

**RULES
OF
TENNESSEE DEPARTMENT OF INTELLECTUAL AND
DEVELOPMENTAL DISABILITIES**

**CHAPTER 0465-01-01
STATEWIDE ADMISSION REVIEW COMMITTEE RULES**

TABLE OF CONTENTS

0465-01-01-.01	Purpose	0465-01-01-.05	Emergency Respite Admissions
0465-01-01-.02	Definitions	0465-01-01-.06	Short-Term Training Admissions
0465-01-01-.03	Statewide Admissions Review Committee	0465-01-01-.07	Other Provisions
0465-01-01-.04	Voluntary Admissions		

0465-01-01-.01 PURPOSE.

The purpose of these rules is to amend the former rules pertaining to Voluntary Admissions to Development Centers and establish new rules in light of the Department of Intellectual and Developmental Disabilities current organization, structure and resources.

Authority: T.C.A. § 33-5-301, *et seq.*, 4-3-2708, and Public Acts of 2012, Chapter No. 636.
Administrative History: Original rule filed February 11, 2013; effective July 29, 2013.

0465-01-01-.02 DEFINITIONS.

- (1) "Department" means the Tennessee Department of Intellectual and Developmental Disabilities;
- (2) "Regular Voluntary Admission" means an admission authorized by the statewide admission review committee for a specified period of time;
- (3) "Statewide Admission Review Committee" means a committee established by the Tennessee Department of Intellectual and Developmental Disabilities in accordance with T.C.A. § 33-5-301 *et seq.*, appointed by the Commissioner of the Department, to review, consider and, when appropriate, approve admissions to the Department's developmental center(s);
- (4) "Short-term training admission" means an admission authorized by a written agreement between a developmental center and an applicant that the center provide services and supports for a person with intellectual or developmental disability to learn how to perform a certain function or functions for a specified period of time, not exceeding six (6) months, at the end of which the center will discharge the person with intellectual or developmental disability to the care, custody, and control of the applicant.
- (5) "Respite Admission" means an admission for up to forty-five (45) days authorized solely for the purpose of providing a respite for the person having responsibility for the care, custody, and control of a person with intellectual or developmental disability;
- (6) "Emergency respite admission" means an admission for up to forty-five (45) days authorized due to an emergency situation that results in the temporary inability of the person who has the care, custody, and control of a person with intellectual or developmental disability to provide proper care, custody, and control;
- (7) "ICF/ID" means an Intermediate Care Facility for persons with Intellectual Disabilities which is operated by the Department;

(Rule 0465-01-01-.02, continued)

- (8) "Class member" means an individual meeting the requirements of the definition of the class in one of the following: People First vs. Clover Bottom Developmental Center or United States of America vs. State of Tennessee, et al (Arlington Developmental Center);

Authority: *T.C.A. § 33-5-301, et seq., 4-3-2708, and Public Acts of 2012, Chapter No. 636.*
Administrative History: *Original rule filed February 11, 2013; effective July 29, 2013.*

0465-01-01-.03 STATEWIDE ADMISSION REVIEW COMMITTEE.

- (1) The purpose of the Statewide Admission Review Committee ("Committee") is to consider and approve or disapprove applications for voluntary admission to the centers operated by the Department including the Harold Jordan Center.
- (2) The Committee shall maintain at all times as its highest priority the best interest of the person with intellectual or developmental disabilities who is applying for admission. The Committee is expected to exercise its powers and duties with the goal of matching the best available services and supports to the needs of the applicant consistent with departmental resources and funding.
- (3) The voting membership of the Committee shall consist of the persons in the following Departmental positions:
- (a) Health Services Director (who will serve as chairperson of the Board)
 - (b) Deputy Commissioner of Program Operations
 - (c) The Regional Director or designee from the referring grand region
 - (d) Director of Person Centered Practices
- (4) The Chief Officer (or appointed designee) of the center to which an admission is proposed shall serve as a non-voting member.
- (5) The voting membership of the Committee shall also include the following individuals who are Tennessee residents and not employed by the department:
- (a) an Independent Support Coordinator (ISC) for persons with intellectual or developmental disabilities;
 - (b) a person who is employed by The ARC of Tennessee as an advocate for persons with intellectual or developmental disabilities; and
 - (c) a person who is a parent, child or sibling of a person with intellectual or developmental disabilities currently receiving services and supports from the State of Tennessee.
 - (d) Two member(s) from the community, service providers and/or other individuals interested in and supportive of the persons with disabilities.
- (6) The non-departmental members of the Committee shall serve for a term of three (3) year(s).
- (7) The Committee shall meet as often as necessary to carry out its functions. Members may participate by telephonic or video conferencing. There is no minimum advance notice requirement for a meeting; however, notice shall be given as soon as practicable.
- (8) A quorum for a meeting shall consist of a majority of voting members.

(Rule 0465-01-01-.03, continued)

- (9) Decisions by the Board shall be subject to review by the Department in accordance with T.C.A. § 33-5-304.

