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Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Tennessee Department of Intellectual and Developmental Disabilities
Division:	Office of Licensure
Contact Person:	Richard R. Prybilla
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Brenda Clark
Address:	Harrington House, MTRO, 275 Stewarts Ferry Pike, Nashville, TN 37214
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Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Middle Tennessee Regional Office, One Cannon Way		
Address 2:	275 Stewarts Ferry Pike		
City:	Nashville		
Zip:	37214		
Hearing Date :	03/28/16		
Hearing Time:	1 P.M. to 3:00 P.M.	<input checked="" type="checkbox"/> CST/CDT	<input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

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(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to http://sos.tn.gov/sites/default/files/forms/Rulemaking_Guidelines_August2014.pdf)

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-01
DEFINITIONS**

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0465-02-01-.01 DEFINITION OF TERMS USED IN ALL RULES. Unless the context indicates otherwise, terms have the following meaning:

- (1) "Adaptive Behavior" means the effectiveness or degree with which a person supported meets the standard of personal independence, maturation, learning, and social responsibility expected for his/her age and cultural group.
- (2) "Agency" means a sole proprietorship, partnership, corporation, limited liability company or limited liability partnership providing personal support services as defined below. Agency includes all entities that employ or subcontract with individuals who provide personal support services for persons supported.
- (3) "Applicant or Licensee Applicant" means the proprietorship, partnership, association, governmental agency, or corporation which makes, or is required to make, application for the licensure of a facility determined to be under the licensure jurisdiction of the Department.
- (4) "Assessment" means a documented evaluation of a person supported for the purpose of determining prevention, treatment, and/or rehabilitation needs. An assessment may, but does not necessarily, include examinations and tests determined to be necessary by the service staff based on the presenting problems and symptoms of the person supported.
- (5) "Aversive Stimuli" means painful or noxious stimuli, which are employed to reduce the frequency of or to eliminate problem behaviors.
- (6) "Behavior Management Drugs" means a drug or medication used for the purpose of modifying, limiting, or eliminating problem behaviors. Included are the major and minor tranquilizers and antidepressants. Excluded are drugs that may have behavior-modifying effects, but are not prescribed or administered for that purpose, such as anticonvulsants.
- (7) "Capable of Self-Preservation" means that a person supported is capable of responding to an approved emergency signal, including prompting by voice, by following a pre-taught evacuation procedure within a reasonable time limitation whether or not he/she is fully aware of the reasons for the action. A person supported is capable of self-preservation if they are able to transfer unassisted from a bed or another fixed position to an individualized means of mobility, which is continuously available, and able to demonstrate the ability to transverse a pre-defined means of egress from the facility within a reasonable time limitation. Persons supported who have security measures imposed upon them beyond their control, which prevent their egress from the facility, are not capable of self-preservation.
- (8) "Caregiver" means a temporary care-giving adult individual with power of attorney for care of minor child as defined by T.C.A. § 34-6-302.
- (9) "Case Management" means support provided for obtaining eligibility for service, assessment, development and evaluation and revision of the plan of care and the assistance with the selection of service providers for persons who are supported in the Self-Determination Waiver or on the waiting list for services.
- (10) "Chief Executive Officer or Director" means the individual appointed, designated, or hired by the governing body to be responsible for the day-to-day operation of the facility or facilities operated by the licensee.

- (11) "Civil Rights" means the rights of personal liberty guaranteed to citizens by the Constitutions of the United States and the State of Tennessee, and by federal and state statutes.
- (12) "Community Living Skills" means the array of skills which enables a person supported to live independently in the community. These include, but are not limited to, skills in the following areas:
- (a) Independent living;
 - (b) Educational/Vocational;
 - (c) Inter-personal;
 - (d) Social;
 - (e) Problem solving;
 - (f) Financial;
 - (g) Leisure time
 - (h) Mobility in the community; and
 - (i) Use of community resources.
- (13) "Conservator" means an individual or individuals or an agency appointed by the court to exercise the decision-making rights and duties of a person with a disability in one or more areas in which he/she lacks capacity as determined and required by the orders of the court.
- (14) "Corporal Punishment" means the application of painful stimuli to the body in an attempt to terminate behavior or as a penalty for behavior, but does not mean aversive stimuli.
- (15) "Chronic Condition" means a mental and/or physical impairment that is expected to last indefinitely.
- (16) "Department" or "DIDD" means the Tennessee Department of Intellectual and Developmental Disabilities.
- (17) "Direct Support Staff" means facility personnel who have, face-to-face contact with persons supported, excluding administrators, bookkeepers, accountants, secretaries, typists, clerks, or other clerical personnel, doctors, nurses, psychologists, speech and hearing therapists, pharmacy and other professional support personnel, maintenance, groundskeepers, cooks, bus drivers, or other personnel, teachers, trainers, social workers, and other professional personnel, unless such personnel are under specific assignment to direct services staff duties and then only for that amount of time devoted to direct support staff duties.
- (18) "DSM" means the current version of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association, a handbook for mental health professionals listing different categories of mental disorders and the criteria for diagnosing them.
- (19) "Education Services" means consultation provided by a licensed nurse to the person supported or primary family caregiver concerning a chronic condition.
- (20) "Emergency Procedures" means to the use of procedures necessary to control severely aggressive or destructive behaviors that could not have been anticipated and that place the person supported or others in imminent danger.
- (21) "Emotional Abuse" means any threatening behavior or statement directed toward a person supported that causes emotional trauma or fear including, but not limited to, ridicule, gestures which subject him/her to humiliation or degradation, or threatening motions or noises intended to startle or frighten the person supported .
- (22) "Exploitation" means any act intended to exploit, extort or defraud a person supported including, but not

limited to misuse of authority over a person supported; forcing or compelling them to do anything illegal or immoral, attempting to extort money from them through devious means, or stealing personal possessions belonging to a person supported.

- (23) "Facility" means an institution, treatment resource, group residence, boarding home, sheltered workshop, activity center, rehabilitation center, hospital, or other entity by these or other names, providing intellectual and/or developmental disabilities services.
- (24) "Governing Body" means an individual or individuals with primary legal authority and responsibility for the overall operation of the facility and to whom a director/chief executive officer is responsible. Depending upon the organizational structure, this body may be an owner or owners, a board of directors or other governing members of the licensee, or state, city, or county officials appointed by the licensee, etc.
- (25) "Grievance Procedure" means a procedure for responding to an expression of a cause of distress believed by a person supported, or by acting on behalf of a person supported, to constitute a reason for complaint.
- (26) "Guardian" means an individual or individuals appointed by a court to provide partial or full supervision, protection and assistance of the person or property, or both, of a minor as defined by T. C. A. § 34-1-101(9).
- (27) "Habilitation or Habilitative Services" means the structured process by which the service provider assists a person supported to acquire and maintain those life skills which enable them to cope more effectively with the demands of his/her disability and the environment, and to raise the physical, mental, and social skills. This process includes programs of formal, structured education and training as described in the ISP.
- (28) "Hold Out to the Public" means asserting expertise and availability through advertising, public notice, self-promotion, etc.
- (29) "Human Rights Committee" means a designated group of people which consists of at least three (3) members, one (1) of whom must be independent of the facility. The committee's function is to review facility activities to ensure that the rights of the person supported are not neglected or abused. Such reviews should include, but should not be limited to, behavior support plans.
- (30) "ICD" means the current version of the International Statistical Classification of Diseases and Related Health Problems, published by the World Health Organization. The ICD provides codes to classify diseases and a wide variety of signs, symptoms, abnormal findings, complaints, social circumstances and external causes of injury or disease.
- (31) "Independent Living Skills" means the complete continuum of skills involved in increasing independence. These include, but are not limited to, the following areas: grooming/personal hygiene, selection/care of clothing, responsible self-medication, personal safety, housekeeping, nutritional/meal preparation, eating/table manners, use of telephone, and money/budgeting concepts.
- (32) "Individual Support Plan" (ISP) means a document developed by the ISP team/circle of support and the person supported, which identifies the needs of the person supported and specifies goals to be addressed in treatment and the interventions used to accomplish these goals.
- (33) "Intellectual and Developmental Disabilities Professional" means an individual with a bachelor's degree in a field related to developmental disabilities or an individual with a bachelor's degree and two (2) years of supervised work in mental retardation.
- (34) "Intellectual Disabilities / Developmental Disabilities Services" means all services pertaining to and incidental to the prevention, diagnosis, evaluation, treatment, domiciliary care, training, habilitation, counseling, or supervision of a person supported with intellectual and/or developmental disabilities.
- (35) "Isolation" means the confinement of a person supported alone in a room or an area where he/she is prevented from leaving. This definition is not limited to instances in which a person supported is confined by a locked or a closed door. Isolation does not include:

- (a) The segregation of a person supported for the purpose of managing biological contagion consistent with the Centers for Disease Control Guidelines;
 - (b) Confinement to a locked unit or ward where other persons supported are present. Isolation is not solely confinement of a person supported to an area, but separation of the person supported from other individuals; or
 - (c) Time-out, a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior. Time-out may involve the voluntary separation of a person supported from others.
- (36) "Legend Drugs" mean any item that federal law prohibits dispensing without a prescription from a licensed doctor, dentist, optometrist, or veterinarian.
- (37) "Licensed Clinical Psychologist" means a psychologist licensed to practice psychology in Tennessee with the certified competency in clinical psychology determined by the Board of Examiners in Psychology.
- (38) "Licensed Practitioner" means an individual who is licensed by the Tennessee Health Related Boards as a:
- (a) Physician (medical doctor or doctor of osteopathy);
 - (b) Certified nurse practitioner;
 - (c) Physician assistant;
 - (d) Nurse with a master's degree in nursing who functions as a psychiatric nurse;
 - (e) Psychologist with health service provider designation;
 - (f) Licensed professional counselor;
 - (g) Senior psychological examiner;
 - (h) Licensed marriage and family therapist;
 - (i) Licensed clinical social worker;
 - (j) Licensed psychological examiner; or
 - (k) Licensed alcohol and drug abuse counselor.
- (39) "Licensee" means the proprietorship, partnership, association, governmental agency, or corporation which operates a facility under the licensure jurisdiction of the Department.
- (40) "Major Life Activities" means:
- (a) Self-care;
 - (b) Receptive and expressive language;
 - (c) Learning;
 - (d) Mobility;
 - (e) Self-direction;
 - (f) Capacity for independent living; or
 - (g) Economic self-sufficiency.

- (41) "Medication" means drug, either prescribed or available over the counter, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease or condition.
- (42) "Medication Administration" means giving the person supported injections or any form of medication, or medication administration that would only be appropriate and acceptable for individuals who are authorized to do so by T.C.A., Title 63 or rules and regulations of the Tennessee Board of Medical Examiners or the Tennessee Board of Nursing.
- (43) "Medication Assistance" means providing medication reminders and opening medication packaging, but does not mean giving the person supported injections or any form of medication or medication administration that would only be appropriate and acceptable for individuals who are authorized to do so by Title 63, Chapter 7 of the T.C.A. Medication assistance includes, but is not limited to, any of the following:
- (a) Loosening the cap on a pill bottle for oral medication;
 - (b) Opening a pill reminder box if the box is filled by the person supported, authorized representative, or licensed medical personnel practicing within the scope of his/her license;
 - (c) Placing medication within reach of the person supported;
 - (d) Holding the person supported's hand steady to help him/her with drinking liquid medication;
 - (e) Guiding the person supported's hand when he/she is applying eye/ear/nose drops and wiping the excess liquid;
 - (f) Helping the person supported with a nasal cannula or mask for oxygen, plugging the machine in and turning it on;
 - (g) Applying non-prescription creams and lotions purchased over-the-counter to external parts of the body of the person supported.
- (44) "Mobile Non-Ambulatory Individual" means an individual who is able, without other assistance, to transfer to and move about only with the aid of a wheelchair, walker, crutch, wheeled platform, or similar device.
- (45) "On-Duty and On-Site" means a staff person who is on the facility's premises and has the obligation to carry out any job responsibilities designated in his/her job description.
- (46) "On-Site" means a staff person who is on the facility's premises, but is only required to be on duty during an emergency.
- (47) "Person Supported" means a service recipient defined under T.C.A. § 33-1-101(23) as a person who is receiving services, has applied for services, or for whom someone has applied for or proposed services because the person has intellectual and/or developmental disabilities.
- (48) "Person Who is Ambulatory" means a person who is physically and mentally capable under emergency conditions of finding a way to safety without physical assistance from another person. A person who is ambulatory may use a cane, wheelchair or other supportive device and may require verbal prompting.
- (49) "Personal Care" means services provided to a person supported who does not require chronic or convalescent medical or nursing care. Personal care is the safekeeping and supervision of the self-administration of prescription medication of the person supported, along with any of the following services:
- (a) Responsibility for the safety of the person supported;
 - (b) A daily awareness by the management and staff of the needs of the person supported;
 - (c) Knowledge of the whereabouts of the person supported;
 - (d) Reminding a person supported of appointments;

- (e) The ability and readiness to intervene if a crisis arises for a person supported; and/or
 - (f) Supervision of major life activities, self-care, self-direction, capacity for independent living, or economic self-sufficiency for the person supported.
- (50) "Personal Support Services" means one or more of the following are services provided at the regular or temporary residence of the person supported to assist with activities of daily living. Personal support services include, but are not limited to:
- (a) Self-care assistance with tasks such as eating, dressing, toileting, bathing, mobility, transfer assistance and other services and supports to maintain health and wellness;
 - (b) Household assistance with tasks such as housekeeping, laundry, meal planning, meal preparation, shopping, bill paying, and use of telecommunication devices;
 - (c) Personal assistance to access community activities such as transportation, social, recreational or other personal activities; and
 - (d) Education services.
- (51) "Personal Support Services Agency" or "Agency" means a sole proprietorship (someone who owns an unincorporated business by him/herself), partnership, corporation, limited liability company, or limited liability partnership providing personal support services. Agency includes all entities that employ or subcontract with individuals who provide personal support services to persons supported.
- (52) "Personal Support Services Worker" or "Worker" means a person licensed as a personal support services agency, or an employee for an individual subcontracted by a personal support services agency who is providing personal support services under an arrangement between a person supported and a personal support services agency.
- (53) "Physical Abuse" means harmful or painful physical contact including, but not limited to, the intentional striking, shoving, or pushing of a person supported by anyone, including another person supported. Also included is the use of excessive force when restraining a person supported (e.g., using methods to restrain them which are not outlined in staff training) and acts which constitute sexual activity.
- (54) "Physician" means a graduate of an accredited medical school authorized to confer upon graduates the degree of Doctor of Medicine (M.D.) who is duly licensed in Tennessee or an osteopathic physician who is a graduate of a recognized osteopathic college authorized to confer the degree of Doctor of Osteopathy (D.O.) and who is licensed to practice osteopathic medicine in Tennessee.
- (55) "Physician Assistant" means an individual who renders services, whether diagnostic or therapeutic, which are acts constituting the practice of medicine and, but for the provisions of T.C.A. § 63-6-204, could only be performed by a licensed physician.
- (56) "Policies and Procedures Manual" means a document that describes the philosophy, services, organization, policies, and procedures for the provision and implementation of services for the person supported provided by the licensee.
- (57) "PRN" means an order which is written to allow a medication or a treatment to be given on an as-needed basis.
- (58) "Psychiatrist" means a physician who specializes in the assessment and treatment of persons diagnosed with psychiatric disorders; is certified by the American Board of Psychiatry and Neurology or has the documented equivalent in education, training and/or experience; and who is fully licensed to practice medicine in the State of Tennessee.
- (59) "Psychotropic Drug/Medication" means a drug which exercises a direct effect upon the central nervous system and which is capable of influencing and modifying behavior. Drugs covered by these rules include but are not limited to:

- (a) Anti-depressants;
 - (b) Anti-psychotics;
 - (c) Agents for control of mania and depression;
 - (d) Anti-anxiety agents;
 - (e) Psychomotor stimulants; and
 - (f) Hypnotics.
- (60) "Qualified Dietician" means a person licensed as a dietician/nutritionist by the Tennessee Board of Dietician/Nutritionist Examiners.
- (61) "Qualified Food Service Manager" means a qualified dietician, a graduate of a dietetic technician or assistant training program approved by the American Dietetic Association, or a graduate of a state-approved course that provides ninety (90) or more hours of classroom instruction in food service supervision, who has experience as a supervisor in a health care institution with consultation from a qualified dietician.
- (62) "Qualified Medical Records Practitioner" means a record technician (ART) currently accredited by the American Medical Records Association, or a registered record administrator (RRA) currently registered by the American Medical Record Association, or others qualified by work experience.
- (63) "Qualified Prescribers" means individuals authorized to prescribe medications by the State of Tennessee Board of Medical Examiners or the Tennessee Board of Nursing.
- (64) "Quality Assurance" means a systematic procedure for the review and evaluation of the agency's functions, quality of services, and the utilization of resources in the provision of services.
- (65) "Reputable and Responsible Character" means having a personal and/or business history which suggests that the licensee can be trusted with responsibility for persons supported who are particularly vulnerable to neglect, and financial and sexual exploitation. Personal and/or business histories involving operation of substandard facilities and an arrest record resulting in a conviction for offense relating to theft, larceny, embezzlement, rape, assault, homicide, drugs, and pornography, are inherently inconsistent with "reputable and responsible character."
- (66) "Restraint" means measures taken to restrict the freedom of movement of a person supported, including:
- (a) "Chemical Restraint" - a medication that is prescribed to restrict the freedom of movement of the person supported for the control of extreme violent physical behavior. Chemical restraints are medications used in addition to, or in replacement of, his/her regular drug regimen to control extreme violent behavior. The medications that comprise the regular medical regimen (including PRN medications) of the person supported are not considered chemical restraints, even if the purpose of the medication is to control ongoing behavior;
 - (b) "Mechanical Restraint" - the application of a mechanical devise, material, or equipment attached or adjacent to the body of the person supported, including ambulatory restraints, which he/she cannot easily remove and that restricts freedom of movement or normal access to his/her body. Mechanical restraint does not include the use of:
 1. Restrictive devices or manual methods employed by a law enforcement agent or other public safety officer to maintain custody, detention, or public safety during the transport of an individual under the jurisdiction of the criminal justice system or juveniles with charges in the juvenile justice system;
 2. Restraints for medical immobilization, adaptive support, or medical protection; or
 3. Restrictive devices administratively authorized to ensure the safety of the person supported or others when a person supported who is involuntary committed person must

be transported.

- (c) "Physical Holding" - the use of bodily contact by staff with a person supported in order to restrict his/her freedom of movement or normal access to his/her body to prevent the behavior of the person supported from becoming dangerous to him/herself, others, or property. Physical holding does not include the use of:
1. Physical touch associated with prompting, comforting, or assisting that does not prevent freedom of movement or normal access to the body of the person supported;
 2. Physical escort, which means the temporary touching or holding of the hand(s), wrist(s), arm(s), shoulder, or back for the purpose of inducing the person supported to walk to a safe location; or
 3. Physical intervention for the temporary holding of the hand(s), wrist(s), arm(s), shoulders(s), or leg(s), which does not otherwise restrict freedom of movement or access to the body of the person supported, for the purpose of terminating unsafe behavior.
- (67) "Restrictive Procedure" means a treatment or procedure that limits the rights of the person supported for the purpose of controlling or modifying problem behavior, including but not limited to, time-out and restraint, and seeks to replace them with behaviors that are adaptive and appropriate.
- (68) "Schedule II Drugs" means drugs and other substances, by whatever name (official, common, usual, chemical, or brand) as defined in T.C.A. § 39-17-407 or listed in T.C.A. § 39-17-408.
- (69) "Self-Administration of Medication" means the ability of a person supported to take prescribed or over-the-counter medications without assistance from another individual.
- (70) "Person Supported" means a service recipient defined under T.C.A. § 33-1-101(23).
- (71) "Shall or Must" means a mandatory provision.
- (72) "Should or May" means a suggestion or recommendation.
- (73) "Standard Precautions" means an approach to infection control based on the principle that broken skin and mucus membranes, as well as all blood, bodily fluids, and secretions (except sweat) may contain transmittable infectious agents. Standard precautions apply to all people regardless of suspected or confirmed infection status in any setting where care is provided. Current guidelines for standard precautions are published by the Centers for Disease Control and Prevention (CDC).
- (74) "Support Coordination" means the assessment, planning, implementation coordination and monitoring of services and supports that assist persons with intellectual and developmental disabilities to develop personal relationships, participate in their community, increase control over their own lives and develop the skills and abilities needed to achieve these goals as specified in the person-centered ISP of the person supported. Support Coordination shall be provided in a manner that comports fully with standards applicable to person-centered planning for services delivered under Section 1915(c) of the Social Security Act.
- (75) "Support Coordination Agency" or "Agency" means a sole proprietorship (someone who owns an unincorporated business by him/herself), partnership, corporation, limited liability company or limited liability partnership providing support coordination. Agency includes all entities that employ or subcontract with individuals who provide support coordination to persons supported.
- (76) "Support Coordination Worker" or "Worker" means a person licensed as a support coordination agency, or an employee or an individual subcontracted by a support coordination agency who is providing support coordination under an arrangement between a person supported and a support coordination agency.
- (77) "Time-Out" means a behavior management procedure in which the opportunity for positive reinforcement is withheld, contingent upon the demonstration of undesired behavior. Time-out may involve the voluntary separation of a person supported from individuals.

- (78) "Treatment" means a therapeutic process to reduce or eliminate the symptoms and side effects of mental illness, alcohol and/or drug abuse, or dependency disorders through direct observation, assessment, examination, and therapeutic intervention. Treatment services include: screening; clinical assessment; diagnostic evaluation; treatment planning; therapeutic interventions, including individual, family, and group therapy; medication prescription and monitoring; and discharge planning and referral.
- (79) "Treatment Review Committee" means a committee to make decisions for a person supported who lacks capacity as defined by T.C.A. § 33-3-218. The composition, duties and responsibilities of Treatment Review Committees are defined by T.C.A. § 33-6-107.
- (80) "Verbal Abuse" means insulting or coarse language directed toward a person supported which subjects him/her to humiliation or degradation, including, but not limited to, swearing, name calling, taunting, and other inappropriate verbal behavior.
- (81) "Vocational Services" means the services provided to persons supported, which involve remunerative work experiences within the licensed facility and the provision of vocational activities of an industrial or productive vocational nature such as assembling, packaging, painting, stripping, wood or metal working, or manufacturing within the licensed facility.
- (82) "Volunteer" means an individual who is not paid by the licensee and whose varied skills are used by the licensee to support and supplement the efforts of the paid facility staff.
- (83) "Written" means, as applied to a licensee's records, any generally accepted format, including electronic or paper, used for retaining business or client records.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-01-.02 DEFINITION OF DISTINCT CATEGORIES OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES FACILITIES.

- (1) "Intellectual Disabilities Adult Habilitation Day Facility" means a non-residential facility which offers a variety of habilitative activities to adults with intellectual disabilities. Such habilitative activities may range from training activities in independent living to vocational skills depending on the needs of the person supported. This includes adult developmental training, work activity, and sheltered workshop programs, but does not include job placement and supported employment programs. This category of facility is provided in either a center based or a community/home based environment. Each setting requires a separate license.
- (2) "Developmental Disabilities Adult Habilitation Day Facilities" means a non-residential facility which offers a variety of habilitative activities to adults with developmental disabilities. Such habilitative activities may range from training activities in independent living to vocational skills depending on the needs of the person supported. This includes adult developmental training, work activity, and sheltered workshop programs, but does not include job placement and supported employment programs. This category of facility is provided in either a center based or a community/home based environment. Each setting requires a separate license.
- (3) "Intellectual and Developmental Disabilities Boarding Home Facility" means a residential facility that offers personal care services to persons with intellectual and/or developmental disabilities, including room, board, and supervision to two (2) or more persons supported unrelated by blood or marriage to the owner or operator of the facility. People living in such facilities are capable of self-preservation, able to care for basic self-help needs with minimal assistance, able to care for personal possessions, able to maintain personal living areas in a state of orderliness, able to recognize danger or threat to personal safety, able to maintain behavior which is generally tolerable to the community, and able to attend to minor health care needs.
- (4) "Intellectual and Developmental Disabilities Diagnosis and Evaluation Facility" means a non-residential facility, which provides personnel and testing resources to perform diagnosis and evaluation of persons supported having, or suspected of having, intellectual and/or developmental disabilities.
- (5) "Intellectual and Developmental Disabilities Institutional Habilitation Facility" means a facility which offers,

on a regular basis, health-related services for persons supported with intellectual and/or developmental disabilities who do not require the degree of care and treatment which a hospital or skilled nursing facility is designed to provide but, because of physical, intellectual, and/or developmental disabilities, require residential care and services (more than room and board) that involve health-related care under the supervision of a physician. Such a facility also offers an intensive program of habilitative services.

