

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

0465-02-12-.02 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.03 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) Employees shall be screened or tested for tuberculosis according to the procedures of the Tennessee Department of Health. Documentation of such screening or testing shall be maintained in the employee's personnel file.
- (4) The facility must ensure that employees practice infection control procedures that will protect persons supported from infectious diseases.

(Rule 0465-02-12-.03, continued)

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

0465-02-12-.04 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.05 MEDICATION ASSISTANCE.

- (1) When medications are taken by persons supported under the supervision of staff, the staff 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.

0465-02-12-.06 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.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 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.08 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.09 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.10 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-12-.11 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.

(Rule 0465-02-12-.11, continued)

- (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.
- (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.