

**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 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.02 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 prohibited 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-03 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 or screening 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 customary 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-04 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;

(Rule 0465-02-10-.04, continued)

- (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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.05 MEDICATION ADMINISTRATION.

- (1) When medications are administered by certified staff to persons supported the licensee must:
 - (a) Consider the ability and training of the person supported, when supervising the self-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 variance (errors), medication reactions, or suspected side effects 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.06 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.

(Rule 0465-02-10-.06, continued)

- (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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.07 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, customary, 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.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 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.09 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.

(Rule 0465-02-10-.09, continued)

- (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, unless contraindicated by a physician's order:
 - (a) Is assisted by a direct support staff member in spending at least three (3) hours of his/her waking day out of bed;
 - (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, 33-2-404, 33-2-407. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.10 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.11 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.

- (1) The facility must ensure that an ISP team known as the Circle of Support is identified and provided for each person supported. The team may include the following as determined by the person supported:
 - (a) The person supported;

(Rule 0465-02-10-.11, continued)

- (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) Appropriate Provider staff;
- (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 QIDP (Qualified Intellectual Disabilities Professional).

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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.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. 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.13 INDIVIDUAL SUPPORT PLAN (ISP) MONITORING AND REVIEW.

- (1) Written progress notes must be maintained, which include at least quarterly reviews of progress or changes occurring in the ISP.
- (2) Changes relative to health, safety, and implementation of outcome based services must be assessed on an ongoing basis and reflected within the quarterly reviews.
- (3) The ISP team must review the ISP annually and revise, as necessary.

(Rule 0465-02-10-.13, continued)

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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.14 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-10-.15 USE OF RESTRICTIVE BEHAVIOR MANAGEMENT.

- (1) No procedures shall 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 shall not be used.
- (3) Restraint (physical 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) When procedures such as physical holding, mechanical restraint, and time-out are used in emergency situations to prevent the person supported from inflicting bodily harm, more than three (3) times within six (6) months, a behavioral assessment shall be conducted by an appropriate professional. Recommendations shall be incorporated into a written plan that is part of the 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.

(Rule 0465-02-10-.15, continued)

- (10) Physical 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.