- (6) "Intellectual and Developmental Disabilities Placement Services Facility" means a facility program which provides or arranges regular residential placements, for persons with intellectual and/or developmental disabilities, in the individual home of care providers who are recruited, trained, and supervised by the facility program. The entity licensed is the program delivering such services rather than the individual homes of the program's care providers. No more than three (3) persons supported may receive services in an individual care provider's home. Such programs are known as foster care, sponsor care, or family model residential care.
- (7) "Developmental Disabilities Preschool Facility" means a non-residential facility which offers a program of training, habilitation, or care for developmentally minors with developmental disabilities, or minors at risk of developmental disabilities, not of the chronological mandatory age to be enrolled in services of the Department of Education, and which is designed to teach self-help, socialization, communication, or school readiness skills, or designed to train parents or surrogates in methods and techniques of habilitation. This category of facility is provided in either a center based or community based environment. Each setting requires a separate license.
- (8) "Intellectual and Developmental Disabilities Residential Habilitation Facility" means a residential facility which provides room and board, and assistance in acquiring, retaining and improving self-help, socialization, adaptive skills, and any other services necessary for a person supported with intellectual and/or developmental disabilities to live in a community setting. No more than four (4) persons supported shall reside in the home unless the home was licensed on or before June 23, 2000. The facility shall provide training in the acquisition of, and assistance in completing skills related to, daily living, personal grooming, cleanliness, household chores, eating, meal preparation, and any other skills necessary based on the needs of the person supported. Any of these services shall be specified in the ISP with specific therapeutic goals. Any professional services delivered in the facility shall be provided by duly licensed staff and specified in the ISP.
- (9) "Intellectual and Developmental Disabilities Respite Care Services Facility" means a facility program which provides or arranges for the temporary support of persons supported with intellectual and/or developmental disabilities in the care of staff recruited, trained, and supervised by the program facility for the purpose of giving relief to the regular caregiver or to provide other assistance to the person supported, his/her family, guardian, or care giver. The licensed entity is the program delivering such services rather than the individual homes of the program's providers. No more than three (3) people can receive this service in one (1) home.
- (10) "Intellectual Disabilities Semi-Independent Living Facility" means a facility program which provides services for persons supported with intellectual disabilities, who are able to reside in a housing situation without program staff residing on site. The services of program staff support the home life style of the person supported in order to reside in such housing situations. The facility program offers and provides regular, and as needed, support services in procuring or monitoring adequate housing for persons supported, supervising home life styles, and assisting in development of higher-order independent living skills. The entity licensed is the program delivering the services rather than the individual dwellings for persons supported.
- (11) "Developmental Disabilities Semi-Independent Living Facility" means a facility program which provides services for persons supported with developmental disabilities, who are able to reside in a housing situation without program staff residing on site. The services of program staff support the home life style of the person supported in order to reside in such housing situations. The facility program offers and provides regular, and as needed, support services in procuring or monitoring adequate housing for persons supported, supervising home life styles, and assisting in development of higher-order independent living skills. The entity licensed is the program delivering the services rather than the individual dwellings for persons supported.
- (12) "Intellectual and Developmental Disabilities Supported Living Services Facility" means a service entity which provides support and assistance to individuals with intellectual and/or developmental disabilities,

who live in their own homes or apartments but require staff support and assistance to reside in such housing situations. Service entity staff provides support and assistance on a regular basis in accordance with the needs of the person supported living in the home. No more than three (3) persons supported shall reside in the home. The service entity delivering the support is licensed rather than the homes of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-02
LICENSURE ADMINISTRATION AND PROCEDURES**

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0465-02-02-.01 STATEMENT OF AUTHORITY. The Department of Intellectual and Developmental Disabilities ("DIDD" or "Department") is authorized to license facilities and services operated for the provision of intellectual and developmental disabilities, and personal support services in the State of Tennessee by T.C.A. Title 33, Chapter 2, Part 4.

- (1) Notwithstanding any law or rule to the contrary, a residential facility or provider licensed by DIDD to provide residential services to persons with intellectual or developmental disabilities shall not be prohibited from providing residential services to the elderly or adults with physical disabilities, so long as the services are adequate to ensure the health, safety, and welfare of each resident.
- (2) Medicaid-reimbursed home and community based service (HCBS) providers are required to comply with the federal home-based and community-based setting final rule, published in the Federal Register at 79 FR 2947 (January 16, 2014).
 - (a) HCBS providers and facilities licensed on or before March 31, 2015, shall have performed the required Self-Assessment and shall have submitted the same to the respective DIDD Regional Office. Providers who self-reported or were assessed to be non-compliant with the HCBS Settings Rule shall have a completed and validated Provider Transition Plan on file with the respective DIDD Regional Office.
 - (b) HCBS providers and facilities receiving an initial license on or after April 1, 2015, shall have on file with the DIDD Provider Enrollment Coordinator acceptable policies addressing quality assessment, assurance, and improvement, including a description of how the provider will meet compliance with the HCBS Settings Rule (these are required elements which must be submitted with a New Provider Application For Long Term Services).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.02 TYPES AND CONDITIONS OF LICENSES.

- (1) Initial License - An initial license is issued to a facility or service to give the licensee an opportunity to implement minimum program requirements and to give DIDD an opportunity to evaluate the facilities' or service's compliance performance. Initial licenses will not exceed a period of twelve (12) months.
- (2) Full License - A full license is valid for up to one (1) year from the date of issuance and is issued to a facility or service when the licensee demonstrates compliance with the licensure law and applicable rules as determined by DIDD.
- (3) Provisional License - A provisional license may be issued to a facility or service when it does not meet all of the requirements for a full license. The Department may grant a provisional license, for a period not to exceed six (6) months, if all of the conditions below are satisfied:

- (a) The facility or service is making a diligent effort to comply with the licensure law and rules. A "diligent effort to comply with rules" is determined by past performance of the facility or service in meeting rules and correcting deficiencies and by commitments to correct existing deficiencies within time frames agreed to by the Department;
- (b) The continued operation of the facility or service will not endanger the health or safety of persons supported.
- (c) The facility or service has submitted an acceptable compliance plan specifying how and when deficiencies will be corrected. The Department will consider the seriousness of the deficiencies and the past performances of the facility or service in determining whether the compliance plan is acceptable; and
- (d) The facility or service has substantially met the commitments made in the preceding year's compliance plan, if any.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.03 UNLAWFUL OPERATION.

No organization may begin the provision of service delivery until the Department issues a license. Providing intellectual and developmental disability, or personal support services without a license is unlawful and may result in civil and/or criminal sanctions pursuant to T.C.A. §§ 33-2-405 and 33-2-412.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.04 APPLICATION FORMS.

- (1) The application for a license is to be made on forms prepared and supplied to the applicant by the Department.
- (2) Each application for a license must be submitted in writing, legible, and with all the information requested on the application. The information gathered by the Department on the application is needed pursuant to T.C.A. § 33-2-406 to determine the applicant's responsible and reputable character and the applicant's ability to meet the minimum standards for the operation of a facility or service.
- (3) The information to be supplied to the Department is as follows:
 - (a) The name, address, and other background and identifying information of the applicant;
 - (b) A description of the location, design, and type of facility or service to be licensed;
 - (c) The name, address, and other background and identifying information of the individual or individuals responsible for the operation of the facility or service to be licensed, including social security number, date of birth, place of residence during the past five (5) years, place of birth, proof of citizenship or evidence of legal immigration status, and criminal background check;
 - (d) Personal character references;
 - (e) The signature of the licensee applicant or of the individual charged by the licensee applicant for certifying the correctness and completeness of the application and for ensuring compliance with the licensure rules; and
 - (f) Any such other information as the Department may require.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.05 FEES.

- (1) The applicant must submit fees for the processing of the application prior to the Department's determination to grant or to deny licensure. Each initial and renewal application for licensure must be submitted with the appropriate fees. All fees submitted are non-refundable. The fee rate is based on the number of distinct categories of service or facility, as applicable, to be operated at each site. For a residential site, the fee rate is based on the number of beds to be licensed. A fee must be submitted for each facility and/or service for which licensure is being sought under the following schedule:

Non-Residential Facility Fees Per Site:

One (1)	Distinct Category of Service or Facility	\$ 810.00
Two (2)	Distinct Categories of Services and/or Facilities	\$ 1,010.00
Three (3)	Distinct Categories of Services and/or Facilities	\$ 1,220.00
Four (4)	Distinct Categories of Services and/or Facilities	\$ 1,420.00
More Than (4)	Distinct Categories of Services and/or Facilities	\$ 1,620.00

Residential Facility Fees Per Site:

Institutional Habilitation Facilities (per bed)	\$ 175.00
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All Other Residential Facilities:

2-3 Beds	\$ 200.00
4-10 Beds	\$ 280.00
11-15 Beds	\$ 410.00
16-50 Beds	\$ 810.00
more than 50 Beds	\$ 1,220.00

- (2) In addition to the fees associated with initial and renewal applications outlined above, other fees may be charged as follows:
- (a) Inspection - a fee of fifty dollars (\$50.00) for the inspection or re-inspection of any facility or service.
 - (b) Change of Status - a fee of one hundred dollars (\$100.00) for changes in:
 - 1. Organization Name;
 - 2. Executive Director;
 - 3. Bed Capacity; or
 - 4. Life Safety Occupancy/Classification.
 - (c) Relocation - a fee of three hundred dollars (\$300.00) for any change in the physical address of a facility service.
- (3) The Department shall invoice the applicant or licensee the appropriate fee(s). The applicant or licensee shall pay the fee(s) within thirty (30) days after receipt of the invoice, unless the current license expires before the end of the thirty (30) day period. If the current license expires before the end of the thirty (30) day period, the licensee shall pay the fee(s) before the expiration of the current license.
- (4) The Department may withhold the issuance of a license or suspend an existing license pending the payment of fees.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.06 APPLICATION PROCESS FOR INITIAL LICENSE.

- (1) The applicant must submit application forms as required by the Department.
- (2) The applicant must submit the required fees for application processing.

- (3) The applicant is responsible for any fees charged by other regulatory agencies whose inspection of the facility or service is necessary for the issuance of licenses.
- (4) Upon receipt of the completed application and the required fees, the Department will arrange for needed inspections of the proposed site or sites, when applicable.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.07 APPLICATION PROCESS FOR LICENSE RENEWAL.

- (1) Prior to the expiration of an initial, full, or provisional license, the Department will notify the licensee of the need to submit an application for license renewal. The Department will advise the licensee of the information, fees, and the documents needed to process the renewal application.
- (2) The applicant must submit the renewal application, fees, and other information required by licensure.
- (3) The applicant is responsible for any fees charged by other regulatory agencies whose inspection of the facility or service is necessary for the issuance of licenses.
- (4) The Department, when applicable, will conduct or arrange for inspections of the facility's or service's current life safety and environmental conditions, and review the facility's or service's program performance history. Dates for unannounced inspections will be random and will vary from year to year.
- (5) Upon receipt of the application material and the required fees, the Department will review the application material, the current life safety and environmental conditions, when applicable, and the performance history of the facility or service and take one of the following actions:
 - (a) If the Department determines that all facilities or services operated by the licensee are in compliance with the applicable licensure law and rules, then a full license will be issued;
 - (b) If the Department determines that all facilities or services operated by the licensee do not comply with the applicable licensure law and rules, a provisional license may be issued covering the facility or service not in full compliance; or
 - (c) If the Department determines that a license should not be issued to one (1) or more facilities or services operated by the licensee, the licensee shall be notified of the denial of licensure. Within fifteen (15) calendar days of such notification of denial of licensure, the licensee may file a written request for a hearing before the Licensure Review Panel on the denial.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.08 DISTINCT CATEGORIES OF FACILITIES AND SERVICES.

The licensure rules identify and define distinct categories of facilities or services. These facilities and services must meet applicable life safety and environmental rules, as well as minimum program rules based on the type of program services and the needs of the persons supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.09 NUMBER OF LICENSES REQUIRED.

Each licensee will be issued one (1) license for each site at which the licensee is operating a facility or service. The license for each site will indicate what category or categories of facility and/or service is authorized to be operated at that site. However, when a licensee operates more than one (1) category at a single site, two (2) licenses may be issued if one (1) or more of the categories at the site require an initial or a provisional license, and one (1) or more are eligible for a full license.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.10 CHANGE OF OWNERSHIP OR LOCATION.

Licenses are not assignable or transferable except as provided by law. A new application must be made and a new license issued before services are provided when there is a change in the ownership of a facility/service or a change of location.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.11 TIME LIMITS.

Upon inspection of any facility or service making application for or holding a license, the Department may allow a reasonable time period for the facility or service to correct any deficiencies that are found by inspection.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.12 DEEMED COMPLIANCE.

- (1) A facility or service which is accredited or certified by any of the following may be deemed by the Department to be in compliance ("deemed compliance status") with applicable licensure program requirements:
 - (a) The Joint Commission (TJC), formerly Joint Commission on Accreditation of Health Care Organizations (JCAHO);
 - (b) Council on Accreditation of Rehabilitation Facilities (CARF);
 - (c) Social Security Act, Title XIX, Public Law 89-98, as amended (Medicaid) for Intermediate Care Facilities for the Mentally Retarded (ICF/ID) only;
 - (d) The Accreditation Council on Services for People with Disabilities;
 - (e) Council on Accreditation for Children and Family Service;
 - (f) National Commission on Accreditation for Special Education Services (NCASES);
 - (g) Council on Quality and Leadership (CQL); or
 - (h) Department of Education Early Intervention (Certification for center based facilities, Approval for community based facilities).
- (2) In addition, a facility that received a rating of Fair or above from their most recent survey by the DIDD Quality Assurance unit may be deemed to be in compliance ("deemed compliance status") with applicable licensure program requirements.
- (3) To be considered for a deemed compliance status determination under this section, the licensee must submit written and official evidence of accreditation, certification, and/or acceptable survey results to the Department including any cited deficiencies with a plan of correction.
- (4) Facilities or services receiving deemed compliance status must also demonstrate compliance with the life safety and environmental rules. Deemed compliance status of the services offered by a facility or service does not alter the operator's obligation to correct any deficiencies cited during the unannounced inspections required by T.C.A. § 33-2-413, or to cooperate with investigations conducted by the Department of reports of abuse, dereliction, or deficiency in the operation of the facility or service. Notwithstanding the deemed compliance of a facility's services, such a facility is subject to the suspension or revocation of its license under the terms and procedures established in T.C.A. § 33-2-407 and the rules of this chapter.

- (5) Pursuant to T.C.A. § 33-2-403(c), a facility or service which can demonstrate compliance with regulations and standards by a previously acquired license from another state agency is considered in compliance with rules promulgated by the Department to the extent that duplicate inspection and enforcement is necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.13 ACCESS TO PREMISES AND INFORMATION.

With or without giving notice, representatives of the Department shall have the right to enter upon or into the premises of any facility or service providing intellectual and/or developmental disabilities or personal support services in order to make inspections deemed necessary to determine compliance with licensure law and rules. The licensee must comply with all reasonable requests of the Department and allow it to obtain information from third parties, including, but not limited to, the person supported, and/or to review all records of the facility or service.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.14 GROUNDS FOR DENIAL, REVOCATION, OR SUSPENSION.

- (1) The maintenance and renewal of a license is contingent upon evidence of continued compliance with rules and regulations. The Department may deny, suspend, or revoke a license on any of the following grounds:

- (a) Violation of licensure law or rules;
- (b) Permitting, aiding, or abetting the commission of any illegal act in a licensed facility or service;
- (c) Conduct or practice detrimental to the welfare of a person supported by a licensed facility or service;
- (d) The submission of false information to the Department; or
- (e) The use of subterfuge (e.g., filing through a second party after an individual has been denied a license).

- (2) Unless the Department finds that summary suspension of a license is necessary, all license revocations, suspensions, and denials shall be conducted in accordance with the applicable sections of the Uniform Administrative Procedures Act, T.C.A., Title 4, Part 5. Summary suspension may only occur when the Department determines that continued operation of a licensed facility or service presents an immediate threat to the health, safety, and welfare of persons supported. When a summary suspension occurs, proceedings for revocation or other action against the licensee shall be promptly instituted and determined in accordance with the Uniform Administrative Procedures Act.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.15 EXPIRATION OF LICENSES.

The expiration date of all licenses issued by the Department will be indicated on the face of the license. However, when a licensee has made timely and sufficient application for a new license (including payment of the required fees), the existing license does not expire until the status of the application has been determined by the Department. When the application is denied or the terms of the new license limited, the existing license does not expire until the last day for seeking review of the order or a later date fixed by an order of the reviewing court.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.16 POSTING OF LICENSES.

The license certificate must be posted for public viewing in a conspicuous place at the facility or service.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.17 SURRENDER REQUIREMENTS.

The license certificate must be surrendered to the Department upon revocation or suspension of the license, upon transfer of ownership of the facility or service, or when the facility or service otherwise ceases to operate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.18 EXCLUSIONS FROM LICENSURE.

- (1) The following facilities or services are excluded from the licensure jurisdiction of the Department:
 - (a) A facility that is appropriately licensed by the Department of Health, and whose primary purpose is not the provision of intellectual and/or developmental disability services.
 - (b) A satellite hospital, as defined by rules of the Department of Health, whose primary purpose may be the provision of intellectual, mental, or developmental disability services, and other facilities appropriately licensed by the Department of Health pursuant to T.C.A. § 68-11-201, et. seq.
 - (c) A facility which is operated by the Department of Education, the Department of Correction, the Department of Human Services, or the Department of Children's Services, and that affirmatively states that its primary purpose is not the provision of intellectual and/or developmental disabilities services or personal support services.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.19 WAIVER AUTHORITY.

The Department may waive any rule determined to be irrelevant or to pose a hardship. A hardship waiver may be granted only when strict enforcement of a particular requirement would not be in the best interest of persons supported. All waivers granted will be made in writing and entered in the official record of the licensed service or facility. This written document shall include the justification for the waiver. All waivers will be reviewed by the Department and the Licensure Review Panel.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.20 INVESTIGATION OF ABUSE, DERELICTION, OR DEFICIENCY IN OPERATION OF A FACILITY OR SERVICE.

- (1) The Department will investigate reports or suspicion of abuse, dereliction, or deficiency in the operation of a licensed service or facility in accordance with T.C.A. § 33-2-416.
- (2) The licensee shall post a sign in the facility or service displaying the Department's regional toll-free telephone number which informs persons supported, families, and the public that they may file a complaint with the Department. Any exemptions to posting signs will be determined by the Department.
- (3) The licensee must report to the Department any serious allegations or suspicion of abuse, dereliction, or deficiency in the operation of the facility or service.
- (4) The licensee must report to the Department any significant occurrences involving the facility/service or person supported and staff. "Significant occurrences" may include, but is not be limited to, occurrences such as accidents, injuries, or death regarding the person supported; fires, loss of heat/air conditioning,

and/or other structural problems with the facility building(s).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.21 NOTICE OF NON-COMPLIANCE AND PLAN OF COMPLIANCE.

- (1) The Department will give a Notice of Non-Compliance to the licensee on a form prepared and provided by the Department when an inspection or investigation of a facility/service reveals non-compliance with licensure law or rules.
- (2) The licensee must submit, by the date specified on the Notice of Non-Compliance, a written Plan of Compliance in response to the Notice of Non-Compliance.
- (3) The licensee's written Plan of Compliance shall include a description of the action taken or to be taken in correcting deficiencies, and the date by which each corrective action is completed or to be completed.
- (4) The Department will notify the licensee in writing whether the Plan of Compliance is acceptable and the basis for the decision. When the Plan of Compliance is not acceptable, the Department and licensee may continue to seek agreement. If agreement cannot be reached in a reasonable time, as determined by the Department, the Department may institute sanctions against the license.
- (5) The licensee shall maintain copies of the most recent compliance plans in a central location.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.22 UNANNOUNCED INSPECTION.

The Department shall make at least one (1) unannounced inspection of each licensed facility/service yearly.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.23 ASSISTANCE TO PERSONS SUPPORTED WHEN A LICENSE IS DENIED, SUSPENDED, OR REVOKED.

When a license is to be denied, suspended, or revoked, the Department will notify the appropriate state and local agencies, which may be able to provide assistance to persons supported by coordinating placement and/or services.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-02-.24 CIVIL PENALTIES FOR LICENSEES.

- (1) The Department may, in addition to or in lieu of any other lawful disciplinary action, assess a civil penalty for each separate violation of a licensure law or rule.
- (2) The procedure for imposing a civil penalty shall be as follows:
 - (a) Department staff shall verbally notify a licensee that a civil penalty may be imposed due to the licensee's violation of a licensure law or rule.
 - (b) Within six (6) business days of the verbal notification, the licensee shall be notified in writing of the basis for the civil penalty and the amount imposed.
 - (c) The civil penalty shall be effective beginning on the date the written notification of the decision is issued.
 - (d) The Department may impose a penalty for each day a licensee remains in violation of a licensure

rule, regulation, ordinance or law. Each licensure law, rule, regulation or ordinance violated shall constitute a separate offense.

