of provisions. (1) Any individual providing care and housing commercially to the elderly, or individuals with mental illness, developmental disabilities, or physical disabilities shall at a minimum, meet the requirements of this chapter or other provision of law governing care and housing for the elderly, individuals with mental illness, developmental disabilities or physical disabilities if those provisions are more restrictive.*" This law means that any person who houses a vulnerable adult and is also being paid to care for that vulnerable adult must be certified as a Certified Family Home, at minimum. If other, stricter laws require that a particular living arrangement be licensed or certified in another way, then those more stringent laws apply instead.

Generally, the following test will inform you of whether your home will need to be certified.

1. **Does a vulnerable adult to whom I provide care also live in my home?**
2. **Am I or my spouse named on the lease, deed, or mortgage of the home?**
3. **Am I being paid for the care that I am providing to this vulnerable adult?**

If the answer to <u>all</u> of the three questions above is "Yes," then it is likely your home must be certified as a Certified Family Home. If the answer to any of the questions is "No," then your home is not required to be certified. Exceptions to this test are found under IDAPA 16.03.19.001.02.a-e, and include the following:

- Individuals who provide only housing, meals, transportation, housekeeping, or recreational and social activities to the vulnerable adult.
- Hospitals, nursing facilities, intermediate care facilities for people with intellectual disabilities, and residential assisted living facilities.
- Payment for care to a vulnerable adult related to the caregiver is not through a publicly-funded program (e.g., not through Medicaid, but is privately paid instead).
- Medical foster homes strictly caring for non-Medicaid veterans.

Q: What is meant by "care?"

A: While not explicitly defined in law or rule, for the purposes of Certified Family Homes, the intended meaning of "care" can be derived from the following definitions (see underlined text below):

- **Section 39-3502(2), Idaho Code:** *"Activities of daily living" means the <u>performance of basic self-care activities in meeting an individual's needs to sustain him in a daily living environment.</u>*
- **Section 39-3502(8), Idaho Code:** *"Certified family home" means a family-styled living environment in which two (2) or fewer adults live who are not able to reside in their own home and who require care, <u>help in daily living, protection and security, supervision, personal assistance and encouragement toward independence.</u>*
- **Section 39-3502(18), Idaho Code:** *"Inadequate care" occurs when a certified family home fails to provide the <u>services required to meet the terms of the negotiated plan of service or provide for room, board, activities of daily living, supervision, first aid, assistance and monitoring of medications, emergency intervention, coordination of outside services or</u>*

a safe living environment; or engages in violations of residents' rights or takes residents who have been admitted in violation of the provisions of section 39-3507, Idaho Code.

- **Section 39-3502(20), Idaho Code:** *"Neglect" means failure to provide food, clothing, shelter, or medical care necessary to sustain life and health of a resident.*
- **Section 39-3502(22), Idaho Code:** *"Personal assistance" means the provision by the certified family home of one (1) or more of the following services:*
  - *(a) Assisting the resident with activities of daily living.*
  - *(b) Arranging for supportive services.*
  - *(c) Being aware of the resident's general whereabouts.*
  - *(d) Monitoring the activities of the resident while on the premises of the facility to ensure the resident's health, safety and well-being.*
- **Section 39-3502(25), Idaho Code:** *"Resident" means an adult who lives in a certified family home and who requires personal assistance or supervision.*
- **Section 39-3502(29), Idaho Code:** *"Supervision" means administrative activity which provides the following: protection, guidance, knowledge of the resident's whereabouts and monitoring activities. The care provider is responsible for providing appropriate supervision based on each resident's negotiated service agreement.*

Q: What if the test above tells me that my home must be certified, but all the care that I am being paid to provide happens in the community, outside my home…am I still required to have my home certified as a Certified Family Home?

A: Most likely, yes. The law does not specify that paid care must take place only on the premises of the home to fall under Section 39-3512, Idaho Code, above. If the vulnerable adult requires care, help in daily living, protection and security, supervision, personal assistance, and encouragement towards independence (see Section 39-3502(8), Idaho Code), the living arrangements and compensation for care trigger whether the caregiver must meet certification standards, not the location of the services. The services for which the caregiver is paid may occur entirely in the community, but if the answers to the test described above are "Yes" for all questions, certification of the home may still be required. The following law specifically refers to CFH services taking place in the community.

- **Section 39-3501, Idaho Code:** *It is the intent of the legislature that certified family homes be available to meet the needs of those residing in these homes while providing a more homelike environment focused on integrated community living rather than other more restrictive environments and by recognizing the capabilities of individuals to direct their own care.*

For example, if a certified family home resident's plan of service requires 24/7 direct supervision for the resident, and the resident decides to visit a friend in the community, certified family home rules require the care provider to ensure adequate and appropriate supervision is given to the resident while the resident is in the community visiting the friend.

Q: What if I choose not to certify my home when the law says it should be certified?

A: Section 39-3528, Idaho Code, states, *"Any person who operates a certified family home within the state without first obtaining certification as provided in this chapter shall be guilty of a misdemeanor."* However, the department typically does not refer these matters to law enforcement when the caregiver demonstrates a willingness to cooperate with certification requirements within a reasonable timeframe.

Q: How do I start the application process to become a Certified Family Home?

A: Visit Certified Family Homes Certification and Recertification at DHW online.

The Division of Licensing and Certification also employs certifying agents across the state who can assist you.

Coeur d'Alene Area:..... 208-665-8807
Lewiston Area:..... 208-799-4438
Nampa Area 208-455-7120
Boise Area 208-334-0700
Twin Falls Area 208-732-1515
Pocatello Area 208-239-6249
Idaho Falls Area 208-528-5721

You may also email the Certified Family Home Management Team at cfhcc@dhw.idaho.gov.