

**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**

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**0465-02-13-.01 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 services. The policies and procedures must address minimum standards for health and sanitation, adequate furnishings, facilities/services, 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

**0465-02-13-.02 PROFESSIONAL SERVICES.**

- (1) The licensee 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 licensee 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

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

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 licensee must ensure that an annual dental screening is provided or procured for each person supported.
- (4) The licensee 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 licensee 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

#### **0465-02-13-.03 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 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) 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 customary 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

#### **0465-02-13-.04 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;

(Rule 0465-02-13-.04, continued)

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

**0465-02-13-.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.

**0465-02-13-.06 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

**0465-02-13-.07 CLOTHING FOR PERSONS SUPPORTED.**

- (1) The licensee must assist each person supported with 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 licensee must assist each person supported in securing an adequate allowance of personally owned, individualized, 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.

**0465-02-13-.08 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

**0465-02-13-.09 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 an outside school or day program the governing body must ensure that the 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;

(Rule 0465-02-13-.09, continued)

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

#### **0465-02-13-.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.

#### **0465-02-13-.11 INDIVIDUAL SUPPORT PLAN (ISP) TEAM.**

- (1) The licensee 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;
  - (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 Independent Support Coordinator/Case Manager.

**Authority:** T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 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.

**0465-02-13-.12 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;
  - (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.

**0465-02-13-.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.

**Authority:** T.C.A. §§ 4-4-103, 4-5-202, 33-1-201, 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.

**0465-02-13-.14 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.

(Rule 0465-02-13-.14, continued)

- (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.
- (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.