- (3) In determining the amount of the daily penalty, the commissioner may consider the following:
- (a) The severity of the violation and the harm or risk of harm to a person supported;
 - (b) The willfulness of the violation;
 - (c) The circumstances leading to the violation;
 - (d) The efforts made by the facility to attain compliance;
 - (e) Any extraordinary enforcement cost incurred by the Department;
 - (f) The interest of the public; and
 - (g) Whether the civil penalty imposed will be an economic deterrent to the non-compliant activity.
- (4) The Department may impose a civil penalty in accordance with the following schedule:
- (a) First Offense
 - 1. Priority 1/Critical Offenses - \$500.00
 - 2. All other offenses - \$250.00
 - (b) Second or subsequent offense of same type within a twelve (12) month period:
 - 1. Priority 1/Critical Offense - \$2,500.00 to \$5,000.00
 - 2. All other offenses - \$500.00 to \$2,500.00
- (5) The Department may continue to work with a licensee to seek compliance with any licensure law or rule. The Department may waive any penalty determined by the Department to impose a hardship. A hardship waiver of a civil penalty may be granted only when strict enforcement of a particular requirement would not be in the best interest of persons supported.
- (6) A "Priority 1 offense," for the purposes of these rules is defined as a substantiated investigation involving the death of a person supported; neglect, physical or sexual abuse of the person supported by the licensee or staff; and/or a serious injury to a person supported. A "critical offense," for purposes of these rules, is defined as those Department-designated administrative rules whose violation could result in serious harm to the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-03
APPLICATION OF RULES FOR DISTINCT SERVICE CATEGORIES**

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0465-02-03-.01 ADULT HABILITATION DAY FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities center based Adult Habilitation Day facility, which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities, which comply with the following rules:

- (a) Rule 0465-02-04-.02(2) Health Care Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-07 Minimum Program Requirements for Adult Habilitation Day Facilities for Adults with Intellectual Disabilities.
- (2) The governing body of an Intellectual and Developmental Disabilities center based Adult Habilitation Day facility must provide services and facilities which comply with the following rules:
- (a) As determined by the Department's Office of Licensure:
 - 1. Rule 0465-02-04-.03 Educational Occupancies;
 - 2. Rule 0465-02-04-.05 Industrial Occupancies; and
 - 3. Rule 0465-02-04-.11 Daycare Occupancies.
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0465-02-07 Minimum Program Requirements for Adult Habilitation Day Facilities for Adults with Intellectual Disabilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.
- (3) The governing body of an Intellectual and Developmental Disabilities community/home based Adult Habilitation Day facility must provide services and facilities, which comply with the following rules:
- (a) Rule 0465-02-04-.04 Business Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-07 Minimum Program Requirements for Adult Habilitation Day Facilities for Adults with Intellectual Disabilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.02 PRESCHOOL FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities center based preschool facility must provide services and facilities, which comply with the following rules:
- (a) Rule 0465-02-04-.03(2) Educational Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-20 Minimum Program Requirements for Developmental Disabilities Preschool Facilities.
- (2) The governing body of a Developmental Disabilities community based preschool facility must provide

services and facilities which comply with the following rules:

- (a) Rule 0465-02-04-.04 Business Occupancies;
- (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
- (c) Chapter 0464-02-06 Minimum Program Requirements for All Facilities; and
- (d) Chapter 0465-02-20 Minimum Program Requirements for Developmental Disabilities Preschool Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.03 DIAGNOSIS AND EVALUATION FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Diagnosis and Evaluation facility must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04-.04(2) Business Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-09 Minimum Program Requirements for Intellectual & Developmental Disabilities Diagnosis and Evaluation Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.04 INSTITUTIONAL HABILITATION FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Institutional facility must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04-.02(2) Health Care Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-10 Minimum Program Requirements for Intellectual and Developmental Disabilities Institutional Habilitation Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.05 RESIDENTIAL HABILITATION FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Residential Habilitation facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04-.02(2) Health Care Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-11 Minimum Program Requirements for Intellectual and Developmental

Disabilities Residential Habilitation Facilities.

- (2) The governing body of an Intellectual and Developmental Disabilities Residential Habilitation facility which provides services for one to three (1-3) persons who are not capable of self-preservation must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04-.12 Residential Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0465-02-11 Minimum Program Requirements for Intellectual and Developmental Disabilities Residential Habilitation Facilities.

- (3) The governing body of an Intellectual and Developmental Disabilities Residential Habilitation facility which provides services to one to three (1-3) persons must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04-.07(2) One and Two-Family Dwellings Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0465-02-11 Minimum Program Requirements for Intellectual and Developmental Disabilities Residential Habilitation Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.

- (4) The governing body of an Intellectual and Developmental Disabilities Residential Habilitation facility providing services to four (4) or more persons must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04-.06(2) Residential Occupancies - Board and Care;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0465-02-11 Minimum Program Requirements for Intellectual and Developmental Disabilities Residential Habilitation Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.06 BOARDING HOME FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Boarding Home facility which provides services to two (2) or three (3) persons must provide services and facilities, which comply with the following rules:
 - (a) Rule 0465-02-04.07(2) One and Two-Family Dwellings Occupancies;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Requirements for All Facilities;

- (d) Chapter 0465-02-12 Minimum Program Requirements for Intellectual and Developmental Disabilities Boarding Home Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.
- (2) The governing body of an Intellectual and Developmental Disabilities Boarding Home facility providing services to four (4) or more persons must provide services and facilities, which comply with the following rules:
- (a) Rule 0465-02-04-06(2) Residential Occupancies - Board and Care;
 - (b) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0465-02-12 Minimum Program Requirements for Intellectual and Developmental Disabilities Boarding Home Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.07 PLACEMENT SERVICES FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Placement Services facility must provide services and facilities, which comply with the following rules:
- (a) Rule 0465-02-04-.04 Business Occupancies, for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes, such as a facility licensed by the Department, if such facility meets the provisions of Rule 0465-02-04-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (c) If services are to be provided to one (1) or more mobile, non-ambulatory persons, Rule 0465-02-04-.09(2) Mobile Non-Ambulatory.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.08 RESPITE CARE SERVICES FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Respite Care Services facility must provide services and facilities which comply with the following rules:
- (a) Rule 0465-02-04-.04 Business Occupancies, for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes, such as a facility licensed by the Department, if such facility meets the provisions of Rule 0465-02-04-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (c) Chapter 0465-02-14 Minimum Program Requirements for Intellectual and Developmental Disabilities Respite Care Services Facilities; and

- (d) If services are to be provided to one (1) or more mobile non-ambulatory persons, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-03-.09 SEMI-INDEPENDENT LIVING FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Semi-Independent Living facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0465-02-04-.04 Business Occupancies, for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes, such as a facility licensed by the Department, if such facility meets the provisions of Rule 0465-02-04-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (c) Chapter 0465-02-15 Minimum Program Requirements for Intellectual Disabilities Semi-Independent Living Facilities; and
 - (d) If services are to be provided to one (1) or more mobile non-ambulatory persons, Rule 0465-02-04.09(2) Mobile Non-Ambulatory.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-05-03-.10 SUPPORTED LIVING SERVICES FACILITIES.

- (1) The governing body of an Intellectual and Developmental Disabilities Supported Living Services facility must comply with and provide services, which comply with the following rules:
 - (a) Rule 0465-02-04-.04 Business Occupancies, for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes including, but not limited to a facility licensed by the Department, if such facility meets the provisions of Rule 0465-02-04-.01, Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (c) Chapter 0465-02-18, Minimum Program Requirements for Intellectual and Developmental Disabilities Supported Living Services Facilities; and
 - (d) If services are to be provided to one (1) or more mobile, non-ambulatory person(s), Rule 0465-02-04-.09(2), Mobile Non-Ambulatory.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-04
LIFE SAFETY LICENSURE RULES**

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0465-02-04-.01 LIFE SAFETY REQUIREMENTS.

For purposes of life safety, licensees of the Department of Intellectual and Developmental Disabilities are required to meet the appropriate standards of the edition of the National Fire Protection Association Life Safety Code currently in use by the Office of the State Fire Marshal as set forth in Rule 0780-02-02-.01 of the Rules of the Department of Commerce and Insurance. In addition, all residential settings must be physically accessible to persons supported

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.02 HEALTH CARE OCCUPANCIES.

- (1) Definition - are used for purposes such as medical or other treatment or care of persons with physical, intellectual, or developmental disabilities, disease, or infirmity, and for the care of children, persons recovering from an illness or operation, or persons of advanced age. Health Care Occupancies provide sleeping facilities for the occupants or are occupied by persons who are mostly incapable of self-preservation because of age, physical or intellectual disability, or because of security measures not under the occupants' control. Examples of facilities required to meet health care occupancy standards are the following:
 - (a) Intellectual and Developmental Disabilities Institutional Habilitative Facility.
 - (b) Any residential facility serving four (4) or more persons who are not capable of self-preservation and any non-residential facility serving four (4) or more persons six (6) years of age or older who are not capable of self-preservation.
- (2) Criteria - For the purpose of life safety facilities required to meet Health Care Occupancies must comply with the applicable standards of the Life Safety Code of the National Fire Protection Association, Health Care Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.03 EDUCATIONAL OCCUPANCIES.

- (1) Definition - Educational Occupancies include all buildings used for gathering of groups of persons supported for purposes of instruction. An example of a facility required to meet educational occupancy standards is a Pre-School Facility-Center Based.
- (2) Criteria - For the purpose of life safety, facilities required to meet educational occupancies must comply with the following:
 - (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, Educational Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
 2. Document that all smoke-detection devices are tested at least every six (6) months.
 3. Document that all fire extinguishers are properly maintained and serviced.
 4. Document instruction to staff upon employment and to persons supported upon admission in fire evacuation procedures.
 5. Adopt and post a policy on smoking in specified areas.
 6. Suspended unit electric heaters may be used, except in means of egress, provided such

heaters are located high enough to be out of the reach of persons using the area and are approved for use by the Office of Licensure of the Department.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.04 BUSINESS OCCUPANCIES.

- (1) Definition - Business Occupancies are used for the transaction of business (other than that covered under Mercantile), for the keeping of accounts and records, and similar purpose. Examples of a facility required to meet business occupancy standards are the following:
 - (a) Adult Habilitation Facility-Community/Home Based;
 - (b) Pre-School Facility-Community Based;
 - (c) Placement Services Facility;
 - (d) Respite Care Service Facility;
 - (e) Supported Living Service Facility; and
 - (f) Semi-Independent Living Facility.
- (2) Criteria - For the purpose of Life Safety, facilities required to meet business occupancies must comply with the applicable standards of the Life Safety Code of the National Fire Protection Association, Business Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.05 INDUSTRIAL OCCUPANCIES.

- (1) Definition - Industrial Occupancies include factories making products of all kinds and properties devoted to operations such as processing, assembling, mixing, packaging, finishing or decorating, and repairing. An example of facilities required to meet industrial occupancy standards is an Adult Habilitation Facility-Center Based.
- (2) Criteria - For the purpose of Life Safety, facilities required to meet industrial occupancies must comply with the following:
 - (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, Industrial Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions, and
 - (ii) Under direct staff supervision.
 2. Document that all smoke-detection devices are tested monthly and that the batteries are changed when no longer functional.
 3. Document that all fire extinguishers are properly maintained and serviced.
 4. Document instruction to staff upon employment and to persons supported upon admission in fire evacuation procedures.
 5. Adopt and post a policy on smoking in specified areas.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.06 RESIDENTIAL OCCUPANCIES - BOARD AND CARE.

- (1) Definition - Board and Care facilities include a building or part thereof that is used for the lodging and boarding of four (4) or more persons supported, not related by blood or marriage to the owner or operator, to provide care services. Examples of facilities required to meet board and care occupancy standards are an Intellectual and Developmental Disabilities Boarding Home Facility and an Intellectual and Developmental Disabilities Residential Habilitation Facility.
- (2) Criteria - For the purpose of Life Safety, facilities required to meet Board and Care occupancy must comply with the following:
 - (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, Residential Board and Care Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. Provide at least two hundred (200) square feet, gross, of occupiable space per person.
 2. Provide at least:
 - (i) Eighty (80) square feet per person of bedroom space for single occupancy; or
 - (ii) Sixty (60) square feet per person of bedroom space for multiple occupancy.
 3. Not allow multiple occupancy which exceeds four (4) persons per bedroom.
 4. Equip any stairways with emergency lighting.
 5. Provide emergency lighting in any corridors used as means of egress.
 6. Not use unvented gas heaters.
 7. Use portable electric space heaters only in emergency situations with advance special permission and under conditions specified by the Office of Licensure of the Department.
 8. Allow the use of fireplaces only under the following conditions:
 - (i) For recreation or therapy only;
 - (ii) Not used as a primary source of heat;
 - (iii) Used in activity or living rooms;
 - (iv) Under proper supervision and in accordance with specific written fire safety procedures; and
 - (v) Fireplaces may be installed and used only in areas other than sleeping areas of persons supported, provided the fireplace is equipped with a heat-tempered glass fireplace enclosure guaranteed against breakage up to a temperature of six hundred and fifty (650) degrees Fahrenheit.
 9. Allow the use of portable cooking devices in the kitchen only.
 10. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.

11. Provide a functioning UL rated battery-operated smoke detector in each bedroom occupied by a person supported and document that all smoke-detection devices are tested monthly and that batteries are changed when no longer operating, but at least yearly.
 12. Provide operable 2A-10B, C multi-purpose fire extinguishers in a fixed location and readily accessible for use in the facility, and document that all fire extinguishers are properly maintained and serviced. The Office of Licensure will determine the number of fire extinguishers required in a particular facility.
 13. Document instructions to staff upon employment and persons supported upon admission in fire evacuation procedures.
 14. Adopt and post a policy on smoking in specified areas.
 15. Suspended unit electric heaters may be used, except in means of egress and sleeping areas of persons supported, provided such heaters are located high enough to be out of the reach of persons supported using the area and provided the heaters are equipped with appropriate safety devices and are approved for use by the Office of Licensure of the Department.
 16. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the Department.
- (b) Provide services only for persons who require no greater level of care than personal care as defined at 0465-02-04-.08.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.07 MOBILE NON-AMBULATORY.

- (1) For the purpose of Life Safety, facilities required to meet the Mobile Non-Ambulatory Rule must comply with the following:
 - (a) People that use mobility devices only be located on the level of exit discharge;
 - (b) Provide approved ramps;
 - (c) Provide corridors of at least five (5) unobstructed feet in width;
 - (d) Provide doors and exits of at least thirty-two (32) inches clear opening; and
 - (e) Provide bathrooms approved by the Office of Licensure of the Department.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.08 CAPABLE OF SELF-PRESERVATION.

All residential facilities serving four (4) or more persons supported who are not capable of self-preservation and all non-residential facilities serving four (4) or more persons supported six (6) years of age or older who are not capable of self-preservation are required to meet the criteria for Health Care Occupancies.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.09 DAY CARE OCCUPANCIES.

- (1) Definition - Day Care Occupancies include all buildings used for gathering of groups of persons supported for purposes of instruction. Adult Day Care occupancies are for facilities serving more than twelve (12)

persons. Group Day Care Homes are for facilities serving seven to twelve (7-12) persons. Family Day Care Homes are for facilities serving less than seven (7) persons. An example of a facility required to meet day care occupancy standards is an Adult Habilitation Facility-Center Based.

- (2) Criteria - For the purpose of Life Safety, facilities required to meet Day Care Occupancies must comply with the following:
- (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, Day Care Occupancies, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
1. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
 2. Document that all smoke-detection devices are tested at least every six (6) months.
 3. Document that all fire extinguishers are properly maintained and serviced.
 4. Document instruction to staff upon employment and to persons supported upon admission in fire evacuation procedures.
 5. Adopt and post a policy on smoking in specified areas.
 6. Suspended unit electric heaters may be used, except in means of egress, provided such heaters are located high enough to be out of the reach of persons using the area and are approved for use by the Office of Licensure of the Department.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.10 RESIDENTIAL OCCUPANCIES - ONE- AND TWO-FAMILY DWELLINGS (ONE TO THREE PERSONS SUPPORTED).

- (1) Definition - One- and Two-Family Dwellings (One to Three persons supported) includes buildings in which each living unit is occupied by members of a single family or facility staff with no more than three (3) persons supported. Examples of facilities required to meet one- and two-family dwelling occupancy standards are an Intellectual and Developmental Disabilities Boarding Home Facility and an Intellectual and Developmental Disabilities Residential Habilitation Facility.
- (2) Criteria - For the purpose of Life Safety, facilities required to meet one and two-family dwelling occupancy must comply with the following:
- (a) Applicable standards of the Life Safety Code of the National Fire Protection Association, One and Two-Family Dwellings, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
1. Provide at least two hundred (200) square feet, gross, of occupiable space per person supported.
 2. Provide at least:
 - (i) Eighty (80) square feet per person of bedroom space for single occupancy; and
 - (ii) Sixty (60) square feet per person of bedroom space for multiple occupancy.
 3. Maintain proper storage and safeguards for all flammable materials.
 4. Not use unvented gas heaters or portable electric space heaters.

5. Not allow the use of portable cooking devices in rooms other than the kitchen.
6. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the Department.
7. Provide a functioning UL rated battery-operated smoke detector in each bedroom occupied by a person supported, in the living rooms, and in other such rooms or areas as the Office of Licensure of the Department may require.
8. Provide an operable 2A-10B, C multi-purpose fire extinguisher in a fixed location and readily accessible for use in the facility.
9. Identify areas where smoking is permitted - smoking in bedrooms must not be allowed.
10. Not allow persons supported requiring mobility aids to sleep above or below ground floor.
11. Document fire-safety drills which shall be conducted:
 - (i) Monthly at unexpected times and under varying conditions; and
 - (ii) Under direct staff supervision.
12. Document that all smoke detectors are tested monthly and that batteries are changed when no longer operating but at least yearly.
 - (b) Provide services for only persons supported who require no greater level of care than personal care as defined at Rule 0465-02-04-.08.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-04-.11 RESIDENTIAL OCCUPANCIES - ONE- AND TWO-FAMILY DWELLINGS (ONE TO THREE PERSONS SUPPORTED).

- (1) Definition - One- and two-family dwellings include buildings containing not more than two (2) dwelling units in which each dwelling unit is occupied by members of a single family with not more than three (3) unrelated persons supported who are unable to respond to an approved emergency signal, including voice prompt, and evacuate the facility without physical assistance, in three (3) minutes or less. A facility required to meet one- and two-family dwelling occupancy with persons supported unable to evacuate without physical assistance, in three (3) minutes or less, includes an Intellectual Disability and Developmental Disability Residential Habilitation Facility.
- (2) Physical Assistance - Includes, but is not limited to, staff leading the person supported by the hand, and guiding and helping him/her transfer to a wheelchair.
- (3) Criteria - For the purpose of Life Safety, facilities accommodating persons supported unable to evacuate without physical assistance, in three (3) minutes or less and are required to meet one- and two-family dwelling occupancies must comply with the following:
 - (a) The applicable standards of the Life Safety Code of the National Fire Protection Association, or equivalent standards hereafter adopted by the Office of the State Fire Marshal; and
 1. All staff should be able to assist each person supported in evacuation from the facility. This may be accomplished, for example, by assigning responsibility for a particular person supported to a particular staff member, especially where he/she needs complete physical assistance to evacuate. Persons supported who use a wheelchair for evacuation purposes need not be assigned a specific staff person to assist them as long as they are able to transfer from a fixed position to a wheelchair without physical assistance, and evacuate the facility in three (3) minutes or less.

2. Evacuation procedures shall be sufficient so that it is not necessary for a staff person to re-enter the building after once leaving.
3. A risk assessment must be completed for each person supported admitted to the facility within five (5) calendar days of admission on a form prepared by the Department.
4. If the risk assessment indicates that the person supported is able to evacuate without physical assistance within three (3) minutes or less, then it is not necessary to assign a specific staff person to assist him/her in evacuating.
5. If the risk assessment indicates that the person supported is not able to evacuate without physical assistance within three (3) minutes or less, then a specific staff person must be assigned to assist him/her in evacuating. Such staff assignment is required at all times when the person is inside the facility.
6. The risk assessment must be repeated when the circumstances of the person supported change.
7. Staff assigned to persons supported needing assistance must be trained in evacuation procedures specific to the service recipient(s) being assisted.
8. Persons supported who are ambulatory who cannot evacuate independently within three (3) minutes must receive education and information needed to improve their ability to evacuate the facility more independently. Persons supported with a documented inability to respond to education need not receive this training.
9. Provide at least two hundred (200) square feet, gross, of occupiable space per service recipient.
10. Provide at least:
 - (i) eighty (80) square feet per person of bedroom space for single occupancy; or
 - (ii) sixty (60) square feet per person of bedroom space for multiple occupancy.
11. Maintain proper storage and safeguards for all flammable materials.
12. Not use unvented gas heaters or portable electric heaters.
13. Use extension cords only on a limited basis and under the conditions acceptable to the Office of Licensure of the Department.
14. Provide a smoke detector in each bedroom occupied by a person supported, in the living rooms, and in other such rooms or areas as the Office of Licensure of the Department may require. Smoke detectors must be hardwired into the facility's electrical system.
15. Provide operable, type 2A-10B, C, multipurpose fire extinguishers in a fixed location and readily accessible for use in the facility, and document that all fire extinguishers are properly maintained and serviced.
16. Identify areas where smoking is permitted; smoking in bedrooms must not be allowed.
17. Not allow persons supported who are unable to evacuate without assistance above or below the ground floor.
18. Document fire-safety drills which must be conducted:
 - (i) Monthly at unexpected times and under varying conditions, ensuring each shift holds one (1) per quarter; and

- (ii) Under direct staff supervision.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-05
ADEQUACY OF FACILITY ENVIRONMENT AND ANCILLARY SERVICES**

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0465-02-05-.01 STANDARD FOR NEW CONSTRUCTION.

The licensee or applicant for licensure must ensure that new construction for facilities subject to the licensure standards of the Department meets the appropriate standards of the edition of the Standard Building Code currently in effect as adopted by the Office of the State Fire Marshall in rule 0780-02-02-.01 of the promulgated rules of the Department of Commerce and Insurance.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.02 ENVIRONMENTAL REQUIREMENTS FOR ALL FACILITIES.

- (1) The facility must be maintained in a safe manner and a continuing effort made to eliminate potential hazards.
- (2) The facility must be maintained in a sanitary and clean condition, free from all accumulation of dirt and rubbish, well-ventilated, and free from foul, stale, or musty odors.
- (3) The facility must be kept free of mice, rats, and other rodents.
- (4) Housekeeping practices and standards must be maintained which will ensure the eradication of flies, roaches, and other vermin.
- (5) All interior and exterior stairs and steps must be equipped with securely and safely installed handrails.
- (6) All interior and exterior stairways, halls, porches, walkways, and all other means of egress and areas of exit must be maintained free of any obstacles, including furniture or other stored items.
- (7) A heating system must be provided which is capable of maintaining a comfortable humidity level at all times within the facility and a minimum temperature of sixty-five (65) degrees Fahrenheit.
- (8) A cooling, natural ventilation or air conditioning system must be provided which is capable of maintaining a comfortable humidity level at all times within the facility and a maximum temperature of eighty-five (85) degrees Fahrenheit.
- (9) Operable windows for ventilation must be provided unless the requirement for operable windows is otherwise exempted by the facility's licensure life safety occupancy classification and the facility is equipped with an air conditioning system.
- (10) All operable windows used for ventilation must be equipped with screens which do not render the window unusable if the windows are also required for escape or emergency rescue purposes.
- (11) A telephone system must be provided which is capable of ensuring prompt notification in cases of emergencies and which is capable of meeting the needs of persons supported by the facility.
- (12) Emergency telephone numbers must be posted for the most local available agencies for fire protection, police or sheriff, ambulance or medical intervention, and poison control.

- (13) An adequate first aid kit must be provided as recommended by the local chapter of the American Red Cross or the facility's medical staff, as applicable.
- (14) Drinking water must be provided from a source approved by the Tennessee Department of Health.
- (15) A system for the disposal of sewage must be provided which is connected to a public sewage system or which is connected to a private sewage system (septic tank and field system), which has the approval of the local public health agency having jurisdiction.
- (16) Natural or artificial lighting must be provided, which is adequate for the needs of persons supported using the facility.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.03 ENVIRONMENTAL REQUIREMENTS FOR RESIDENTIAL FACILITIES.

- (1) The governing body must ensure that each person supported is provided with the following:
 - (a) A separate bed of proper size and height for the convenience and comfort of the person supported;
 - (b) A mattress and springs, or a mattress foundation, both of which are clean, comfortable, and in good repair;
 - (c) Clean linens consisting of both a top and bottom sheet, which are clean, in good repair, and are changed as often as needed, but at least weekly;
 - (d) Bedding, such as blankets, which are clean, in good repair, and appropriate to the weather;
 - (e) A clean and comfortable pillow, unless contra-indicated by the choice of the person supported or for health reasons;
 - (f) Space in a dresser or chest of drawers, which is adequate for the storage of the clothing of the person supported;
 - (g) Closet or wardrobe space, which is adequate for the hanging storage for the clothing of the person supported; and
 - (h) Access to a mirror at an appropriate height.
- (2) Unless the facility is required to meet Health Care Occupancy standards, or unless the room has a door which leads directly to the outside, each bedroom must be provided with a window which meets the following criteria:
 - (a) Is operable from the inside without the use of special keys, tools, or knowledge;
 - (b) Provides a clear opening of not less than twenty (20) inches in width, twenty-four (24) inches in height, and five and seven-tenths (5.7) square feet in area; and
 - (c) The bottom of the opening is not more than forty-four (44) inches from the floor.
- (3) Each bedroom must be decorated in an appropriate manner including bedspreads, window coverings, and wall hangings.
- (4) Bathrooms must be provided within the facility, which are equipped as follows:
 - (a) One (1) private toilet for each six (6) persons, including staff, who reside in the facility;
 - (b) One (1) lavatory with hot water for each six (6) persons, including staff, who reside in the facility;

- (c) One (1) private tub or shower with hot water for each eight (8) persons, including staff, who reside in the facility;
 - (d) Slip-resistant tub and shower floor surfaces;
 - (e) Adequate and sanitary soap and towels provided in each lavatory; and
 - (f) Adequate and sanitary toilet paper provided at each toilet.
- (5) A dining area and dining furniture must be provided, which are sufficient, appropriate, and in good repair for meeting the needs of the persons supported.
 - (6) A combined living and activity area and furnishings must be provided, which are sufficient in size, in good repair, and appropriate for meeting the needs of the persons supported who are residing in the facility. The area must contain one (1) seating area, including items such as chairs or sofas, for each person, and other residential furniture such as tables, lamps, wall hangings, a television, and a clock.
 - (7) An outdoor area must be provided which is neat, free of potential hazards, and is appropriate to meeting the needs of the persons supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.04 ENVIRONMENTAL REQUIREMENTS FOR NON-RESIDENTIAL FACILITIES.