Authority: T.C.A. § 33-5-301, et seq., 4-3-2708, and Public Acts of 2012, Chapter No. 636.
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0465-01-01-.04 VOLUNTARY ADMISSIONS.

- (1) To be eligible for regular voluntary admission to a center, a person must be a resident of the State of Tennessee with intellectual or developmental disabilities who applies for voluntary admission and does not lack capacity to apply under T.C.A. § 33-3-218, or an adult whose conservator or legal representative applies for voluntary admission.
- (2) Consistent with T.C.A. § 33-1-204, there is no right or entitlement to admission to a departmental facility of a person with intellectual or developmental disabilities. If suitable accommodations are not available, there is a less restrictive alternative available, or admission is not otherwise appropriate for an individual, alternative services should be considered by the applicant. The Department will develop admission criteria and specify what types of services are offered at such facility.
- (3) Applications.
 - (a) An application or request for voluntary admission shall be submitted to the center or to the appropriate Regional Director on behalf of the applicant. A complete package of information conforming to the criteria specified by the Committee shall accompany the application. The information submitted shall include, but is not limited to, the reason for the referral and the specific needs that can be met in the facility for which admission is sought.
 - (b) Upon receipt of an application, the Department shall undertake an evaluation of the applicant to assess the person's need for services and supports. In making this assessment, the Department shall also consider the least restrictive alternatives available to provide appropriate services and supports and whether suitable accommodations are available at the Department's facilities based upon the above criteria.
 - (c) The application and the Department's findings, reports and recommendations shall be forwarded to the Director of Person Centered Practices, and if complete, it shall be reviewed by the Health Services Director, who shall determine when and whether to convene a Statewide Admission Review Committee meeting.

Authority: T.C.A. § 33-1-204, 33-5-301, et seq., 4-3-2708, and Public Acts of 2012, Chapter No. 636.
Administrative History: Original rule filed February 11, 2013; effective July 29, 2013.

0465-01-01-.05 EMERGENCY RESPITE ADMISSIONS.

- (1) In an emergency when time does not permit consideration by the Statewide Admissions Review Committee, suitable accommodations are available, and all other feasible solutions have been considered, the Health Services Director and the Deputy Commissioner of Program Operations may, in their discretion, authorize an admission to a Department facility not to exceed forty-five (45) calendar days.
- (2) To initiate a request for an emergency respite admission, the Regional Director shall contact the Health Services Director and the Deputy Commissioner of Program Operations and furnish appropriate information as requested by them to support an Emergency Respite Admission.

(Rule 0465-01-01-.05, continued)

- (3) The Statewide Admission Review Committee shall informally review a person's emergency respite admission within seven (7) days after the person is admitted. If this review is not done, then a called meeting shall be held by the Committee to review the propriety of the admission as in the case of regular voluntary admissions and shall make its decision within twenty-five (25) days after admission as to whether it should be continued, modified or terminated.
- (4) If an extension of the admission beyond forty-five (45) days is sought, the Health Services Director shall convene a meeting of the Statewide Admission Review Committee to review the admission. Provided that in no event shall any admission under this section exceed two hundred twenty-five (225) days within a twelve-month period from the first day of an emergency respite admission.

Authority: T.C.A. § 33-5-301, et seq., 4-3-2708, and Public Acts of 2012, Chapter No. 636.

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0465-01-01-06 SHORT-TERM TRAINING ADMISSIONS.

- (1) In an emergency when time does not permit consideration by the Statewide Admissions Review Committee, suitable accommodations are available, and all other feasible solutions have been considered, the Health Services Director and the Deputy Commissioner of Program Operations may, in their discretion, authorize an admission to a Department facility not to exceed six (6) months.
- (2) The purpose of an admission under this section is for training in specific skills needed for integration of the individual admitted into the community.

Authority: T.C.A. § 33-5-301, et seq., 4-3-2708, and Public Acts of 2012, Chapter No. 636.

Administrative History: Original rule filed February 11, 2013; effective July 29, 2013.

0465-01-01-.07 OTHER PROVISIONS.

- (1) In all admissions except short-term training and emergency respite admissions, the Statewide Admission Review Committee shall determine in which region of the State and in which facility the person's need can best be served consistent with the resources of the Department and the availability of services.
- (2) A respite admission, emergency respite admission, short-term training admission, or combination of such admissions shall not be used to circumvent appearance before the Committee when regular voluntary admission is actually sought or appropriate.
- (3) Consistent with T.C.A. § 33-1-204, there is no right or entitlement of a person with intellectual or developmental disabilities to any category of admission, as defined or referred to in these Rules, to any departmental facility.

Authority: T.C.A. § 33-1-204, 33-5-301, et seq., 4-3-2708, and Public Acts of 2012, Chapter No. 636.

Administrative History: Original rule filed February 11, 2013; effective July 29, 2013.