

**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 SUPPORTED LIVING SERVICES**

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0465-02-18-.01 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-18-.02 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 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.

(Rule 0465-02-18-.02, continued)

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

0465-02-18-.03 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; and
 - (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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-18-.04 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;

(Rule 0465-02-18-.04, continued)

- (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.

0465-02-18-.05 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 an outside school or day 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-18-.06 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-18-.07 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;

(Rule 0465-02-18-.07, continued)

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

0465-02-18-.08 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. **Administrative History:** New rules filed July 6, 2016; effective October 4, 2016.

0465-02-18-.09 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.

(Rule 0465-02-18-.09, 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.

0465-02-18-.10 INDIVIDUAL SUPPORT PLAN (ISP) DEVELOPMENT AND IMPLEMENTATION.

- (1) The licensee 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.

0465-02-18-.11 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.

0465-02-18-.12 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.

(Rule 0465-02-18-.12, continued)

- (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.
- (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.