- (1) If persons supported are regularly scheduled to be in the facility for extended periods of time which encompass recognized mealtimes, then the facility must provide a dining area with tables and chairs sufficient for the persons supported to take their meals, whether meals are provided by the facility, the person supported, or other source.
- (2) Provide one (1) lavatory and one (1) private toilet for each fifteen (15) persons supported in the facility.
- (3) Equip each lavatory with adequate and sanitary hand soap and hand towels.
- (4) Equip each toilet with adequate and sanitary toilet paper.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.05 FACILITIES PROVIDING FOOD SERVICES AND NUTRITION. All residential facilities required to meet this chapter of rules must comply with the requirements of this rule. Any non-residential facility required to meet this chapter of rules, which provides food and nutrition on a regular basis to persons supported must comply with the requirements of this rule.

- (1) Food and nutrition must be provided in as normal a fashion as possible.
- (2) Records must be maintained which document the content of all meals served for, at least, the previous thirty (30) days.
- (3) Food must be served in appropriate quantity, at appropriate temperatures, and in a form consistent with normal situations.
- (4) Persons supported, including those individuals with physical handicaps, must be allowed to eat meals at a table in a dining area unless temporarily contra-indicated for medical reasons.
- (5) Provisions must be made for following special diets for persons supported when such diets are prescribed for medical or health reasons, and encouragement given to the person supported to follow such special diets.
- (6) In residential facilities, provisions must be made for three (3) well-balanced meals at recognized

mealtimes with no more than fourteen (14) hours elapsing between the evening meal and the breakfast meal the following morning.

- (7) In residential facilities, a forty-eight (48) hour supply of food must be maintained within the facility, which is sufficient for meeting the needs of the persons supported in the facility.
- (8) Appropriate equipment and utensils for cooking food and serving meals must be provided in sufficient quantity to serve all persons supported. Such equipment and utensils must be in good repair and washed and sanitized after each use.
- (9) Kitchens must be equipped with appliances and fixtures, which are sufficient and appropriate for cooking meals, refrigerating food, washing utensils and dishes, and the sanitary disposal of waste.
- (10) Foods requiring cold storage must be maintained at a temperature of forty-five (45) degrees Fahrenheit or below.
- (11) Foods requiring frozen storage must be maintained at a temperature of ten (10) degrees Fahrenheit or below.
- (12) All dry foods and goods must be stored in a manner to prevent possible contamination and must be stored a minimum of six (6) inches above the floor.
- (13) Garbage (food waste) must be stored in secure containers with tight-fitting lids and liners or discharged from the facility through a properly installed food waste disposal system.
- (14) Garbage (food waste) containers must be emptied daily from the facility into secure containers located outside of the facility.
- (15) Provisions must be made for the regular removal or disposal of garbage (food waste) from the facility premises.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.06 FACILITIES PROVIDING TRANSPORTATION SERVICES. If the facility, or employees of the facility, provides transportation to persons supported in vehicles owned either by the facility or by the employee, the governing body must ensure that the following requirements are met:

- (1) All vehicles must be maintained and operated in a safe manner;
- (2) All staff providing transportation must possess an appropriate driver's license from the Tennessee Department of Safety. Documentation of such license must be maintained in the facility's records;
- (3) All facility-owned and staff-owned vehicles used for the transportation of persons supported must be adequately covered by vehicular liability insurance for personal injury to occupants of the vehicle. Documentation of such insurance must be maintained in the facility's records; and
- (4) Appropriate safety restraints must be used as required by state and federal law.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.07 FACILITIES SERVING CHILDREN. Any facility required to meet this chapter of rules, which provides services to children six (6) years of age or younger must comply with these requirements.

- (1) Non-toxic, lead-free paint must be used on all painted surfaces.
- (2) Electrical wall outlets which are accessible to children must be protected with covers.
- (3) Poisonous and toxic materials must be identified, stored, and used only in such manner and under such conditions as not to pose any threat of poisoning of persons supported or contaminating of food.

- (4) All sources of heat must be protected by screens or other protective barriers to prevent burns or injury to children.
- (5) Furnishings and other equipment used in the facility must be free of sharp or projecting objects or surfaces and not pose any potential harm or injury to children.
- (6) Steps or stairs which pose a fall hazard to children must be protected by barriers.
- (7) Outside play areas must be fenced or otherwise situated to protect children from hazards such as open drainage ditches, adjacent streets, and traffic.
- (8) Outside play areas must provide fifty (50) square feet of play area for each child present.
- (9) Grass, bark, sand, rubber mats, or other resilient surfaces must be used under play equipment used for climbing or swinging.
- (10) Furniture, equipment, and bathroom fixtures must be sized or adapted for meeting the needs of the children supported by the facility.
- (11) Equipment must be provided that is sufficient and appropriate for active and quiet play needs and for implementing program activities for each child.
- (12) Non-residential facilities must provide nap facilities if the children are scheduled to remain in the facility for as long as six (6) hours.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.08 FACILITIES PROVIDING VOCATIONAL SERVICES.

- (1) Activities of an industrial or productive vocational nature such as assembling, packaging, painting, stripping, wood or metal working, or manufacturing must be conducted in a designated area or room which is separated by fire-rated construction, as required by the applicable Life Safety rules under Chapter 0465-02-04 of these rules, from any other part of the facility not used for vocational purposes such as classrooms, residential areas, offices, or storage rooms.
- (2) Permanent aisles and passageways which provide the most direct route of egress to exits must be clearly identified within open work areas, and such aisles and passageways must be maintained free of obstacles and in good repair.
- (3) All floor surfaces, platforms, and other walking surfaces must be maintained in a clean manner and free of holes or projections which constitute hazards.
- (4) All materials must be stored in tiers which are stacked, racked, blocked, inter-blocked, or otherwise secured to prevent sliding, collapsing, or falling.
- (5) All powered equipment, machinery, and powered hand tools must be equipped and maintained with the safety guards, shields, and other devices necessary to protect the health and safety of the operators and others in the work area.
- (6) All exposed rotating parts, motor shafts, drive belts, chains, cables, gears, cutting blades, wheels, and other moving parts of machinery must be adequately guarded.
- (7) Personal protective equipment and clothing must be provided to persons supported and employees, when appropriate, when handling dangerous materials or working at hazardous operations.
- (8) All interior floor and wall openings, open-sized mezzanine areas or platforms, which are six (6) feet or more above the adjacent ground level, must be guarded by standard railing.
- (9) Natural or adequately-powered ventilation which conforms to ventilation rates of the state-adopted

building codes must be provided for all working areas.

- (10) Equipment, conductors, controls, and signaling devices which are necessary to provide a complete electrical system must be provided. All specifications and materials must meet state-adopted standards of the building codes and of the Underwriters' Laboratories, Inc., or similarly established standards.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.09 FACILITIES SERVING PERSONS WITH VISION LOSS. The governing body of any residential or non-residential facility, which is required to admit only persons supported who are capable of self-preservation, and which also provides services to one (1) or more persons supported who have vision loss, must ensure compliance with the following requirements:

- (1) The person supported must be able to demonstrate independent familiarity with the physical design and layout of the facility and be able to initiate and complete evacuation of the facility without physical assistance;
- (2) The facility design and placement of furnishings are consistent, free of special hazards, and made known to the person supported, especially when changes occur in the facility design or placement of furnishings; and
- (3) Prior notice of the admission of such persons supported must be given to the Office of Licensure of the Department.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.10 RESIDENTIAL FACILITIES SERVING PERSONS WITH HEARING LOSS. The governing body of any residential facility, which is required to admit only persons who are capable of self-preservation, and which also admits one (1) or more persons who have loss of hearing, must ensure that when the sounding of the standard fire alarm is not sufficient to notify a sleeping person who has hearing loss of the need to evacuate, must then provide a means of such notification which:

- (1) Is independent of personal, physical contact, or notification by staff or other persons during sleep;
- (2) Provides some mechanical means of sensory notification during sleep;
- (3) Is consistent in notifying the person supported of the need to evacuate; and
- (4) Has the prior approval of the Office of Licensure of the Department.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-05-.11 NON-RESIDENTIAL FACILITIES SERVING PERSONS WITH HEARING LOSS.

Non-residential facilities which serve persons supported with hearing loss must ensure that the means of notifying the person supported, which may include personal contact by staff, is consistent, is always available, and has the approval of the Office of Licensure of the Department.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-06
MINIMUM PROGRAM REQUIREMENTS FOR ALL FACILITIES**

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0465-02-06-.01 GOVERNANCE.

- (1) The governing body must ensure that the facility complies with all applicable federal, state, and local laws, ordinances, rules, and regulations.
- (2) The governing body must ensure that the facility is administered and operated in accordance with written policies and procedures.
- (3) The governing body must exercise general direction over the facility and establish policies governing the operation of the facility and the welfare of the person supported.
- (4) The governing body must designate an individual responsible for the operation of the facility.
- (5) The governing body must ensure that the licensed facility serves only persons whose placement will not cause the facility to violate its licensed status and capacity based on the facility's distinct licensure category, the facility's life safety occupancy classification, and the required staffing ratios, if any.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.02 POLICIES AND PROCEDURES.

- (1) The governing body must ensure that a written policies and procedures manual is maintained. The manual must include the following elements:
 - (a) A description of each facility service provided by the licensee. The description must include the hours of operation and admission and discharge criteria;
 - (b) An organizational chart which clearly shows or describes the lines of authority between the governing body, the chief executive officer, and the staff;
 - (c) Policy and procedures which ensure that someone is delegated the authority to act in the absence of the individual responsible for the operation of the facility;
 - (d) A schedule of fees, if any, currently charged to persons supported for all services provided by the licensee;
 - (e) A statement of person supported rights and the grievance procedures to be followed when a suspected violation of person supported rights has been reported;
 - (f) Policy and procedures which ensure the confidentiality of the information of a person supported, and which include the following provisions:
 1. The facility staff must comply with applicable confidentiality laws and regulations, (e.g., T.C.A. § 33-3-104(10); federal alcohol and drug regulations, which is found at 42 CFR, Part 2); the Health Insurance Portability and Accountability Act (HIPAA), which is found at 45 CFR, Part 160, Part 162, and Part 164);
 2. The person supported must not be required to make public statements, which acknowledge gratitude to the licensee or for the licensee's facility services;
 3. The person supported must not be required to perform in public gatherings; and
 4. Identifiable photographs of the person supported must not be used without the written and signed consent of the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian).
 - (g) A medication administration policy and control procedures for facilities involved in the administration of medication to persons supported;

- (h) The plans and procedures to be followed in the event of fire evacuation and natural disaster emergencies;
- (i) The plans and procedures to be followed in the event of an emergency involving care of persons supported, which will provide for emergency transportation, emergency medical care, and staff coverage in such event;
- (j) A policy which prohibits persons supported from having any of the following responsibilities:
 1. Care of other persons supported;
 2. Supervision of other persons supported, unless on-duty/on-site staff are present; and
 3. Responsibilities requiring access to confidential information.
- (k) Policy and procedures to be followed in the reporting and investigation of suspected or alleged abuse, or neglect of persons supported, or other critical incidents. The procedures must include provisions for corrective action, if any, to be taken as a result of such reporting and investigation;
- (l) Policy and procedures which ensure that volunteers, if used by the facility, are in a supportive capacity and are under the supervision of appropriate designated staff members;
- (m) Policy and procedures which govern the use of behavior-management techniques, if used by the facility;
- (n) Policy regarding the use of human subjects in research, if the facility is involved in, or planning to be involved in, such research, which includes procedures for the following:
 1. Identification of subjects, projects, and staff;
 2. Provisions to protect the personal and civil rights of the subjects;
 3. Obtaining the consent of the subjects involved;
 4. Assurance that all research projects are conducted under the direction and supervision of professional staff qualified by education and experience to conduct research;
 5. Emergency guidelines for problems that may develop during research activities; and
 6. Appointment of a facility representative to act as coordinator of the research activities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.03 FINANCIAL MANAGEMENT.

- (1) The licensee holding or receiving funds or property for the person supported as trustee or representative payee will adhere to all laws, state and federal, that govern their position and relation to persons supported.
- (2) The licensee must prohibit staff and proprietors from borrowing money from persons supported.
- (3) The licensee must ensure that all money held and disbursed on behalf of persons supported is for the strict, personal benefit of the person supported.
- (4) The licensee must not mix its funds with those of the person supported.
- (5) The licensee must not take funds or property of the person supported for the facility's own use or gain.
- (6) The licensee must provide an annual reporting of the funds of the person supported, which are being held

and disbursed by the facility to the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.04 PERSONNEL AND STAFFING.

- (1) A job description must be maintained, which includes the employment requirements and the job responsibilities for each facility staff position.
- (2) A personnel record must be maintained which verifies that each employee meets the respective employment requirements for the staff position held.
- (3) Training and development activities, which are appropriate in assisting the staff in meeting the needs of the persons supported, must be provided for each staff member. The provision of such activities must be evidenced by documentation in the facility records.
- (4) Training and development activities, which are appropriate in assisting volunteers (if used by the facility) in implementing their assigned duties, must be provided for each volunteer. The provision of such activities must be evidenced by documentation in the facility's records.
- (5) Direct Support Staff members must be competent persons aged eighteen (18) years of age or older.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.05 PERSON SUPPORTED RECORDS.

- (1) The governing body must ensure that an individual record for each person supported is maintained which, at a minimum, includes the following information:
 - (a) The name of the person supported;
 - (b) The address of the person supported;
 - (c) The telephone number of the person supported;
 - (d) The gender of the person supported;
 - (e) The date of birth of the person supported;
 - (f) The date of admission to the facility of the person supported;
 - (g) The source of referral to the facility of the person supported;
 - (h) The name, address, and telephone number of an emergency contact person for the person supported;
 - (i) If the facility charges fees for its services, a written fee agreement dated and signed by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian) prior to provision of any services other than emergency services. This agreement must include, at least, the following information:
 1. The fee or fees to be paid by the person supported;
 2. The services covered by such fees; and
 3. Any additional charges for services not covered by the basic service fee.
 - (j) Appropriate informed, signed, and dated consent and authorization forms for the release or

obtainment of information about the person supported; and

- (k) Written acknowledgement that the person supported or his/her legal representative (conservator, parent, guardian or legal custodian) has been informed of the rights and responsibilities of the person supported and the licensee's general rules affecting persons supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.06 PERSON SUPPORTED RIGHTS.

- (1) The following rights must be afforded to all persons supported by all licensees and are not subject to modification.
 - (a) Persons supported have the right to be fully informed before or upon admission about their rights and responsibilities and about any limitation on these rights imposed by the rules of the facility. The facility must ensure that the person supported is given oral and/or written rights information that includes, at least, the following:
 - 1. A statement of the specific rights guaranteed the person supported by these rules and applicable state laws;
 - 2. A description of the facility's grievance procedure;
 - 3. A listing of available advocacy services; and
 - 4. A copy of all general facility rules and regulations for persons supported.
 - (b) The information shall be presented in a manner that promotes understanding by persons supported of his/her rights, and the person supported shall be given an opportunity to ask questions about the information. If the person supported who was unable to understand the information at the time of admission later becomes able to do so, the information shall be presented to the person supported at that time. If a person supported is likely to continue indefinitely to be unable to understand the information, the facility must promptly attempt to provide the required information to his/her legal representative (conservator, parent, guardian, or legal custodian) or other appropriate person or agency responsible for protecting the rights of the person supported;
 - (c) Persons supported have the right to voice grievances to staff of the facility, to the licensee, and to outside representatives of their choice, with freedom from restraint, interference, coercion, discrimination, or reprisal;
 - (d) Persons supported have the right to be treated with consideration, respect, and full recognition of their dignity and individuality;
 - (e) Persons supported have the right to be protected by the licensee from neglect, mistreatment from physical, verbal, and emotional abuse (including corporal punishment), and from all forms of misappropriation and/or exploitation;
 - (f) Persons supported have the right to be assisted by the facility in the exercise of his/her civil rights;
 - (g) Persons supported have the right to be free of any requirement by the facility that they perform services which are ordinarily performed by facility staff; and
 - (h) If residential services are provided, persons supported must be allowed to send personal mail unopened and to receive mail and packages, which may be opened in the presence of staff when there is reason to believe that the contents thereof may be harmful to the person supported or others.
- (2) Medicaid-reimbursed individuals receiving HCBS services shall be afforded the rights referenced in 42

C.F.R. § 441.301(c)(4) of the HCBS Settings Rule.

- (3) The following rights must be afforded to all persons supported by all licensed facilities, unless modified in accordance with Rules 0465-02-06-.07 and/or 0465-02-06-.08:
- (a) Persons supported have the right to participate in the development of their ISP, and to receive sufficient information about proposed and alternative interventions and program goals to enable them to participate effectively;
 - (b) Persons supported have the right to participate fully, or to refuse to participate, in community activities including cultural, educational, religious, community services, vocational, and recreational activities;
 - (c) If residential services are provided, persons supported must be allowed to have free use of common areas in the facility with due regard for privacy, personal possessions, and the right of others;
 - (d) If residential services are provided, persons supported have the right to furnish and decorate their bedroom/sleeping area, within the lease or other agreement;
 - (e) If residential services are provided, persons supported have the right to be given privacy and freedom for the use of bathrooms at all hours;
 - (f) If residential services are provided, persons supported have the right to be given privacy and freedom in the use of their bedroom/sleeping area. If residential services are provided and if married persons reside in the facility, privacy for visits by spouses must be ensured, and if both spouses reside in the facility, they must be permitted to share a room; and
 - (g) If residential services are provided, persons supported have the right to associate and communicate privately with persons of their choice including receiving visitors at any time.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.07 MODIFICATION OR LIMITATION OF PERSON SUPPORTED RIGHTS BY FACILITY RULES, POLICIES, OR PROCEDURES.

- (1) The rights of all persons supported of a facility may only be modified or limited under the following conditions:
- (a) The facility is not a Medicaid-reimbursed home and community based service (HCBS) provider required to comply with the federal home-based and community-based setting final rule, published in the Federal Register at 79 FR 2947 (January 16, 2014).
 - (b) It is demonstrated and documented that a legitimate purpose cannot reasonably be achieved without such modification or limitation;
 - (c) No modification or limitation may be made solely for the convenience of facility staff or be more stringent than is necessary to achieve the demonstrated purpose;
 - (d) Persons supported or representatives of persons supported, as appropriate, must be fully informed of proposed facility rules, policies or procedures modifying or limiting the rights of the person supported, and of the reasons therefore, and must be given an opportunity to object, propose alternatives, and consult with family, friends, and/or advocacy agencies prior to their implementation; and
 - (e) Facility rules, policies, or procedures which modify or limit the rights of the person supported must be in writing and posted in a conspicuous place.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-06-.08 MODIFICATION OR LIMITATION OF PERSON SUPPORTED RIGHTS.

- (1) The rights of a person supported in a facility may only be modified or limited under the following conditions:
 - (a) It is demonstrated and documented that such modification or limitation is necessary because of the physical or intellectual disability of the person supported;
 - (b) To achieve a legitimate goal in the ISP of the person supported;
 - (c) No modification or limitation may be made solely for the convenience of staff or be more stringent than is necessary;
 - (d) The person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), as appropriate, must be fully informed of the proposed limitation or modification and must be given an opportunity to object, propose alternatives, and consult with family, friends, and/or advocacy agencies prior to implementation of the modifications or limitations; and
 - (e) Any modifications or limitations must be documented in the ISP of the person supported in accordance with the following requirements:
 - 1. Identify a specific and individualized assessed need;
 - 2. Document the positive interventions and supports used prior to any modifications to the person-centered service plan;
 - 3. Document less intrusive methods of meeting the need that have been tried but did not work;
 - 4. Include a clear description of the condition that is directly proportionate to the specific assessed need;
 - 5. Include regular collection and review of data to measure the ongoing effectiveness of the modification;
 - 6. Include established time limits for periodic reviews to determine if the modification is still necessary or can be terminated;
 - 7. Include the informed consent of the person supported; and
 - 8. Include an assurance that interventions and supports will cause no harm to the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-07
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL DISABILITIES
ADULT HABILITATION DAY FACILITIES**

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0465-02-07-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-

02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.02 POLICIES AND PROCEDURES.

The facility must maintain a written policies and procedures manual which includes procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.03 PROFESSIONAL SERVICES.

- (1) The facility must provide or procure assistance for persons supported in locating qualified dental, medical, nursing, and pharmaceutical care, including care for emergencies during hours of the facility's operation.
- (2) The facility must ensure that an annual physical examination is provided or procured for each person supported (unless less often is indicated by the physician of the person supported). Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work), as deemed necessary by the physician and special studies where the index of suspicion is high.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.04 PERSONNEL AND STAFFING.

- (1) The facility must provide two (2) direct support staff members for the first twenty (20) persons supported present in the facility. One (1) additional direct support staff member must be provided for each additional increment of twenty (20) persons supported present.
- (2) The facility must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (3) Employees shall be screened for tuberculosis according to the procedures of the Tennessee Department of Health or receive a tuberculosis skin test or chest X-ray before working directly with persons supported. Documentation of such screening or testing shall be maintained in the employee's personnel file.
- (4) Employees must be provided with a basic orientation in the proper techniques and strategies for the support of persons supported with seizure disorders, prior to being assigned to work with them.
- (5) A staff member must be on duty in the facility who is trained in First Aid and cardiopulmonary resuscitation (CPR).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07.05 PERSON SUPPORTED RECORDS.

- (1) The record of each person supported must contain the following information:
 - (a) A recent photograph and a description of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported;
 - (d) The sources of financial support of the person supported, including social security, veteran's benefits and insurance;

- (e) The sources of coverage for medical care costs of the person supported;
- (f) The name, address and telephone number of the physician or healthcare agency providing medical services of the person supported;
- (g) Documentation of all drugs/medications prescribed or administered by the facility to the person supported, which indicates the date prescribed, type, dosage, frequency, amount, and reason for prescription;
- (h) A discharge summary of the person supported, which states the date of discharge, reasons for discharge, and referral for other services, if appropriate;
- (i) Report of medical problems, accidents, seizures and illnesses, and treatments for such medical problems, accidents, seizures and illnesses for the person supported;
- (j) Report of significant behavior incidents and of actions taken for the person supported; and
- (k) Report of the use of restrictive behavior management techniques for the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.06 MEDICATION ADMINISTRATION.

- (1) When medications are taken by persons supported under the supervision of facility staff, the staff must:
 - (a) Consider the ability and training of the person supported, when supervising the administration of medication;
 - (b) Ensure that prescription medications are taken only by the person supported for whom they are prescribed, and in accordance with the directions of a physician;
 - (c) Provide storage for medications in a locked container, which ensures proper conditions of security and sanitation, and prevents accessibility to any unauthorized individual;
 - (d) Assure the disposal of discontinued and outdated medications and containers with worn, illegible or missing labels; and
 - (e) Report all medication errors, medication reactions, or suspected overmedication to the practitioner who prescribed the medication.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.07 VOCATIONAL SERVICES.

The facility must ensure that work provided is dignified and not demeaning or degrading to the person supported. Vocational Service activities provided must be challenging to the capabilities of the person supported yet result in a sense of accomplishment and productivity.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.08 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of an ISP:
 - (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;

- (b) A basic medical history, information, and determination of the necessity of a medical evaluation, and a copy, where applicable, of the result of the medical evaluation;
- (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs; and
- (d) An existing psychological assessment on file which is updated as recommended by the ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.09 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to participate is documented;
 - (e) An intellectual and developmental disabilities specialist; and
 - (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.10 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The facility must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
 - (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;
 - (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component;
 - (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
 - (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.11 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.12 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program or behavior support plan incorporating the use of a highly restrictive or intrusive technique, the program plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program support plan that is part of the ISP of the person supported.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in a mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-08
MINIMUM PROGRAM REQUIREMENTS FOR
DEVELOPMENTAL DISABILITIES
ADULT HABILITATION DAY FACILITIES**

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0465-02-08-.01 APPLICATION OF RULES.

- (1) In addition to these rules, the governing body providing Adult Developmental Day Services under this chapter shall comply with the following rules:
- (a) Chapter 0465-02-08 Minimum Program Requirements for Day Services for Adults with Developmental Disabilities;
 - (b) Applicable Life Safety rules for Educational Occupancies found in Chapter 0465-02-04;
 - (c) Chapter 0465-02-06 Minimum Program Requirements for All Facilities;
 - (d) Rule 0465-02-04-.09 Mobile Non-Ambulatory Rule, if applicable; and
 - (e) Applicable rules in Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.02 POLICIES AND PROCEDURES.

- (1) The facility shall maintain a written policy and procedures manual which includes:
- (a) A policy ensuring that employees and volunteers practice infection control procedures and standard precautions that will protect the persons supported from infectious diseases;
 - (b) Procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health; and
 - (c) Requirements that each employee or volunteer comply with procedures for detection, prevention, and reporting of communicable diseases according to procedures of the Tennessee Department of Health.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.03 PROFESSIONAL SERVICES.

The facility shall provide or procure assistance for people in locating qualified dental, medical, nursing, and pharmaceutical care, including care for emergencies during hours of the facility's operation.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.04 PERSONNEL AND STAFFING.

- (1) The licensee shall provide one (1) Direct Support Staff member for the first ten (10) persons supported. One (1) additional Direct Support Staff member shall be provided for the next increment of eleven (11) to fifteen (15) persons supported. One (1) additional Direct Support Staff member shall be provided for the next increment of sixteen (16) to nineteen (19) persons supported. When more than twenty (20) persons

are supported, one (1) additional Direct Support Staff member shall be provided for each additional twenty (20) persons supported present.

- (2) The facility shall ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (3) Employees shall be screened for tuberculosis according to the procedures of the Tennessee Department of Health or receive a tuberculosis skin test or chest X-ray before working directly with persons supported. Documentation of such screening or testing shall be maintained in the employee's personnel file.
- (4) Prior to contact with a person supported, employees shall receive documented orientation to the specific needs of any person supported to whom the employee is assigned.
- (5) At least one (1) staff member shall be on duty in the facility who is trained in First Aid, cardiopulmonary resuscitation (CPR), and the Abdominal Thrust Maneuver.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.05 PERSON SUPPORTED RECORDS.

- (1) Each record of the person supported shall contain the following:
 - (a) A recent photograph and a description of the person supported;
 - (b) Report of the use of restrictive behavior management techniques, as defined under Rule 0465-02-08-.13, if used; and
 - (c) A discharge summary of the person supported, which states the date of discharge, reasons for discharge, and referral for other services, if appropriate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.06 MEDICATION ADMINISTRATION.

- (1) When medications are taken by persons supported under the supervision of facility staff, the staff must:
 - (a) Consider the ability and training of the person supported, when supervising the administration of medication;
 - (b) Ensure that prescription medications are taken only by the person supported for whom they are prescribed, and in accordance with the directions of a physician;
 - (c) Provide storage for medications in a locked container, which ensures proper conditions of security and sanitation, and prevents accessibility to any unauthorized individual;
 - (d) Assure the disposal of discontinued and outdated medications and containers with worn, illegible or missing labels; and
 - (e) Report all medication errors, medication reactions, or suspected overmedication to the practitioner who prescribed the medication.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.07 VOCATIONAL SERVICES.

- (1) The facility shall ensure that work provided is dignified and not demeaning or degrading to the person supported. Work activities provided shall be challenging to the capabilities of the person supported yet can result in a sense of accomplishment and productivity.

- (2) Day services shall be provided or procured in accordance with the age level, interests, and abilities of the person supported as specified in the ISP under Rule 0465-02-08-.11.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.08 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of an ISP:
- (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;
 - (b) A basic medical history, including a list of current medications, and documentation of the necessity for a medical evaluation. If a medical evaluation is necessary, documentation of the result of the medical evaluation; and
 - (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.09 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility shall ensure that an ISP team is identified and provided for each person supported. The team shall, at a minimum, include:
- (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to participate is documented;
 - (e) An intellectual and developmental disabilities specialist; and
 - (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.10 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The facility shall ensure that a written ISP is provided and implemented for each person supported. The ISP shall meet the following requirements:
- (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;
 - (e) Specifies the needs of the person supported which have been identified by assessment and to be

addressed within the particular service/program component;

- (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
- (g) Includes methods or activities by which the goals and objectives are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.11 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes shall be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team shall review the ISP at least annually from the date of development and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-08-.12 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written behavior support plan incorporating the use of a highly restrictive or intrusive technique, the plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior support plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60)

minutes.

- (12) The ability of the person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-09
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
DIAGNOSIS AND EVALUATION FACILITIES**

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0465-02-09-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-09-.02 POLICIES AND PROCEDURES.

- (1) The governing body must ensure compliance with rule 0465-02-06-.02 Minimum Program Requirements for All Facilities, Policies and Procedures.
- (2) An ongoing system must be provided for the collection and recording of accurate data about the person supported.
- (3) A procedure must be provided for allowing the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian) a method of challenging any information entered into the record of the person supported. The procedure must also allow for the subsequent removal of successfully challenged information.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-09-.03 ASSESSMENTS.

- (1) Assessments must be completed by using empirically reliable and valid instruments of diagnosis and evaluation.
- (2) Diagnosis and evaluation services must be capable of assessment in the following areas:
 - (a) Intellectual development;
 - (b) Sensorimotor development;
 - (c) Affective development;
 - (d) Social development;
 - (e) Communicative development; and
 - (f) Physical development.

- (3) Assessment of physical development must be completed by the following:
 - (a) Physical examination;
 - (b) Review of Medication history;
 - (c) Visual screening;
 - (d) Audiological screening;
 - (e) Nutritional screening; and
 - (f) If determined necessary, a genetic evaluation.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-09-.04 ASSESSMENT TEAM.

- (1) The facility must ensure that an assessment team is identified and provided for each person supported. The team must minimally include:
 - (a) A designated individual who is responsible for each assessment;
 - (b) The active participation of each staff member or consultant who is responsible for the completion of assessment; and
 - (c) The person supported or his/her legal representative (conservator, parent, guardian, or legal custodian).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-09-.05 ASSESSMENT RECORDS.

- (1) The facility must ensure that an individual record of the assessments is maintained for each person supported which includes the following:
 - (a) The reports of completed evaluations including the names and disciplinary status of the evaluating team members;
 - (b) The initial recommendations of the assessment team including the services needed for the person supported without consideration of the actual availability of such services;
 - (c) The availability of needed services and recommended service providers; and
 - (d) The documentation of efforts made in exploring resources for meeting the needs of the person supported identified by the team's recommendations.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-09-.06 PERSONNEL AND STAFFING.

- (1) Professional staff must be provided who are capable of performing assessments and who are duly licensed, eligible for licensure, or duly certified to practice their profession in the State of Tennessee. The duties assigned in the performance of diagnosis and evaluation services must be commensurate with the level of competence, training and experience of the staff so assigned.
- (2) Each employee must be provided with an initial orientation upon employment and with an annual in-

service training activity which must be commensurate with the assigned duties of each employee.

- (3) Employees with seriously infectious diseases must not be permitted contact with persons supported.
- (4) Each employee must have a tuberculosis test or screening at the time of employment and thereafter as required by the current guidelines of the Tennessee Department of Health.
- (5) The facility must be sufficiently staffed to the extent that the facility is not dependent upon volunteers or person supported in the delivery of services.
- (6) The facility must be sufficiently staffed to the extent that assistance is available from another staff member in the event of an emergency.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-10
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
INSTITUTIONAL HABILITATION FACILITIES**

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0465-02-10-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.02 POLICIES AND PROCEDURES.

The written policies and procedures manual must include procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.03 PROFESSIONAL SERVICES.

- (1) The facility must ensure that each person supported receives an annual physical examination (unless less often is indicated by the physician of the person supported), which includes routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work) as determined necessary by the physician and special studies where the index of suspicion is high.
- (2) The facility must ensure that all persons supported receive social services including liaison between the person supported, his/her family, the facility and the community.
- (3) The facility must ensure that each person supported receives a medical exam within ninety (90) days before or thirty (30) days after admission.
- (4) The facility must ensure that each person supported receives an annual dental screening.
- (5) The facility must ensure that each person supported receives qualified dental, medical, nursing, pharmacy, physical and occupational therapy, social, psychological, speech pathology and audiology services in accordance with his/her ISP.

- (6) The facility must ensure that each person supported is provided with immunizations as required by the Tennessee Department of Health unless contraindicated by a physician's order.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.04 PERSONNEL AND STAFFING.

- (1) All professional services must be provided by individuals duly licensed or certified to practice their profession in the State of Tennessee, or by individuals who are eligible for licensure or certification and under the supervision of duly licensed or certified personnel, as appropriate.
- (2) The facility must provide an overall ratio of one (1) Direct Support Staff member for each two and one-half (2 ½) persons supported present.
- (3) The facility must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (4) Employees must have a regular tuberculosis skin test within thirty (30) days of employment and as required thereafter by current Tennessee Department of Health guidelines.
- (5) Employees must be provided with a basic orientation in the proper management of persons supported with seizure diagnoses prior to being assigned to work with persons supported with such disorders.
- (6) Persons supported must never be left unattended during normal sleeping hours.
- (7) A staff member must be on duty in the facility who is trained in First Aid and the Heimlich maneuver.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.05 PERSON SUPPORTED RECORDS.

- (1) The record for each person supported must contain the following information:
- (a) A recent photograph and a description of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support of the person supported, including social security, veteran's benefits and insurance;
 - (e) The sources of coverage of medical care costs of the person supported;
 - (f) The name, address, and telephone number of the physician or healthcare agency providing medical services for the person supported;
 - (g) Documentation of all medications prescribed or administered by the facility to the person supported, which indicates date prescribed, type, dosage, frequency, amount and reason for the prescription;
 - (h) A discharge summary of the person supported, which states the date of discharge, reasons for discharge, and referral for other services, if appropriate;
 - (i) Report of medical problems, accidents, seizures, and illnesses of the person supported, and treatments for such medical problems, accidents, seizures, and illnesses;

- (j) Report of significant behavior incidents and of actions taken for the person supported;
- (k) Report of the use of restrictive behavior-management techniques for the person supported;
- (l) A list of each individual article of personal property of the person supported valued at fifty dollars (\$50.00) or more, including its disposition, if no longer in use; and
- (m) Written accounts of all monies received and disbursed on behalf of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.06 MEDICATION ADMINISTRATION.

- (1) The facility must consider the ability and training of the person supported when supervising the administration of medication.
- (2) The facility must ensure that prescription medications are taken only by the person supported for whom they are prescribed and in accordance with the directions of a physician.
- (3) Medications must be stored in a locked container which ensures proper conditions of security and sanitation, and prevents accessibility to any unauthorized person;
- (4) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (5) All medication errors, medication reactions, or suspected overmedications must be reported to the practitioner who prescribed the medication.
- (6) Evidence of the current prescription of each medication taken by a person must be maintained by the facility.
- (7) Written specifications, by title, of the personnel permitted to administer various categories of medication must be maintained.
- (8) The ISP must document when a person supported is capable of self-administration.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.07 HEALTH, HYGIENE, AND GROOMING.

- (1) The facility must provide the person supported with assistance and training, as needed, with health, hygiene, and grooming practices.
- (2) The facility must provide the person supported with assistance and training in the use of dental appliances, eyeglasses, and hearing aids.
- (3) The facility must encourage the person supported to maintain a well-groomed and clean appearance that is age and activity appropriate and within reason of current acceptable styles of grooming and dressing and appearance.
- (4) Facility staff must be responsible for the implementation of the orders of a physician concerning recuperative procedures subsequent to an illness or injury of the person supported.
- (5) The facility must ensure that each person supported bathes or receives a bath daily and that hair and nails are clean and groomed weekly.
- (6) Facility staff must immediately clean persons supported who are incontinent, including a change of clothing and linen, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.08 CLOTHING FOR PERSONS SUPPORTED.

- (1) Each person supported must be provided the least restrictive level of support and assistance needed in the selection and purchase of clothing.
- (2) The facility must allow each person supported to dress him/herself in his/her own clothes and to change clothes at appropriate times, according to his/her abilities.
- (3) The facility must assist each person supported in securing an adequate allowance of personally owned, individualized, normal, clean, and seasonal clothes.
- (4) Any marking of clothing belonging to the person supported for the purposes of identification must be done in an inconspicuous manner.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.09 RECREATIONAL ACTIVITIES.

The facility must ensure that opportunities are provided for recreational activities, which are appropriate and adapted to the needs, interests, and age of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.10 DAY ACTIVITIES.

- (1) The facility must ensure that day activities are provided or procured. Such day activities must be in accordance with the age level, interests, and abilities of the person supported, and in accordance with an ISP.
- (2) If the person supported attends a school or day program provided outside of the facility, the facility's staff must participate with the school personnel in developing an individual education plan or with the day program staff in developing an ISP, as appropriate.
- (3) The facility must ensure the participation of the person supported and direct support staff in developing and implementing daily activity schedules for each person supported.
- (4) Activity schedules of persons supported must not have more than three (3) hours of unscheduled time daily.
- (5) The facility must ensure that each person supported who has significant disabilities and uses a wheelchair:
 - (a) Is assisted by a direct support staff member in spending at least three (3) hours of his/her waking day out of bed, unless contraindicated by a physician's order;
 - (b) Is assisted by a direct support staff member in spending a portion of their waking day out of his/her bedroom area;
 - (c) Is assisted by a direct support staff member in an exercise period daily; and
 - (d) Is assisted in being mobile whenever possible by the use of wheelchairs or other mobility devices.
- (6) The facility must ensure that each person supported is provided with a planned period of outdoor activity on a daily basis except during inclement weather.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302,

0465-02-10-.11 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of his/her ISP:
 - (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;
 - (b) A basic medical history, information, and determination of the necessity of a medical evaluation, and a copy, where applicable, of the results of the medical evaluation;
 - (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs; and
 - (d) An existing psychological assessment on file which is updated as recommended by the ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.12 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to participate is documented;
 - (e) An intellectual and developmental disabilities specialist;
 - (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.13 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The facility must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
 - (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;
 - (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component;
 - (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular

service/program component; and

- (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.14 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.15 HUMAN RIGHTS COMMITTEE.

The facility must provide a Human Rights Committee to ensure the rights of the person supported and provide advocacy for the person supported. The committee must consist minimally of at least three (3) members, including one (1) member who is independent of the facility. The committee's meetings and decisions must be documented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-10-.16 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of the ISP of the person supported.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program incorporating the use of a highly restrictive or intrusive technique, the program must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program that is part of his/her ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.

- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and the use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-11
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
RESIDENTIAL HABILITATION FACILITIES**

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0465-02-11-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.02 HEALTH, SAFETY, AND WELFARE SAFEGUARDS.

- (1) The facility must provide or procure assistance for the person supported in locating qualified dental, medical, nursing, and pharmaceutical care including care for emergencies.
- (2) The facility must ensure that each person supported receives an annual physical examination (unless less often is indicated by the physician of the person supported), which includes routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear, mammogram, prostate screening, and blood work) as determined necessary by the physician and special studies where the index of suspicion is high.
- (3) The facility must ensure that each person supported receives dental examinations and treatment as prescribed by the physician.
- (4) The facility must require that a person supported receives immunizations as required by the Department of Health, unless contraindicated by a doctor's written orders.
- (5) The facility must ensure that each person supported has a physical examination within the twelve (12) months prior to admission or within thirty (30) days after admission.
- (6) The facility must ensure that employees practice infection control procedures that will protect the person supported from infectious diseases.
- (7) The facility must enable the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian) to choose a personal physician for routine services.
- (8) The facility must insure that appropriate corrective actions have been taken in response to substantiated

abuse or neglect.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.03 PERSONNEL AND STAFFING.

- (1) The facility must provide one (1) direct support staff member for every ten (10) persons supported present in the facility.
- (2) All employees must be screened for tuberculosis according to the procedures of the Tennessee Department of Health or receive a tuberculosis skin test or chest x-ray before working directly with persons supported. Documentation of such must be maintained in the employee's personnel file.
- (3) The facility must document that the Hepatitis B vaccine is made available to direct support staff.
- (4) Employees must be provided with a basic orientation in the specific needs of a person supported prior to being assigned to work with him/her.
- (5) The facility must provide at all times at least one (1) on-duty staff member who is certified in First Aid and Cardiopulmonary Resuscitation (CPR).
- (6) All employees must receive training in detection, reporting, and prevention of abuse. This training must be documented in the employee's record.
- (7) All professional services must be provided by individuals duly licensed or certified to practice their profession in the State of Tennessee.
- (8) Persons supported must never be left unattended unless otherwise specified in his/her ISP. Approval by appropriate staff must be documented in the record of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.04 PERSON SUPPORTED RECORDS.

- (1) The record of each person supported must contain the following information:
 - (a) A recent photograph and a description of the person supported;
 - (b) Social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support of the person supported, including social security, veteran's benefits, and insurance;
 - (e) The sources of coverage for medical care costs of the person supported;
 - (f) The name, address and telephone number of the physician or health agency providing medical services for the person supported;
 - (g) Documentation of all medications prescribed or administered by the facility to the person supported, which indicates date prescribed, type, dosage, frequency, amount, reason, and side effects;
 - (h) Documentation of medical problems, accidents, seizures and illnesses of the person supported and treatments for such medical problems, accidents, seizures and illnesses while the person supported is in the care of the facility;

- (i) Documentation of significant behavior incidents and of actions taken while the person supported is in the care of facility staff;
- (j) Documentation of the use of restrictive behavior-management techniques while the person supported is in the care of facility staff;
- (k) A list of each individual article of personal property of the person supported, valued at one hundred dollars (\$100) or more including its disposition, if no longer in use;
- (l) Written accounts of all monies received and disbursed on behalf of the person supported; and
- (m) A discharge summary of the person supported, which states the date of discharge, reasons for discharge, and referral for other services, if appropriate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.05 MEDICATION ADMINISTRATION.

- (1) The level of supervision during the administration of medication is commensurate with the capability of the person supported.
- (2) The facility must ensure that if persons supported are not capable of self-administration, medication will only be administered by personnel who are licensed or certified to administer medication in the State of Tennessee.
- (3) The facility must ensure that prescription medications are taken only by the person supported for whom they are prescribed, and in accordance with the directions of a physician.
- (4) The facility must assist with procuring and taking of prescription and non-prescription medications.
- (5) Medications must be stored in a locked container, which ensures proper conditions of security and sanitation and prevents accessibility by any unauthorized person.
- (6) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (7) All medication errors, medication reactions, or suspected over medications must be reported to the practitioner who prescribed the medication.
- (8) Evidence of the current prescription of each medication taken by a person supported must be maintained by the facility.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.06 SUPPORTS AND SERVICES.

- (1) The facility must provide supports and services that comply with the following:
 - (a) Activities available to persons supported throughout the day must be based on the preferences and interests of each person supported.
 - (b) Activities have an identifiable purpose and are of meaningful activity.
 - (c) The physical and nutritional needs of the persons supported are addressed.
 - (d) Persons supported who have eating/swallowing diagnoses are identified and the identified diagnoses are addressed.
 - (e) Special diets and mealtime practices are implemented as needed.

- (f) Persons supported must have access to prescribed adapted equipment and/or assistive technology.
- (g) Equipment is monitored to determine proper fit, working order and need for repair.
- (h) Equipment storage is available if needed.
- (i) Persons supported must be provided assistance in the use and protection of money.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.07 PERSONAL SUPPORT AND ASSISTANCE.

- (1) The facility must provide persons supported with the level of support and assistance needed in a private and dignified manner.
- (2) The facility must provide persons supported with the level of support and assistance needed in the use of dental appliances, eyeglasses, and hearing aids.
- (3) The facility must be responsible for the implementation of all physicians' orders.
- (4) The facility must assist each person supported in securing an adequate amount of personally owned, clean and seasonal clothes that are of correct size.
- (5) Each person supported must be provided the level of support and assistance needed to purchase and select his/her own clothes.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.08 RECREATIONAL ACTIVITIES.

The facility must ensure that opportunities are provided for recreational activities, which are appropriate and adapted to the needs, interests, and age of the persons supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-5-24-.09 DAY ACTIVITIES.

- (1) The facility must ensure that day activities are provided or procured. Such day activities must take into account the age, interests, abilities and needed supports of the person supported and be provided in accordance with an ISP.
- (2) If the person supported attends a school or day program provided outside of the facility, the facility's staff must participate with the school personnel in developing an individual education plan or with the day program staff in developing an ISP, as appropriate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.10 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to development of the ISP:
 - (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;
 - (b) A basic medical history, information, and determination of the necessity of a medical evaluation,

and a copy, where applicable, of the results of the medical evaluation;

- (c) A six (6) month history of prescription and non-prescription medications, and an alcohol and substance abuse history;
- (d) An existing psychological assessment on file which is updated as recommended by the ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.11 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to participate is documented;
 - (e) An intellectual and developmental disabilities specialist;
 - (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.12 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The facility must ensure that a written, ISP is provided and implemented for each person supported within thirty (30) days of admission. The ISP must include the following:
 - (a) The name of the person supported;
 - (b) The date of plan development;
 - (c) Goals and outcomes to be addressed which are related to the specific needs and preferences of the person supported;
 - (d) Interventions that address specific goals and outcomes, identify staff responsible for interventions and planned frequency of contacts;
 - (e) The facility must maintain documentation that supports the implementation and results of the ISP of the person supported;
 - (f) Signature(s) of staff who develop the ISP and the primary staff responsible for its implementation; and
 - (g) Signature of the person supported (and/or legal guardian or documentation of reasons for refusal to sign and/or inability to participate in ISP development.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.13 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or

changes occurring within the ISP.

- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.14 USE OF RESTRICTED BEHAVIOR INTERVENTIONS.

- (1) The facility must ensure that restricted behavior interventions are not provided until unrestricted interventions have been systematically tried or considered and have been determined to be inappropriate or otherwise contraindicated.
- (2) The facility must ensure that restricted behavior interventions are only provided through an approved written intervention plan.
- (3) If restricted interventions are provided, the written intervention plan must:
 - (a) Be based upon a functional assessment;
 - (b) Utilize the least intrusive effective intervention that supports the person supported in developing alternative behaviors;
 - (c) Include procedures to reinforce the person supported for interacting in more adaptive, effective ways so that the need for the challenging behavior is reduced;
 - (d) Include information on the functional assessment, treatment rationale, procedures, generalization and maintenance strategies, data collection, and schedule for progress review;
 - (e) Include measurable criteria for fading or removing the restricted intervention based on progress;
 - (f) Clearly define all responsibilities for implementing components of the plan;
 - (g) Clearly describe for staff:
 1. The description of the behavior;
 2. Situations in which the behavior is likely to occur;
 3. Signs and signals that occur prior to the behavior and what staff should do to reduce the likelihood of the behavior occurring;
 4. How staff should respond when the behavior occurs;
 5. What staff should do to encourage appropriate responses;
 6. What information staff should document; and
 7. Crisis intervention or emergency procedures, as applicable.
- (4) The facility must ensure that the written intervention plan is reviewed and approved by appropriately constituted Behavior Support and Human Rights Committees prior to its implementation.
- (5) The facility must ensure that staff who implement the written intervention plan are trained to competency on implementing the plan.
- (6) The facility must ensure that staff implementation of the plan is monitored regularly and reported as part of progress notes at least monthly.
- (7) The facility must ensure that in the provision of behavior services, restraint or protective equipment is used only to protect the person supported or others from harm and when other less intrusive methods

have been ineffective or are contraindicated.

- (8) The facility must ensure that in the provision of behavior services, the programmatic restraint or protective equipment is used only as part of any approved intervention plan for which consent has been obtained.
- (9) The facility does not employ the following devices or practices in the provision of behavior services:
 - (a) Restraint vests, camisoles, body wraps;
 - (b) Devices that are used to tie or secure a wrist or ankle to prevent movement;
 - (c) Restraint chairs or chairs with devices that prevent movement;
 - (d) Removal of a person supported's mobility aids such as a wheelchair or walker;
 - (e) Protective equipment that restricts or prevents movement or the normal use/functioning of the body or body part to which it is applied;
 - (f) Protective equipment that impairs or inhibits visual or auditory capabilities or prevents or impairs speech or other communication modalities;
 - (g) Any actions, including isolation or restraints imposed as a means of coercion, discipline, convenience or retaliation;
 - (h) Corporal punishment, denial of a nutritionally balanced diet or any other procedures that may result in physical or emotional harm to the person supported;
 - (i) Restraint rooms; and
 - (j) Aversive stimuli.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.15 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), drugs for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program or behavior support plan incorporating the use of a highly restrictive or intrusive technique, the program plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program that is part of an ISP.

- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and the use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of the person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-11-.16 USE OF PSYCHOTROPIC MEDICATIONS.

- (1) The facility must obtain the following when psychotropic medications are used:
 - (a) A diagnosis that is based on a comprehensive psychiatric assessment; and
 - (b) Reasons for prescribing medications.
- (2) The facility must ensure that there is informed consent from the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian) prior to utilizing psychotropic medications.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

RULES OF THE TENNESSEE DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES OFFICE OF LICENSURE

CHAPTER 0465-02-12 MINIMUM PROGRAM REQUIREMENTS FOR INTELLECTUAL AND DEVELOPMENTAL DISABILITIES BOARDING HOME FACILITIES

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0465-02-12-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.02 POLICIES AND PROCEDURES.

The written policies and procedures manual must include policies and procedures regarding tuberculosis control and the reporting of infectious and communicable diseases, as required by the Tennessee Department of Health.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.03 PROFESSIONAL SERVICES.

- (1) The facility must provide or procure assistance for persons supported in locating qualified dental, medical, nursing and pharmaceutical care including care emergencies during hours of the facility's operation.
- (2) The facility must ensure that an annual physical examination is provided or procured for each person supported (unless less often is indicated by the physician of the person supported). Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work) as determined necessary by the physician and special studies where the index of suspicion is high.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.04 PERSONNEL AND STAFFING.

- (1) The facility must provide one (1) direct support staff member for each ten (10) persons supported present in the facility.
- (2) Persons supported are never to be left unattended in the facility.
- (3) Each employee must have a tuberculosis skin test within thirty (30) days of employment and thereafter as required by the current guidelines of the Tennessee Department of Health.
- (4) The facility must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (5) Employees must be provided with a basic orientation in the proper management of seizure disorders for persons supported prior to being assigned to work.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.05 PERSON SUPPORTED RECORDS.

- (1) The record of each person supported must include the following information:
 - (a) A recent photograph and a description of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support including social security, veteran's benefits and insurance of the person supported;
 - (e) Sources of coverage for the medical care costs of the person supported;
 - (f) The name, address and telephone number of the physician or of the healthcare agency providing medical services for the person supported;
 - (g) Documentation of all medications administered to the person supported by the facility, which indicates the date prescribed, type, dosage, frequency, amount and reason;
 - (h) A discharge summary of the person supported, which includes the date of discharge, reasons for discharge and referral for other services, if appropriate;

- (i) A list of each individual article of personal property owned by the person supported valued at fifty dollars (\$50) or more, including its disposition if it is no longer in use;
- (j) Written accounts of all monies received and disbursed on behalf of the person supported;
- (k) Report of medical problems, accidents, seizures and illnesses of the person supported, and treatments for such medical problems, accidents, seizures and illnesses while the person supported resides in the facility;
- (l) Report of significant behavior incidents of the person supported and the actions taken; and
- (m) Report of the use of restrictive behavior-management techniques on the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.06 MEDICATION ADMINISTRATION.

- (1) The facility must consider the ability of the person supported and training when supervising the administration of medication.
- (2) The facility must ensure that prescription medications are taken only by the person supported for whom they are prescribed and in accordance with the directions of a physician.
- (3) Medications must be stored in a locked container which ensure proper conditions of security and sanitation, and prevents accessibility to any unauthorized person;
- (4) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (5) All medication errors, medication reactions, or suspected overmedication must be reported to the practitioner who prescribed the medication.
- (6) Evidence of the current prescription of each medication taken by a person supported must be maintained by the facility.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.07 HEALTH, HYGIENE AND GROOMING.

- (1) The facility must assist and encourage the person supported in the use of dental appliances, eyeglasses, and hearing aids.
- (2) The facility must assist and encourage the person supported in maintaining a well-groomed and clean appearance, which is age and activity appropriate, and which is within reason of currently acceptable styles of grooming, dressing, and appearance.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.08 CLOTHING FOR PERSONS SUPPORTED.

- (1) Each person supported must be provided the least restrictive level of support and assistance needed in the selection and purchase of clothing.
- (2) The facility must allow each person supported to dress him/herself in his/her own clothes and to change clothes at appropriate times according to his/her abilities.
- (3) The facility must assist each person supported in securing an adequate allowance of personally-owned, individualized, normal, clean, and seasonal clothes.

- (4) Any marking of clothing belonging to the person supported for identification purposes must be done in an inconspicuous manner.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.09 RECREATIONAL ACTIVITIES.

The facility must ensure that opportunities are provided for recreational activities, which are appropriate to and adapted to the needs, interests, and age of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.10 DAY ACTIVITIES.

The facility must ensure that appropriate day activity programs, vocational placements, school placements, or other such appropriate day activities are provided or procured for all persons supported by the facility. Such day activities should be in accordance with the age level, interests, and abilities of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.11 ADMISSIONS.

- (1) The governing body must ensure that all persons supported admitted to and residing in the facility meet the following criteria:
 - (a) Capable of self-preservation;
 - (b) Able to care for basic self-help and minor health care needs with minimal assistance;
 - (c) Able to recognize danger or threat to personal safety; and
 - (d) Able to maintain appropriate behavior generally tolerable to the community.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-12-.12 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program or behavior support plan incorporating the use of a highly restrictive or intrusive technique, the program plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.

- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program/plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-13
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
PLACEMENT SERVICES FACILITIES**

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0465-02-13-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.02 POLICIES AND PROCEDURES.

- (1) The written policies and procedures manual must include the following:
 - (a) Procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health;
 - (b) Policies and procedures establishing minimum requirements in all placement providers' homes for ensuring safety to life in the event of fire. These policies and procedures minimally must ensure:
 - 1. Fire safety features of smoke detectors, fire extinguishers and two (2) alternate means of escape from sleeping rooms in each provider's home; and

2. Training for all providers in developing and implementing evacuation procedures within each provider's home; and
- (c) Policies and procedures establishing minimum requirements in all placement providers' homes regarding environmental conditions and ancillary services. The policies and procedures must address minimum standards for health and sanitation, adequate furnishings, facilities, and food/nutrition for meeting the needs of the person supported in providers' homes.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.03 PROFESSIONAL SERVICES.

- (1) The facility must provide or procure assistance for persons supported in locating qualified dental, medical, nursing and pharmaceutical care including care for emergencies during hours of the facility's operation.
- (2) The facility must ensure that an annual physical examination is provided or procured for each person supported (unless less often is indicated by the physician of the person supported). Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work) as determined necessary by the physician and special studies where the index of suspicion is high.
- (3) The facility must ensure that an annual dental screening is provided or procured for each person supported.
- (4) The facility must ensure that each person supported is provided with immunizations as required by the Tennessee Department of Health unless contraindicated by a physician's order.
- (5) The facility must ensure that each person supported receives a medical exam within ninety (90) days before or thirty (30) days after admission.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.04 PERSONNEL AND STAFFING.

- (1) The governing body must ensure that no more than three (3) persons supported are residing in an individual home at any given time.
- (2) The governing body must ensure that employees and providers practice infection control procedures that will protect persons supported from infectious diseases.
- (3) Employees and providers must have a regular tuberculosis skin test within thirty (30) days of employment and as required thereafter by current Tennessee Department of Health guidelines.
- (4) Employees and providers must be provided with a basic orientation in the proper management of seizure disorders for persons supported prior to being assigned to work.
- (5) Persons supported must never be left unattended during normal sleeping hours.
- (6) Employees and providers must be trained in First Aid and Cardiopulmonary resuscitation (CPR).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.05 PERSON SUPPORTED RECORDS.

- (1) Each record of the person supported must contain the following information:
 - (a) A recent photograph and a description of the person supported;

- (b) The social security number of the person supported;
- (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
- (d) The sources of financial support including social security, veteran's benefits and insurance of the person supported;
- (e) The sources of coverage for medical care costs of the person supported;
- (f) The name, address and telephone number of the physician or healthcare agency providing medical services for the person supported;
- (g) Documentation of all medications prescribed or administered by the facility to the person supported, which indicates date prescribed, type, dosage, frequency, amount and reason;
- (h) A discharge summary of the person supported, which states the date of discharge, reasons for discharge and referral for other services, if appropriate;
- (i) Report of medical problems, accidents, seizures and illnesses of the person supported, and treatments for such medical problems, accidents, seizures and illnesses;
- (j) Report of significant behavior incidents of the person supported, and actions taken;
- (k) Report of the use of restrictive behavior management techniques on the person supported;
- (l) A list of each individual article of personal property of the person supported valued at fifty dollars (\$50.00) or more, including its disposition if it is no longer in use; and
- (m) Written accounts of all monies received and disbursed on behalf of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.06 MEDICATION ADMINISTRATION.

- (1) The ability and training of the person supported must be considered when supervising the administration of medication.
- (2) Prescription medications are to be taken only by the person supported for whom they are prescribed and in accordance with the directions of a physician.
- (3) Medications must be stored in a locked container which ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized individual.
- (4) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (5) All medication errors, medication reactions, or suspected overmedication must be reported to the practitioner who prescribed the medication.
- (6) Evidence of the current prescription of each medication taken by the person supported must be maintained.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.07 HEALTH, HYGIENE, AND GROOMING.

The governing body must ensure that the person supported receives assistance and training, as needed, with health, hygiene, and grooming practices.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.08 CLOTHING FOR PERSONS SUPPORTED.

- (1) The facility must assist each person supported must be provided the least restrictive level of support and assistance needed in the selection and purchase of clothing.
- (2) Each person supported must be allowed to dress him/herself in his/her own clothes and to change clothes at appropriate times according to his/her abilities.
- (3) The facility must assist each person supported in securing an adequate allowance of personally owned, individualized, normal, clean, and seasonal clothes.
- (4) Any marking of clothing belonging to the person supported for identification purposes must be done in an inconspicuous manner.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.09 RECREATIONAL ACTIVITIES.

The governing body must ensure that opportunities are provided for recreational activities, which are appropriate to and adapted to the needs, interests, and age of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.10 DAY ACTIVITIES.

- (1) The governing body must ensure that day activities are provided or procured. Such day activities must be in accordance with the age level, interests, and abilities of the person supported and in accordance with an ISP.
- (2) If the person supported attends a school or day program provided outside of the facility, the governing body must ensure that the facility's staff participates with the school personnel in developing an individual education plan or with the day program staff in developing an ISP, as appropriate.
- (3) The governing body must ensure that each person supported with significant disabilities, and who uses a wheelchair:
 - (a) Is assisted by a Direct Support Staff member in spending at least three (3) hours of their waking day out of bed, unless contraindicated by a physician's order;
 - (b) Is assisted by a Direct Support Staff member in spending a portion of their waking day out of their bedroom area;
 - (c) Is assisted by a Direct Support Staff member in an exercise period daily; and
 - (d) Is assisted in being mobile whenever possible by the use of wheelchairs or other mobility devices.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.11 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of hi/her ISP:

- (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;
- (b) A basic medical history, information, and determination of the necessity of a medical evaluation, and a copy, where applicable, of the results of the medical evaluation;
- (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs; and
- (d) An existing psychological assessment on file, which is updated as recommended by the ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.12 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The governing body must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to participate is documented;
 - (e) An intellectual and developmental disabilities specialist; and
 - (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.13 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The governing body must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
 - (a) Developed within thirty (30) days of the admission of the person supported in the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;
 - (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component; and
 - (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
 - (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.14 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-13-.15 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), drugs for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program/plan incorporating the use of a highly restrictive or intrusive technique, the program/plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program/plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF TENNESSEE RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-14
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
RESPITE CARE SERVICES FACILITIES**

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0465-02-14-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.02 POLICIES AND PROCEDURES.

- (1) The written policies and procedures manual must include the following:
 - (a) Policies and procedures regarding tuberculosis control and the reporting of infectious and communicable diseases as required by the Tennessee Department of Health;
 - (b) Policies and procedures establishing minimum requirements in all respite care facilities/homes for ensuring safety to life in the event of fire. These policies and procedures must minimally ensure:
 1. Fire safety features of smoke detectors, fire extinguishers and two (2) alternate means of escape from sleeping rooms in each facility/provider's home; and
 2. Training for all providers in developing and implementing fire safety precautions and evacuation procedures within each facility/provider's home.
 - (c) Policies and procedures establishing minimum requirements for environmental quality in each facility/provider's home. Such requirements must include minimum standards for health, sanitation, and adequate furnishings, and equipment for meeting the needs and food/nutrition of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.03 PERSONNEL AND STAFFING.

- (1) The governing body must ensure that no more than three (3) persons are in an individual respite care placement at a time.
- (2) Persons supported are never to be left unattended during normal sleeping hours.
- (3) Each employee and provider must have a tuberculosis skin test within thirty (30) days of employment and thereafter as required by the current guidelines of the Tennessee Department of Health.
- (4) The governing body must ensure that employees and providers practice infection control procedures that will protect persons supported from infectious diseases.
- (5) Employees and providers must be provided with a basic orientation in the proper management of seizure disorders for persons supported prior to being assigned to work.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.04 PERSON SUPPORTED RECORDS.

- (1) The governing body must ensure that the record of each person supported includes the following:
 - (a) The social security number of the person supported;
 - (b) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (c) Sources of coverage for the medical care costs of the person supported;
 - (d) The name, address and telephone number of the physician or healthcare agency providing medical services for the person supported;
 - (e) Documentation of all medications administered to the person supported by the facility, which indicates the date prescribed, type, dosage, frequency, amount and reason;
 - (f) Written accounts of all monies received and disbursed on behalf of the person supported;
 - (g) Report of medical problems, accidents, seizures and illnesses of the person supported, and treatments for such medical problems, accidents, seizures and illnesses while the person supported is in respite care;
 - (h) Report of significant behavior incidents of the person supported, and actions taken; and
 - (i) Report of the use of restrictive behavior management techniques on the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.05 MEDICATION ADMINISTRATION.

- (1) The ability and training of the person supported must be considered when supervising the administration of medication.
- (2) Prescription medications are to be taken only by the person supported for whom they are prescribed, and in accordance with the directions of a physician.
- (3) Medications must be stored in a locked container which ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized individual.
- (4) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (5) All medication errors, medication reactions, or suspected overmedication must be reported to the practitioner who prescribed the medication.
- (6) Evidence of the current prescription of each medication taken by a person supported must be maintained.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.06 HEALTH, HYGIENE AND GROOMING.

The governing body must ensure that all persons supported receive assistance with health, hygiene, and grooming.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.07 DAY ACTIVITIES.

The governing body must ensure that appropriate day activities are provided or procured, which are in accordance with the age level, interest, and ability of the person supported, and relevant to the length and purpose of his/her stay.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-14-.08 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program/plan incorporating the use of a highly restrictive or intrusive technique, the program/plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program/plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-15
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL DISABILITIES
SEMI-INDEPENDENT LIVING FACILITIES**

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0465-02-15-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.02 POLICIES AND PROCEDURES.

- (1) The written policies and procedures manual must include the following:
 - (a) Procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health.
 - (b) Policies and procedures establishing minimum requirements ensuring reasonable safety to life in the event of fire for all dwellings in which persons supported reside. These policies and procedures must require:
 - 1 Fire safety features of smoke detection, fire extinguishers and two (2) alternative routes of escape in each dwelling of the person supported; and
 2. Training for each person supported at the time of admission in the proper evacuation of his/her respective dwelling and the use of fire safety features.
 - (c) Policies and procedures establishing minimum standards of environmental quality in the dwelling of each person supported. These policies and procedures must ensure:
 1. The health of the person supported is not threatened by the standard of environmental quality maintained in his/her dwelling; and
 2. Each dwelling of the person supported is furnished and equipped in an adequate manner for meeting his/her individual needs and personal life style.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.03 PROFESSIONAL SERVICES.

- (1) The facility must provide or procure assistance for persons supported in locating qualified dental, medical, nursing, and pharmaceutical care including care for emergencies during hours of the facility's operation.
- (2) The facility must ensure that an annual physical examination is provided or procured for each person supported (unless less often is indicated by the physician of the person supported). Such examinations should include routine screenings (such as vision and hearing) and laboratory examination (such as Pap smear and blood work), as determined necessary by the physician and special studies where the index of suspicion is high.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.04 PERSONNEL AND STAFFING.

- (1) A primary staff member must be assigned to each person supported. The primary staff member is to be responsible for monitoring and assisting the person supported in the semi-independent living arrangement. A primary staff member must not be responsible for more than twenty (20) persons supported at one time.
- (2) Primary staff members or other assigned support staff must be available on call to persons supported on a twenty-four (24) hour per day basis.
- (3) The governing body must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (4) Employees must have a regular tuberculosis skin test within thirty (30) days of employment and as required thereafter by current Tennessee Department of Health guidelines.
- (5) Employees must be provided with a basic orientation in the proper management of seizure disorders for persons supported prior to being assigned to work.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.05 PERSON SUPPORTED RECORDS.

- (1) The record of each person supported must contain the following:
 - (a) A recent photograph and a description of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support including social security, veteran's benefits and insurance of the person supported;
 - (e) The sources of coverage for medical care costs of the person supported;
 - (f) The name, address and telephone number of the physician or healthcare agency providing medical services for the person supported;
 - (g) Documentation of all medications prescribed or administered to the person supported by the facility, which indicates the date prescribed, type, dosage, frequency, amount and reason;
 - (h) A discharge summary of the person supported, which states the date of discharge, reasons for discharge and referral for other services, if appropriate;
 - (i) Report of medical problems, accidents, seizures and illnesses of the person supported, and treatments of such medical problems, accidents, seizures and illnesses;
 - (j) Report of significant behavior incidents of the person supported, and actions taken;
 - (k) Report of the use of restrictive behavior-management techniques on the person supported; and
 - (l) Written accounts of all monies received and disbursed on behalf of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.06 MEDICATION ADMINISTRATION.

- (1) When medications are taken by persons supported the facility staff must:
 - (a) Consider the ability and training of the person supported when supervising the administration of medication.
 - (b) Prescription medications are to be taken only by the person supported for whom they are prescribed and in accordance with the directions of a physician.
 - (c) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
 - (d) All medication errors, medication reactions, or suspected overmedication must be reported to the practitioner who prescribed the medication.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.07 DAY ACTIVITIES.

- (1) The governing body must ensure that day activities are provided or procured. Such day activities must be in accordance with the age level, interests, and abilities of the person supported, and in accordance with an ISP.
- (2) If the person supported attends a school or day program provided outside of the facility, the governing body must ensure that the facility's staff participate with the school personnel in developing an individual education plan or with the day program staff in developing an ISP, as appropriate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.08 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of an ISP:
 - (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills.
 - (b) A basic medical history, information, and determination of the necessity of a medical evaluation, and a copy, where applicable, of the results of the medical evaluation.
 - (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs.
 - (d) An existing psychological assessment on file, which is updated as recommended by the ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.09 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The governing body must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;

- (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
- (d) Relevant professionals or individuals, unless their inability to participate is documented;
- (e) An intellectual and developmental disabilities specialist; and
- (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.10 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The governing body must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
 - (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;
 - (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component;
 - (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
 - (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.11 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.12 ADMISSIONS.

- (1) The governing body must ensure that all persons supported admitted to and residing in the facility meet the following criteria:
 - (a) Capable of self-preservation;
 - (b) Able to care for basic self-help and minor health care needs without assistance;
 - (c) Able to care for personal possessions and to maintain personal living area in a state of orderliness and cleanliness to the extent it does not constitute a health hazard;

- (d) Able to travel independently or secure assistance in traveling to work, training, community activities, or to generic services;
- (e) Able to recognize danger or threat to personal safety;
- (f) Able to plan and cook simple meals; and
- (g) Able to secure assistance in crisis situations by such means as the telephone or contacting neighbors or staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.13 SUPPORTIVE SERVICES.

- (1) The governing body must ensure that the following support services are provided for each person supported:
 - (a) Transportation or assistance with transportation for non-routine events, special appointment, or long distance travel;
 - (b) Liaison for making appointments and obtaining consultation with professional services;
 - (c) Maintenance of a current list of the names and telephone numbers, within each dwelling of the person supported, for emergency services and the Direct Support Staff available and on-call;
 - (d) Counseling for each person supported as needed on the utilization of professional, social and community services, and assistance in the referral process and in making appointments for such services;
 - (e) Monitoring of food and nutrition to ensure that the person supported is able to plan, shop for, store & prepare appropriate food and meals;
 - (f) Counseling, training, and other assistance in procuring and taking prescription and non-prescription drugs;
 - (g) Aid in the development of homemaking, money management, and socialization skills;
 - (h) Counseling/Assistance in the use and protection of money; and
 - (i) Assistance in applying for financial benefits for which the person supported may be eligible.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-15-.14 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.

- (5) Prior to the implementation of a written program/plan incorporating the use of a highly restrictive or intrusive technique, the program/plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out which are used in emergency situations to prevent the person supported from inflicting bodily harm may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program/plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program/plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-16
MINIMUM PROGRAM REQUIREMENTS FOR
DEVELOPMENTAL DISABILITIES
SEMI-INDEPENDENT LIVING FACILITIES**

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0465-02-16-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.02 POLICIES AND PROCEDURES.

- (1) The written policies and procedures manual must include the following:
 - (a) Procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health.
 - (b) A policy ensuring that employees and volunteers practice infection control procedures and standard precautions that will protect people from infectious diseases.

- (c) Policies and procedures establishing minimum requirements ensuring reasonable safety to life in the event of fire for all dwellings in which persons supported reside. These policies and procedures must require:
 - 1. Fire safety features of smoke detection, fire extinguishers, and two (2) alternative routes of escape in each dwelling of the person supported; and
 - 2. Training for each person supported at the time of admission in the proper evacuation of his or her respective dwelling and the use of fire safety features.
- (d) Policies and procedures establishing minimum standards of environmental quality in the dwelling of each person supported. These policies and procedures must ensure:
 - 1. The health of the person supported is not threatened by the standard of environmental quality maintained in his/her dwelling; and
 - 2. Each dwelling of the person supported is furnished and equipped in an adequate manner for meeting his/her individual needs and personal life style.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.03 PROFESSIONAL SERVICES.

- (1) The facility must provide or procure assistance for persons supported in locating qualified dental, medical, nursing and pharmaceutical care including care for emergencies during hours of the facility's operation.
- (2) The facility must ensure that an annual physical examination is provided or procured for each person supported (unless less often is indicated by the physician of the person supported). Such examinations should include routine screenings (such as vision and hearing) and laboratory examination (such as Pap smear and blood work), as determined necessary by the physician and special studies where the index of suspicion is high.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.04 PERSONNEL AND STAFFING.

- (1) A primary staff member must be assigned to each person supported. The primary staff member is to be responsible for monitoring and assisting the person supported in the semi-independent living arrangement. A primary staff member must not be responsible for more than twenty (20) persons supported at one time.
- (2) Primary staff members or other assigned support staff must be available to persons supported on call on a twenty-four (24) hour per day basis.
- (3) The governing body must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (4) Employees shall be screened for tuberculosis according to the procedures of the Tennessee Department of Health or receive a tuberculosis skin test or chest x-ray before working directly with persons supported in their homes. Documentation of such screening or testing shall be maintained in the employee's personnel file.
- (5) Employees must be provided with a basic orientation in the proper management of seizure disorders for persons supported prior to being assigned to work.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.05 PERSON SUPPORTED RECORDS.

- (1) The record of each person supported must contain the following:
 - (a) A recent photograph and a description of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support including social security, veteran's benefits and insurance of the person supported;
 - (e) The sources of coverage for medical care costs of the person supported;
 - (f) The name, address and telephone number of the physician or healthcare agency providing medical services for the person supported;
 - (g) Documentation of all medications prescribed or administered by the facility to the person supported, which indicates the date prescribed, type, dosage, frequency, amount, and reason;
 - (h) A discharge summary of the person supported, which states the date of discharge, reasons for discharge, and referral for other services, if appropriate;
 - (i) Report medical problems, accidents, seizures and illnesses of the person supported, and treatments of such medical problems, accidents, seizures and illnesses;
 - (j) Report of significant behavior incidents of the person supported, and actions taken;
 - (k) Report of the use of restrictive behavior-management techniques on the person supported; and
 - (l) Written accounts of all monies received and disbursed on behalf of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.06 MEDICATION ADMINISTRATION.

- (1) When medications are taken by persons supported the facility staff must:
 - (a) Consider the self-management skills, ability, and desire to learn of the person supported when supervising the administration of medication.
 - (b) Prescription medications are to be taken only by the person supported for whom it is prescribed and in accordance with the directions of a qualified prescriber.
 - (c) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be properly disposed.
 - (d) All medication errors, medication reactions, or suspected overmedication must be reported to the practitioner who prescribed the medication.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.07 DAY ACTIVITIES.

- (1) The governing body must ensure that day activities are provided or procured. Such day activities must be in accordance with the age level, interests, and abilities of the person supported and in accordance with an ISP.

- (2) If the person supported attends a school or day program provided outside of the facility program, the governing body must ensure that the facility's staff participate with the school personnel in developing an individual education plan or with the day program staff in developing an ISP, as appropriate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.08 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of an ISP:
- (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;
 - (b) A basic medical history, information, and determination of the necessity of a medical evaluation, and a copy, where applicable, of the results of the medical evaluation of the person supported;
 - (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs; and
 - (d) An existing psychological assessment on file which is updated as recommended by ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.09 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The governing body must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
- (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to participate is documented;
 - (e) An intellectual and developmental disabilities specialist; and
 - (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.10 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The governing body must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following:
- (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;

- (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component;
- (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
- (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.11 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.12 ADMISSIONS.

- (1) The governing body must ensure that all persons supported admitted to and residing in the facility meet the following criteria:
 - (a) Capable of self-preservation;
 - (b) Able to care for basic self-help and minor health care needs without assistance;
 - (c) Able to care for personal possessions and to maintain personal living area in a state of orderliness and cleanliness to the extent it does not constitute a health hazard;
 - (d) Able to travel independently or secure assistance in traveling to work, training, community activities, or to generic services;
 - (e) Able to recognize danger or threat to personal safety;
 - (f) Able to plan and cook simple meals; and
 - (g) Able to secure assistance in crisis situations by such means as the telephone or contacting neighbors or staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.13 SUPPORTIVE SERVICES.

- (1) The governing body must ensure that the following support services are provided for each person supported:
 - (a) Transportation or assistance with transportation for non-routine events, special appointments, or long distance travel;
 - (b) Liaison for making appointments and obtaining consultation with professional services;
 - (c) Maintenance of a current list of the names and telephone numbers, within each dwelling of the person supported, for emergency services and the Direct Support Staff available and on-call;

- (d) Counseling for each person supported as needed on the utilization of professional, social and community services, and assistance in the referral process and in making appointments for such services;
- (e) Monitoring of food and nutrition to ensure that the person supported is able to plan, shop for, store, and prepare appropriate food and meals;
- (f) Counseling, training, and other assistance in procuring and taking prescription and non-prescription drugs;
- (g) Aid in the development of homemaking, money management, and socialization skills;
- (h) Counseling/Assistance in the use and protection of money; and
- (i) Assistance in applying for financial benefits for which the person supported may be eligible.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-16-.14 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.
- (5) Prior to the implementation of a written program/plan incorporating the use of a highly restrictive or intrusive technique, the program/plan must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program/plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program/plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.

- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-17
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
PERSONAL SUPPORT SERVICES AGENCIES**

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0465-02-17-.01 APPLICATION OF RULES.

- (1) The licensee providing personal support services under this chapter shall comply with and provide services that comply with the following rules:
- (a) Chapter 0465-02-06 Minimum Program Requirements;
 - (b) Chapter 0465-02-02 Licensure Administration and Procedures;
 - (c) Chapter 0465-02-17 Minimum Program Requirements for Personal Support Services Agencies; and
 - (d) Chapter 0465-02-06-03 Minimum Program Requirements for All Facilities, Financial Management.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.02 SCOPE.

- (1) These rules apply to all agencies or personal support services workers who provide personal support services in the permanent or temporary residence of persons supported who meet the criteria specified in Rule 0465-02-17-.01(6).
- (2) The following are exempt from licensure under this chapter:
- (a) An individual who provides personal support services to only one (1) person supported and who is not in a business arrangement to provide personal support services to any other person supported. This exception shall not apply to an individual who holds themselves out to the public as being in the business of personal support services for compensation;
 - (b) An individual who provides personal support services only to members of the individual's own family;
 - (c) An individual who provides only housekeeping services to a person supported and no other assistance with major life activities;
 - (d) An individual who provides only transportation services and no other assistance with major life activities;
 - (e) An individual who provides services in homeless shelters;
 - (f) An individual who provides only delivery services, such as dry-cleaning, food, medication

delivery, or medical equipment; and

- (g) Home care organizations licensed under T.C.A., Title 68, Chapter 11, Part 2 as a home care organization.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.03 APPLICATION FOR LICENSURE.

- (1) To provide personal support services, an agency needs a license from either the Department of Mental Health and Substance Abuse Services or the Department of Intellectual and Developmental Disabilities.
- (2) An agency licensed by either Department listed in Rule 0465-02-17-.04(1) may provide personal support services to individuals with physical or other disabilities.
- (3) An agency seeking an initial license as a personal support service agency must submit a written attestation at the time of application acknowledging the categorization of the majority of its client population base, as described in (a) and (b) below. The written attestation shall be on a form developed by the department to whom application for a license is made.
 - (a) An agency with 50% or more of its client base being aged and/or having a diagnosis of mental illness and/or substance abuse should obtain a license from the Department of Mental Health and Substance Abuse Services.
 - (b) An agency with 50% or more of its client base having a diagnosis of developmental disability or intellectual disability should obtain a license from the Department of Intellectual and Developmental Disabilities.
- (4) After January 1, 2016, any agency seeking renewal of a personal support services license need only make application with the department that licenses 50% or more of its client base, as described in sections (3)(a) and (b) above. The renewing agency shall submit with the renewal application a written attestation acknowledging the categorization of the majority of its client population base.
- (5) No license shall be issued until the appropriate fee or fees are submitted by the agency seeking an initial or renewal license, as set forth in Rule 0465-02-02-.05 Licensure Administration and Procedures, Fees. All fees submitted are non-refundable.
- (6) The agency should submit to the licensing department a list of the counties in which they provide services and the address at which the agency maintains its employee and service recipient records.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.04 GOVERNANCE.

- (1) The licensee shall comply with all federal, state, and local laws, ordinances, rules, and regulations.
- (2) The licensee shall ensure that the agency is administered and operated in accordance with written policies and procedures including, but not limited to, those specified in Rule 0465-0217-.06.
- (3) The licensee shall exercise general direction over the agency and establish policies governing the operation of the agency and the welfare of the person supported.
- (4) The licensee shall designate an individual responsible for the operation of the agency.
- (5) The licensee shall ensure that the licensed agency supports only persons supported who will not cause the agency to violate its licensed status based on the distinct licensure category.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.05 POLICIES AND PROCEDURES.

- (1) The licensee shall maintain written policies and procedures which include:
- (a) A description of services provided by the licensee. The description shall include admission and termination criteria;
 - (b) An organizational chart which clearly shows or describes the lines of authority;
 - (c) A policy and procedure which outlines the plan of action to be followed when the personal support worker is absent including, but not limited to, notice to the person supported, the action that shall be taken, and the timeframes for action;
 - (d) A schedule of fees when applicable;
 - (e) A statement of the rights of persons supported and the grievance procedures to be followed when a suspected violation of rights has been reported;
 - (f) A policy which ensures the confidentiality of the information of the person supported, and which includes the following provisions:
 - 1. The licensee's personal support services workers shall comply with applicable confidentiality laws and regulations;
 - 2. Persons supported shall not be required to make public statements which acknowledge gratitude to the licensee or for the licensee's services; and
 - 3. Identifiable photographs of persons supported shall not be used without the written and signed consent of the person supported or his/her guardian.
 - (g) The plans and procedures to be followed in the event of an emergency including, but not limited to, fire evacuation and natural disaster emergencies;
 - (h) Policy and procedures to be followed in the reporting and investigation of suspected or alleged abuse or neglect of a person supported, or other critical incidents. The procedures shall include provisions for corrective action, if any, to be taken as a result of such reporting and investigation, and reporting to the Office of Risk Management and Licensure for the Department of Intellectual and Developmental Disabilities and any authority as required by law;
 - (i) Requirement that personal support services workers comply with procedures for detection and prevention of communicable diseases according to procedures of the Tennessee Department of Health;
 - (j) Receipt and disbursement of money on behalf of persons supported;
 - (k) Access to personal support services workers to discuss investigation of any service provided under this chapter;
 - (l) Procedures to be followed if a worker will be providing medication assistance if the licensee provides that service. Written policy shall minimally include the following elements:
 - 1. Medication assistance shall be provided only after written authorization has been obtained from the person supported or his/her authorized representative.
 - 2. Medication assistance training shall be provided to personal support services workers prior to providing assistance, and such training shall be documented in the personal support service worker's record.
 - 3. Personal support workers shall have procedures for collecting information about medications taken by the person supported.

- (m) Policies to ensure that licensees or personal support services workers providing transportation for persons supported meet the following requirements:
 - 1. All vehicles shall be maintained and operated in a safe manner;
 - 2. All licensees or personal support services workers providing transportation shall possess an appropriate driver's license from the Tennessee Department of Safety and documentation of such license shall be maintained in the licensee's records; and
 - 3. All vehicles used to transport persons supported and owned by the licensee or personal support services worker shall be adequately covered by vehicular liability insurance for personal injury to occupants of the vehicle, and documentation of such insurance shall be maintained in the facility's records.
- (n) Policies to address use of devices such as a hoist lift or gait belt, after training, to assist the service recipient in getting out of or into bed, a chair, toilet or shower but not as part of a therapeutic regimen.
- (o) Policies to address categorization of the majority (over fifty-percent (50%)) of the agency's client population base.
- (p) Policy that the agency will cooperate with the department when investigating any case of alleged abuse, neglect, mistreatment, misappropriation, or exploitation of a person supported.
- (q) Policy that an alternate plan for staffing will be prepared in case of absence of the assigned personal support services worker.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.06 PERSONNEL AND STAFFING.

- (1) The licensee shall maintain a personnel file for each personal support services worker, which includes the following:
 - (a) A written, signed, and dated job description including the employment requirements and job responsibilities for each staff position held;
 - (b) Verification that the worker meets the respective employment requirements for each position held;
 - (c) Evidence of a criminal background check, as required by T. C. A. § 33-2-1202;
 - (d) Evidence that the worker's status on the Tennessee registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals ("Abuse Registry") maintained by the Department of Health;
 - (e) Status on the State's sexual offender registry (After January 1, 2016, no individual or volunteer who is listed on the State's Sex Offender Registry may be hired or otherwise permitted to provide services);
 - (f) The worker's date of birth;
 - (g) Performance evaluation reports evaluating, at a minimum, the ability of personal support services workers to provide daily supports to persons supported;
 - (h) A worker notice that outlines the general relationship between an agency and the personal support services worker that includes the following:
 - 1. The status of the personal support services agency as an employer or contractor of

services;

2. The responsibility of the personal support services agency for the payment of the personal support services worker's wages, taxes, social security, workers compensation and unemployment compensation payments, and overtime pay for hours worked in excess of forty (40) hours in a week; and
 3. Duties, responsibilities, obligations, and legal liabilities of the agency and the person supported, including, but not limited to, insurance and personnel management.
- (i) The personal support service worker's work history containing a continuous description of activities over the past five (5) years; and
 - (j) Personal references from at least three (3) individuals, one of whom shall have known the personal support service worker/applicant for at least five (5) years.
- (2) The licensee shall have written personnel policies. The personnel policies shall address the following:
- (a) All personal support services workers shall be eighteen (18) years of age or older;
 - (b) That all personal support services workers shall practice infection control procedures and standard precautions that will protect the person supported from infectious diseases;
 - (c) That all personal support services workers shall submit to a criminal background check within ten (10) days of employment or within ten (10) days of a change of responsibilities that includes direct contact with or direct responsibility for persons supported as required by T.C.A. § 33-2-1202;
 - (d) That the status of every personal support services worker on the Tennessee registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals ("Abuse Registry") maintained by the Department of Health shall be checked annually and prior to direct contact with persons supported;
 - (e) That the status of every personal support services worker on the Tennessee Sexual Offender Registry shall be checked annually and prior to direct contact with persons supported;
 - (f) That the personal support services workers shall demonstrate the following prior to providing personal support services:
 1. Language skills sufficient to read and understand instructions; prepare and maintain written reports and records;
 2. Language skills sufficient to communicate with the person supported; and
 3. Documented training specific to meeting the individual needs of the person supported in the areas of self-care, household management, community living, and methodologies for service delivery.
 - (g) That personal support services workers shall have access to consultation for any of the services provided under this chapter. Consultation may include providing the personal support service worker access to or consultation with a registered nurse, other agency staff, or the primary family caregiver to assist the staff in providing personal support services; and
 - (h) That the personal support service worker shall neither borrow, receive, nor take funds or other personal property from the service recipient;
- (3) The licensee shall have proof of liability insurance coverage for the agency and others who provide personal support services.
- (4) The licensee shall maintain a current roster of all personal support workers at all times including workers kept on an on-call or back-up list.

0465-02-17-.07 PERSON SUPPORTED RECORDS.

- (1) The licensee shall ensure that the record of each person supported includes the following:
 - (a) Name, address, telephone number, gender, and date of birth of the person supported;
 - (b) Date of the initiation of services;
 - (c) Name, address, and telephone number of an emergency contact person for the person supported;
 - (d) Written fee agreement, when applicable. If the licensee charges fees for personal support services, a written agreement dated and signed by the person supported, his/her legal representative (conservator, parent, guardian or legal custodian), or individual paying for services prior to the provision of services. The agreement shall include at least the following information:
 1. The fee or fees to be paid by the person supported;
 2. The services covered by such fees; and
 3. Any additional charges for services not covered by the basic service fee.
 - (e) Written acknowledgement that the person supported or his/her legal representative (conservator, parent, guardian or legal custodian) has been informed of the rights and responsibilities of the person supported and the agency's general rules affecting persons supported.
 - (f) A written service plan based on a needs assessment which indicates type, frequency, duration, and amount of personal support services to be provided to assist the person supported in performing major life duties;
 - (g) Consent for services by the person supported or his/her legal representative (conservator, parent, guardian or legal custodian), surrogate decision maker under T.C.A. § 33-3-219, or attorney-in-fact under a durable power of attorney for health care;
 - (h) If applicable, address, phone number, or e-mail address to reach the legal representative (conservator, parent, guardian or legal custodian) of the person supported, surrogate decision maker under T.C.A. § 33-3-219, or attorney-in-fact under a durable power of attorney for health care;
 - (i) Documentation of party responsible for payment of services of the person supported;
 - (j) A record of services actually delivered with dates and times documented;
 - (k) Documentation of medical problems, illnesses and treatments, accidents, seizures, adverse incidents of the person supported, and follow-up, while the person supported receives services;
 - (l) Documentation of all funds received and disbursed on behalf of the person supported;
 - (m) An alternate plan for staffing in case of absence of the personal support services worker;
 - (n) Written authorization by the person supported or his/her authorized representative if the agency is providing medication assistance;
 - (o) Written documentation that the person supported has evaluated the quality of personal support services provided at least semi-annually. Each agency shall develop an evaluation form for the service recipient or his/her legal representative to fill out and sign to acknowledge this requirement has occurred;

- (p) A written consumer notice outlining general service responsibilities as well as general notification of the agency's responsibilities as an employer or contractor provided to persons supported before beginning service, which shall include, at a minimum the duties, responsibilities, obligations and legal liabilities of the personal support services agency, the personal support services worker, and the person supported. The description shall clearly set forth the person supported's responsibility, if any, for the following:
1. Day to day supervision of the personal support services worker;
 2. Assigning duties to the personal support services worker;
 3. Hiring, firing and discipline of the personal support services worker;
 4. Provision of equipment or materials for use by the personal support services worker;
 5. Performing a criminal background check on the personal support services worker;
 6. Checking the references of the personal support services worker; and
 7. Ensuring credentials and appropriate licensure/certification of a personal support services worker.
- (q) Copy of legal document granting another individual or corporation authority to act as the service recipient's legal representative/conservator/power of attorney/durable power of attorney for health care/mental health care.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.08 PERSON SUPPORTED RIGHTS.

- (1) The following rights shall be afforded to all persons supported:
- (a) Persons supported have the right to be fully informed before the initiation of services about their rights and responsibilities and about any limitation on these rights imposed by the rules of the licensee. The licensee shall ensure that the person supported is given oral and/or written rights information that includes at least the following:
1. A statement of the specific rights guaranteed the person supported by these rules and applicable state laws;
 2. A description of the licensee's grievance procedures;
 3. A listing of available advocacy services;
 4. A copy of all agency rules and regulations pertinent to the person supported; and
 5. The information shall be presented in a manner that promotes understanding by the person supported of his/her rights and the person supported shall be given an opportunity to ask questions about the information. If the person supported who was unable to understand the information at the time of admission later becomes able to do so, the information shall be presented to the person supported at that time. If a person supported is likely to continue indefinitely to be unable to understand the information, the licensee shall promptly attempt to provide the required information to his/her legal representative (conservator, parent, guardian, or legal custodian) or other appropriate person or an agency responsible for protecting the rights of the person supported.
- (b) Persons supported have the right to voice grievances to the licensee and to outside representatives of their choice, with freedom from restraint, interference, coercion, discrimination, or reprisal;

- (c) Persons supported have the right to be treated with consideration, respect, and full recognition of their dignity and individuality;
- (d) Persons supported have the right to be protected by the licensee from neglect, mistreatment from physical, verbal, and emotional abuse (including corporal punishment), and from all forms of misappropriation and/or exploitation; and
- (e) Persons supported have the right to be assisted by the licensee in the exercise of his/her civil rights.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-17-.09 STANDARDIZED TRAINING AND CONTINUING EDUCATION.

- (1) The licensee shall ensure and document that:
 - (a) Individuals who provide personal support services demonstrate basic competency in the following skill/knowledge areas within the first thirty (30) days of employment/contract:
 - 1. Observing, reporting and documenting changes in the daily living skills of the person supported;
 - 2. Abuse, neglect, exploitation, detection, reporting and prevention;
 - 3. The rights of persons supported;
 - 4. Universal health precautions, including infection control;
 - 5. How to assist persons supported with personal hygiene;
 - 6. The safety of persons supported, and
 - 7. Procedures to be followed in the event of an emergency or disaster that at least includes emergency transportation, emergency medical care and staff coverage in such events.
 - (b) Individuals who provide medication assistance receive documented training in medication assistance performed by or under the general supervision of a registered nurse and consistent with T.C.A. § 63-7-102;
 - (c) Personal support services workers who provide personal support services receive training on job related topics at least annually; and
 - (d) Documented training specific to meeting the individual needs of persons supported in the areas of self-care, household management and community living, and methodologies for service delivery.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-18
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
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0465-02-18-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.02 POLICIES AND PROCEDURES.

- (1) The governing body of the entity providing support and assistance must maintain policies and procedures for control of infectious and communicable diseases.
- (2) The governing body of the entity providing support and assistance must maintain policies and procedures establishing minimum requirements ensuring reasonable safety to life in the event of fire for all dwellings in which persons supported reside. These policies and procedures must require:
 - (a) Fire safety features of smoke detection, fire extinguishers, and two (2) alternative means of escape in each dwelling; and
 - (b) Training for support staff and persons supported in the proper evacuation from the home and the use of fire safety features.
- (3) The governing body must maintain policies and procedures establishing standards ensuring environmental quality in the home of each person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.03 PERSONNEL AND STAFFING.

- (1) The governing body must ensure that appropriate support and assistance are provided in accordance with the needs of persons supported living in the home.
- (2) Support staff must be available on call to persons supported living in the home on a twenty-four (24) hour per day basis.
- (3) Employees coming in contact with persons supported must have a test for tuberculosis prior to employment and as required thereafter by current Department of Health guidelines.
- (4) Support staff must be provided with a basic orientation in the proper management of seizures for persons supported prior to being assigned to work.
- (5) The governing body must ensure that support staff are trained in First Aid and Cardiopulmonary resuscitation (CPR).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.04 PERSON SUPPORTED RECORDS.

- (1) The governing body must ensure that each record of the person supported contains the following:
 - (a) A recent photograph and identifying information of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support of the person supported, including social security, veterans

benefits, and insurance;

- (e) The sources of coverage for medical care of the person supported;
- (f) The name, address, and telephone number of the physician or healthcare agency providing medical services for the person supported;
- (g) Report of medical problems, accidents, seizures, and illnesses of the person supported, and treatments for such medical problems, accidents, seizures, and illnesses as they occur;
- (h) Report of significant behavior incidents of the person supported, and of actions taken;
- (i) Report of restrictive behavior-management techniques used on the person supported;
- (j) Written accounts of all monies received and disbursed on behalf of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.05 MEDICATION ADMINISTRATION.

- (1) When medications are taken by persons supported with the assistance of support staff, the governing body must ensure that:
 - (a) The ability and training of the person supported are considered;
 - (b) Prescription medications are taken only by the person supported for whom they are prescribed and in accordance with the directions of a physician;
 - (c) Discontinued and outdated medications and containers with worn, illegible, or missing labels are disposed;
 - (d) All medication errors, medication reactions, or suspected overmedication are reported to the practitioner who prescribed the medication; and
 - (e) Documentation is maintained of all prescription medications taken with assistance by each person supported in the home including the name of the medication, date prescribed, type, dosage, frequency, and the reason the medication is prescribed.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.06 DAY ACTIVITIES.

- (1) The governing body must ensure that daily activities are provided or procured in accordance with the age level, interests, and abilities of the person supported as specified in the ISP. Such daily activities may include, but are not limited to, part-time and full-time employment, attendance at a day activity center, participation in a vocational rehabilitation program, senior citizens involvement, and regularly scheduled recreational activities.
- (2) If the person supported attends a school or day program outside of the facility program, the governing body must ensure that the staff participate with the school personnel in developing an individual education plan or with the day program staff in developing an ISP, as appropriate.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.07 ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of an ISP:

- (a) An assessment of current abilities and preferences; and
- (b) A review of relevant medical, medication, and health information.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.08 SUPPORTIVE SERVICES.

- (1) The governing body must ensure that the following support services are provided for each person supported:
 - (a) Transportation or assistance with transportation for non-routine events, special appointments, or long distance travel;
 - (b) Liaison for making appointments and obtaining consultation with professional services;
 - (c) Maintenance of a current list of names and telephone numbers for emergency services and the direct support staff within each dwelling;
 - (d) Assistance to each person supported in the utilization of professional, social, and community services, and assistance in the referral process and in making appointments for such services;
 - (e) Assistance to ensure that a nutritionally adequate diet is available to the person supported;
 - (f) Counseling, training, and other assistance in procuring and taking prescription and non-prescription drugs;
 - (g) Assistance in the use and protection of money of the person supported; and
 - (h) Assistance in applying for financial benefits for which the person supported may be eligible.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.09 PROFESSIONAL SERVICES.

- (1) The governing body must ensure that persons supported are assisted in locating qualified dental, medical, nursing, and pharmaceutical care, as needed, including care for emergencies.
- (2) The governing body must ensure that each person supported receives an annual physical examination (unless less often is indicated by the physician of the person supported), which includes routine screenings (such as vision and hearing) and laboratory examinations (such as Pap smear and blood work) as determined necessary by the physician and special studies where the index of suspicion is high.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-07-.10 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The person supported, unless participation is contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;

- (d) Relevant professionals or individuals, unless their inability to participate is documented;
- (e) An intellectual and developmental disabilities specialist; and
- (f) Other person(s) invited by the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.11 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The facility must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
 - (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes signatures of the person supported, appropriate staff, and, if applicable, the legal representative (conservator, parent, guardian, or legal custodian) of the person supported;
 - (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component;
 - (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
 - (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.12 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-18-.13 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have been determined to be inappropriate or ineffective.

- (5) Prior to the implementation of a written program incorporating the use of a highly restrictive or intrusive technique, the program must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out which are used in emergency situations to prevent the person from inflicting bodily harm may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program/plan that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program/plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.
- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of a person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-19
MINIMUM PROGRAM REQUIREMENTS FOR
INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
SUPPORT COORDINATION AGENCIES**

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0465-02-19-.01 APPLICATION OF RULES.

- (1) The licensee providing support coordination shall comply with and provide services that comply with the following rules:
 - (a) Chapter 0465-02-02 Licensure Administration and Procedures;
 - (b) Chapter 0465-02-04-.04 Life Safety Licensure Rules, Business Occupancy;
 - (c) Chapter 0465-02-05 Adequacy of Facility Environment and Ancillary Services;
 - (d) Chapter 0465-02-06 Minimum Program Requirements for All Facilities; and
 - (e) Chapter 0465-02-19 Minimum Program Requirements for Support Coordination Agencies.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.02 APPLICATION FEES.

The applicant shall submit a fee or fees with the application to the Office of Licensure and Review of the Department. Each initial and renewal application for licensure shall be submitted with the appropriate fee or fees as set forth in Rule 0465-02-02-.05 Licensure Administration and Procedures, Fees. All fees submitted are non-refundable.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.03 GOVERNANCE.

- (1) The licensee shall comply with all federal, state, and local laws, ordinances, rules, and regulations.
- (2) The licensee shall ensure that the agency is administered and operated in accordance with written policies and procedures including, but not limited to, those specified in Rule 0465-02-19-.05.
- (3) The licensee shall exercise general direction over the agency and establish policies governing the operation of the agency and the welfare of person supported.
- (4) The licensee shall designate an individual responsible for the operation of the agency.
- (5) The licensee shall ensure that the licensed agency supports only persons supported who will not cause the agency to violate its licensed status based on the distinct licensure category.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.04 POLICIES AND PROCEDURES.

- (1) The licensee shall maintain a written policies and procedures manual which includes:
 - (a) An organizational chart which clearly shows or describes the lines of authority;
 - (b) A policy and procedure which ensure the confidentiality of the information of the person supported, and which includes the following provisions:
 1. The facility staff must comply with applicable confidentiality laws and regulations. (e.g., T.C.A. § 33-3-104) and the Health Insurance Portability and Accountability Act (HIPAA), found at 45 CFR, Part 160, Part 162, Part 164;
 2. Persons supported shall be not be required to make public statements which acknowledge gratitude to the licensee or for the licensee's facility services;
 3. Persons supported shall not be required to perform in public gatherings; and
 4. Identifiable photographs of persons supported shall not be used without the written and signed consent of the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian).
 - (c) Policy and procedures to be followed in the reporting and investigation of suspected or alleged abuse or neglect of persons supported, or other critical incidents. The procedures shall include provisions for corrective action, if any, to be taken as a result of such reporting and investigation, and reporting to the Office of Risk Management and Licensure of the Department and any authority as required by law;
 - (d) Policy and procedures to address caseload assignments and the maintenance of caseloads, including at times of a staff vacancy;
 - (e) Policy and procedures that ensure the staff receive effective guidance, mentoring, and training

including all training required by the Department. Effective training must include opportunities to practice support coordination duties in a manner that promotes development and mastery of essential job skills.

- (f) The facility must ensure the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian) is provided information and education regarding:
 - 1. The types of services and programs available in the DIDD system;
 - 2. Rights and responsibilities of persons supported;
 - 3. Resolution processes including reporting abuse/neglect/exploitation, provider conflict resolution, DIDD and TennCare complaint resolution processes, and appeals processes.
- (g) A policy ensuring that employees practice infection control procedures and standard precautions that will protect the person supported from infectious diseases; and
- (h) Requirements that each employee comply with procedures for detection, prevention, and reporting of communicable diseases according to procedures of the Tennessee Department of Health.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.05 PROFESSIONAL SERVICES.

- (1) The facility must ensure the support coordinator/case manager arranges and secures all services and supports as described in the ISP; the support coordinator/case manager provides information to potential and current providers, completes service authorization requests, assists with appeals and monitoring and follow-up to ensure that issues and problems are resolved so that the ISP can be implemented as written or amended as necessary.
- (2) The assessment process/information gathering must be completed prior to the development of the ISP.
- (3) Assessment information to be compiled by the independent support coordinator/case manager in preparation of the ISP for the Planning Meeting consists of the following:
 - (a) Information about the services a person supported is receiving through resources outside DIDD programs, such as the Managed Care Organization, Medicare, or other organizations;
 - (b) Ideas and suggestions about what things the person supported can and cannot do, what things are important to the person supported, and what things are liked and disliked by the person supported;
 - (c) Uniform Assessments (e.g. ICAP or SIS) - Information about the capabilities and support needs of the person supported. Assists in identifying needed services and supports and the activities for which a person may need assistance;
 - (d) Risk Assessments (Risk Issues Identification Tool);
 - (e) Clinical Assessments;
 - (f) Medical Assessments; and
 - (g) Vocational Assessments and Desire for Employment.
- (4) Assessments are to assist in identifying the strengths, interests and desired outcomes of the person supported, and aid in determining how to best meet those desired outcomes.
- (5) The licensee must ensure that an ISP team known as the Circle of Support is identified and provided for each person supported. The team must minimally include the following:

- (a) The person supported, unless contraindicated by the ISP team;
 - (b) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if applicable, unless their inability or unwillingness to attend is documented;
 - (c) Direct Support Staff, with input from each shift and weekend staff, as appropriate;
 - (d) Relevant professionals or individuals, unless their inability to attend is documented;
 - (e) Friends, advocates and other non-paid supports, if applicable, and
 - (f) The Independent Support Coordinator/Case Manager.
- (6) The facility must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
- (a) Developed within sixty (60) calendar days from the date of enrollment as determined by TennCare. For state-funded, developed thirty (30) days from the date of enrollment in services;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes the signatures of the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), and the appropriate staff;
 - (e) Specifies the needs of the person supported, identified by assessments and to be addressed within the particular service/program component;
 - (f) Includes outcomes and action steps of the person supported, which are related to his/her specific needs and desires identified, and which are to be addressed by the particular service/program component; and
 - (g) Includes methods or activities by which the outcomes and action steps of the person supported are to be implemented.
- (7) The facility must ensure that contacts with persons supported include:
- (a) One (1) face-to-face contact visit shall be completed each calendar month. Visits are to occur across all environments in which services are received;
 - (b) If the person receives residential services, one (1) face-to-face visit per quarter shall be conducted in the place of residence;
 - (c) If the person is a class member of the Settlement Agreement (Clover Bottom, Greene Valley or Nat T. Winston), then:
 1. Face-to-face visits are required on the day of the move, within five (5) days of the move, and within twenty-one (21) days of the move.
 2. Following these initial three (3) post-transition visits, face-to-face contact is required across all service environments every twenty-one (21) days.
 3. The Independent Support Coordinator is required to develop a visitation schedule reflective of these requirements when a developmental center to community transition occurs involving a Settlement Agreement class member. The visitation schedule must also reflect unannounced visits for a period of three (3) months following the move, including those performed by DIDD Regional Office staff.
- (8) The ISC/CM Monthly Documentation form must be completed at least monthly to document review of ISP

implementation status, including progress in completing action steps and achieving outcomes. Information is gathered from the monthly face-to-face visit, interviews with the person supported, his/her family members, conservators or guardians, and provider staff, and other information and documentation relevant to the implementation of the ISP that is received during the month.

- (9) The Annual ISP Review and Update Preparation form is to be completed prior to the annual ISP planning meeting, generally in the ninth (9th) month of the ISP year.
- (10) The Annual ISP meeting must be held prior to the ISP expiration date. The effective date of a new plan can be no more than one (1) year from the effective date of the previous plan.
- (11) The ISP must be amended when any of the following occur:
 - (a) The action steps and outcomes change;
 - (b) Services or service providers change;
 - (c) There is a significant change in overall service and support needs of the person supported;
 - (d) The person supported has made major changes to his/her preferred lifestyle.
- (12) The re-evaluation of the need for ICF/IDD services must be completed annually. The ISC/CM is responsible for ensuring completion of processes required for a person supported to remain medically eligible for Medicaid benefits.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.06 PERSONNEL AND STAFFING.

- (1) The licensee shall maintain a personnel file for each support coordinator with the following:
 - (a) A job description including the employment requirements and job responsibilities for each staff position held; and
 - (b) Individuals employed as ISC's must meet at least one (1) of the following educational and relevant experience requirements:
 1. A Bachelor's degree from an accredited college or university in a human services field;
 2. A Bachelor's degree from an accredited college or university in a non-related field, plus one (1) year of relevant experience;
 3. An Associate degree, plus two (2) years of relevant experience; or
 4. A high school diploma or general educational development (GED) certificate, plus four (4) years of relevant experience.
 5. Relevant experience is defined as experience in working directly with persons with intellectual disabilities, other developmental disabilities, or mental illness.
 6. Support Coordinators who do not have a Bachelor's degree in a human services field must be supervised by someone who does not meet that qualification.
 - (c) The facility must ensure that all staff submit to a criminal background check prior to, but no more than 30 days in advance of, employment or reassignment that includes direct contact with or direct responsibility for persons supported as required by T.C.A. § 33-2-1202.
 - (d) The status of every support coordination worker on the Tennessee registry of persons who have abused, neglected or misappropriated the property of vulnerable individuals ("Abuse Registry") maintained by the Department of Health shall be checked prior to direct contact with persons

supported.

- (e) The status of every support coordination worker on the Tennessee Sexual Offender Registry shall be checked prior to direct contact with persons supported.
- (f) The facility must ensure staff caseloads do not exceed more than thirty (30) persons supported, except in cases due to staff illness, staff vacation, or attrition. In these cases, the situation is temporary and there is sufficient staff to ensure that support coordination responsibilities are met and each person's needs in regard to support coordination services are satisfactory.
- (g) The facility must ensure a staff member is available to people receiving services at all times, including evening, nights, weekends, and holidays when provider offices are generally closed.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.07 PERSON SUPPORTED RECORDS.

- (1) The record of a person supported must contain the following:
 - (a) A Uniform Assessment;
 - (b) Reports from medical and other consultants (e.g. therapy consultation reports, specialty physician consult report, psychiatric consult report, etc.);
 - (c) Clinical service assessment reports;
 - (d) DHS Forms 2350 and 2362 (or such forms as required for eligibility) for a three (3) year period;
 - (e) Medicaid medical eligibility documentation (the PAE packet);
 - (f) The dental examination;
 - (g) The Annual Medical and Assessment Plan, (for developmental center transitions, as applicable);
 - (h) The annual physical unless otherwise indicated by the physician;
 - (i) The Freedom of Choice Form;
 - (j) Emergency contact information;
 - (k) A current photograph of the person supported;
 - (l) The current ISP;
 - (m) The current BSP, if applicable;
 - (n) The ITP (for developmental center transitions);
 - (o) The Individual Education Plan, if applicable;
 - (p) Support coordination monthly reviews;
 - (q) Correspondence, as applicable;
 - (r) Discharge summaries, if applicable;
 - (s) Plans of care or treatment for nursing, therapeutic, therapy-related, or dental services;
 - (t) Required ISC documentation forms;

- (u) Provider periodic reviews and other monthly reports as applicable to the needs of the person supported; and
- (v) Health Care Surrogates, POA, Guardianships (for minors if applicable), and Orders of Conservatorship.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.08 PERSON SUPPORTED RIGHTS.

- (1) The following rights shall be afforded to all individuals receiving support coordination from the licensee:
 - (a) Persons supported have the right to be fully informed before the initiation of services about their rights and responsibilities and about any limitation on these rights imposed by the rules of the licensee. The licensee shall ensure that the person supported is given oral and/or written rights information that includes at least the following:
 - 1. A statement of the specific rights guaranteed the person supported by these rules and applicable state laws;
 - 2. A description of the licensee's grievance procedures;
 - 3. A listing of available advocacy services;
 - 4. A copy of all agency rules and regulations pertinent to the person supported; and
 - 5. The information shall be presented in a manner that promotes understanding by the person supported of his/her rights and the person supported shall be given an opportunity to ask questions about the information. If the person supported who was unable to understand the information at the time of admission later becomes able to do so, the information shall be presented to the person supported at that time. If a person supported is likely to continue indefinitely to be unable to understand the information, the licensee shall promptly attempt to provide the required information to his/her legal representative (conservator, parent, guardian, or legal custodian) or other appropriate person or an agency responsible for protecting the rights of the person supported.
 - (b) Persons supported have the right to voice grievances to the licensee and to outside representatives of their choice, with freedom from restraint, interference, coercion, discrimination, or reprisal;
 - (c) Persons supported have the right to be treated with consideration, respect, and full recognition of their dignity and individuality;
 - (d) Persons supported have the right to be protected by the licensee from neglect, mistreatment from physical, verbal, and emotional abuse (including corporal punishment), and from all forms of misappropriation and/or exploitation; and
 - (e) Persons supported have the right to be assisted by the licensee in the exercise of his/her civil rights.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-19-.09 STANDARDIZED TRAINING AND CONTINUING EDUCATION.

- (1) The licensee shall ensure and document that support coordination workers receive training in the following skill/knowledge areas within one hundred twenty (120) days of employment/contract:
 - (a) Protection from Harm, including Abuse and Neglect considerations, and reporting of same, for persons with intellectual and developmental disabilities;

- (b) Relationships and community inclusion for people with disabilities;
- (c) Standard Precautions (Universal Precautions);
- (d) Confidentiality and HIPPA;
- (e) Title VI;
- (f) Person-Centered Thinking;
- (g) Person-Centered Individual Support Plans;
- (h) Appeals Process;
- (i) Information and Training Specific to the person supported;
- (j) Assessments; and
- (k) Waiver Services.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

**RULES OF THE TENNESSEE
DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-20
MINIMUM PROGRAM REQUIREMENTS FOR
DEVELOPMENTAL DISABILITIES
PRESCHOOL FACILITIES**

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0465-02-20-.01 APPLICATION OF RULES.

In addition to these rules, the governing body providing services under this chapter, must comply with Rule 0465-02-06 Minimum Program Requirements for All Facilities.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.02 POLICIES AND PROCEDURES.

The facility must ensure that the written policies and procedures manual include procedures for tuberculosis control and reporting of infectious and communicable diseases to the Tennessee Department of Health.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.03 PROFESSIONAL SERVICES.

- (1) The facility must provide or procure assistance for the person supported in locating qualified dental, medical, nursing and pharmaceutical care including care for emergencies during hours of the facility's operation.
- (2) The facility must ensure that an annual physical examination is provided or procured for each person supported (unless less often is indicated by the physician of the person supported). Such examinations should include routine screenings (such as vision and hearing) and laboratory examinations (such as blood work), as deemed necessary by the physician and special studies where the index of suspicion is

high.

- (3) The facility must require each person supported to show proof of current immunization status within thirty (30) days after admission.
- (4) The facility must require that each person supported receives immunizations as required by the Tennessee Department of Health unless contraindicated by a doctor's written order.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.04 PERSONNEL AND STAFFING.

- (1) The facility must provide one (1) direct support staff member for every six (6) children present in the facility unless a more stringent staffing ratio is required by applicable life safety rules.
- (2) The facility must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.
- (3) Employees must have a regular tuberculosis skin test within thirty (30) days of employment and as required thereafter by current Tennessee Department of Health guidelines.
- (4) Employees must be provided with a basic orientation in the proper management of seizure disorders prior to being assigned to work with children with such disorders.
- (5) A staff member must be on duty in the facility who is trained in First Aid and Infant/Child Cardiopulmonary Resuscitation (CPR)).

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.05 PERSON SUPPORTED RECORDS.

- (1) The record of each person supported must contain the following information:
 - (a) A recent photograph and a description of the person supported;
 - (b) The social security number of the person supported;
 - (c) The legal competency status of the person supported, including the name of his/her legal representative (conservator, parent, guardian, or legal custodian), if applicable;
 - (d) The sources of financial support of the person supported, including social security, veteran's benefits and insurance;
 - (e) The sources of coverage for medical care costs of the person supported;
 - (f) The name, address and telephone number of the physician or healthcare agency providing medical services of the person supported;
 - (g) Documentation of all drugs prescribed or administered by the facility to the person supported, which indicates date prescribed, type, dosage, frequency, amount and reason;
 - (h) A discharge summary of the person supported, which states the date of discharge, reasons for discharge and referral for other services, if appropriate;
 - (i) Report of medical problems, accidents, seizures and illnesses; and treatments for such medical problems, accidents, seizures and illnesses of the person supported;
 - (j) Report of significant behavior incidents and of actions taken for the person supported; and

- (k) Report of the use of restrictive behavior management techniques for the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.06 MEDICATION ADMINISTRATION.

- (1) When medications are taken by persons supported under the supervision of facility staff, the staff must:
 - (a) Ensure that prescription medications are taken only by the person supported for whom they are prescribed and in accordance with the directions of a physician;
 - (b) Provide storage for medications in a locked container which ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized person;
 - (c) Assure the disposal of discontinued and outdated medications and containers with worn, illegible or missing labels; and
 - (d) Report all medication errors, medication reactions or suspected overmedication to the practitioner who prescribed the medication.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.07 RECREATIONAL ACTIVITIES.

The facility must ensure that opportunities are provided for recreational activities, which are appropriate and adapted to the needs, interests, and age of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.08 PERSON SUPPORTED ASSESSMENTS.

- (1) The following assessments of the person supported must be completed prior to the development of an ISP:
 - (a) An assessment of current capabilities in such areas as adaptive behavior and independent living skills;
 - (b) A basic medical history, information, and determination of the necessity of a medical evaluation, and a copy, where applicable, of the result of the medical evaluation;
 - (c) A six (6) month history of prescribed medications, frequently used over-the-counter medications, alcohol, and/or other drugs; and
 - (d) An existing psychological assessment on file which is updated as recommended by the ISP team.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.09 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility must ensure that an ISP team is identified and provided for each person supported. The team must, at a minimum, include the following:
 - (a) The legal representative (conservator, parent, guardian, or legal custodian) of the person supported, if appropriate, unless their inability or unwillingness to participate is documented;
 - (b) Direct support staff, with input from each shift and weekend staff; as appropriate;

- (c) Relevant professionals or individuals, unless their inability to participate is documented;
- (d) An intellectual and developmental disabilities specialist; and
- (e) Other person(s) invited by the legal representative (conservator, parent, guardian, or legal custodian) of the person supported.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-20-.10 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The facility must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:
 - (a) Developed within thirty (30) days of the admission of the person supported to the facility;
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes the signatures of the legal representative (conservator, parent, guardian, or legal custodian) of the person supported and the appropriate staff;
 - (e) Specifies the needs identified by assessment of the person supported and addresses those needs within the particular service/program component;
 - (f) Includes personal goals and objectives of the person supported, which are related to the specific needs identified, and specifies which goals and objectives are to be addressed by a particular service/program component; and
 - (g) Includes methods or activities by which the goals and objectives of the person supported are to be implemented.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.11 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include monthly documentation of progress or changes occurring within the ISP.
- (2) The ISP team must review the ISP annually and revise, as necessary.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

0465-02-20-.12 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures should be used for behavior management which results in physical or emotional harm to the person supported.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint (personal holding, mechanical restraint), medications for behavior management, time-out rooms, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of his/her ISP.
- (4) Restrictive or intrusive behavior management procedures must not be used until after less restrictive alternatives for dealing with the problem behavior have been systematically tried or considered and have

been determined to be inappropriate or ineffective.

- (5) Prior to the implementation of a written program incorporating the use of a highly restrictive or intrusive technique, the program must be reviewed and approved by the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), with documentation of such approval. A Human Rights Committee must also review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time-out, which are used in emergency situations to prevent the person supported from inflicting bodily harm, may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior management program that is part of an ISP.
- (7) Behavior management medications may be used only when authorized in writing by a physician for a specific period of time.
- (8) The program plan for the use of a mechanical restraint must specify the extent and frequency of the monitoring schedule according to the type and design of the device and the condition of the person supported.
- (9) A person supported who is placed in a mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity for freedom of movement, exercise, liquid intake/refreshment, nourishment, and use of the bathroom.
- (10) Personal restraint/physical holding may be used only until the person supported is calm.

- (11) A person supported who is placed in time-out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of the person supported to exit from time-out must not be prevented by means of keyed or other locks, and locations used for time-out must allow for the immediate entry of staff.

Authority: T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 33-1-302, 33-1-303, 33-1-305, 33-1-309, 33-2-301, 33-2-302, 33-2-404, 33-2-407.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: February 4, 2016

Signature: *Richard R. Prybilla*

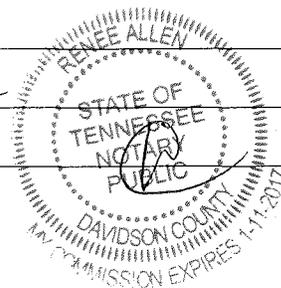
Name of Officer: Richard R. Prybilla

Title of Officer: Director of Legal Services

Subscribed and sworn to before me on: 2/4/16

Notary Public Signature: *Renee Allen*

My commission expires on: 1/11/17



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Filed with the Department of State on: 2/4/16

Tre Hargett

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Secretary of State

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