

**RULES
OF THE
TENNESSEE DEPARTMENT OF INTELLECTUAL AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0465-02-19
MINIMUM PROGRAM REQUIREMENTS FOR INTELLECTUAL AND DEVELOPMENTAL
DISABILITIES SUPPORT COORDINATION AGENCIES**

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0465-02-19-.01 APPLICATION FEES.

The applicant shall submit a fee or fees with the application to the Office of Licensure and Review of the Department. Each initial and renewal application for licensure shall be submitted with the appropriate fee or fees as set forth in Rule 0465-02-02-.05 Licensure Administration and Procedures, Fees. All fees submitted are non-refundable.

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.

0465-02-19-.02 GOVERNANCE.

- (1) The licensee shall comply with all federal, state, and local laws, ordinances, rules, and regulations.
- (2) The licensee shall ensure that the agency is administered and operated in accordance with written policies and procedures including, but not limited to, those specified in Rule 0465-02-19-.03.
- (3) The licensee shall exercise general direction over the agency and establish policies governing the operation of the agency and the welfare of person supported.
- (4) The licensee shall designate an individual responsible for the operation of the agency.
- (5) The licensee shall ensure that the licensed agency supports only persons supported who will not cause the agency to violate its licensed status based on the distinct licensure category.

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.

0465-02-19-.03 POLICIES AND PROCEDURES.

- (1) The licensee shall maintain a written policies and procedures manual which includes:
 - (a) An organizational chart which clearly shows or describes the lines of authority;
 - (b) A policy and procedure which ensure the confidentiality of the information of the person supported, and which includes the following provisions:

(Rule 0465-02-19-.03, continued)

1. The staff must comply with applicable confidentiality laws and regulations. (e.g., T.C.A. § 33-3-104) and the Health Insurance Portability and Accountability Act (HIPAA), found at 45 CFR, Part 160, Part 162, Part 164;
 2. Persons supported shall not be required to make public statements which acknowledge gratitude to the licensee or for the licensee's services;
 3. Persons supported shall not be required to perform in public gatherings; and
 4. Identifiable photographs of persons supported shall not be used without the written and signed consent of the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian);
- (c) Policy and procedures to be followed in the reporting and investigation of suspected or alleged abuse or neglect of persons supported, or other critical incidents. The procedures shall include provisions for corrective action, if any, to be taken as a result of such reporting and investigation, and reporting to the Office of Risk Management and Licensure of the Department and any authority as required by law;
- (d) Policy and procedures to address caseload assignments and the maintenance of caseloads, including at times of a staff vacancy;
- (e) Policy and procedures that ensure the staff receive effective guidance, mentoring, and training including all training required by the Department. Effective training must include opportunities to practice support coordination duties in a manner that promotes development and mastery of essential job skills.
- (f) The licensee must ensure the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian) is provided information and education regarding:
1. The types of services and programs available in the DIDD system;
 2. Rights and responsibilities of persons supported;
 3. Resolution processes including reporting abuse/neglect/exploitation, provider conflict resolution, DIDD and TennCare complaint resolution processes, and appeals processes.
- (g) A policy ensuring that employees practice infection control procedures and standard precautions that will protect the person supported from infectious diseases; and
- (h) Requirements that each employee comply with procedures for detection, prevention, and reporting of communicable diseases according to procedures of 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.

0465-02-19-.04 PROFESSIONAL SERVICES.

- (1) The licensee must ensure the support coordinator/case manager arranges and secures all services and supports as described in the ISP; the support coordinator/case manager provides information to potential and current providers, completes service authorization

(Rule 0465-02-19-.04, continued)

- requests, assists with appeals and monitoring and follow-up to ensure that issues and problems are resolved so that the ISP can be implemented as written or amended as necessary.
- (2) The assessment process/information gathering must be completed prior to the development of the ISP.
 - (3) Assessment information to be compiled by the independent support coordinator/case manager in preparation of the ISP for the Planning Meeting consists of the following:
 - (a) Information about the services a person supported is receiving through all resources, such as DIDD programs, Managed Care Organization, Medicare, or other organizations;
 - (b) Ideas and suggestions about what things the person supported can and cannot do, what things are important to the person supported, and what things are liked and disliked by the person supported;
 - (c) Uniform Assessments- Information about the capabilities and support needs of the person supported. Assists in identifying needed services and supports and the activities for which a person may need assistance;
 - (d) Risk Assessments;
 - (e) Clinical Assessments;
 - (f) Medical Assessments; and
 - (g) Vocational Assessments and Desire for Employment.
 - (4) Assessments are to assist in identifying the strengths, interests and desired outcomes of the person supported, and aid in determining how to best meet those desired outcomes.
 - (5) 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, unless contraindicated by the ISP team;
 - (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.
 - (6) The licensee must ensure that a written ISP is provided and implemented for each person supported. The ISP must meet the following requirements:

(Rule 0465-02-19-.04, continued)

- (a) Developed within sixty (60) calendar days from the date of initial service provision as determined by TennCare.
 - (b) Developed by the ISP team of the person supported;
 - (c) Includes the date of development of the ISP;
 - (d) Includes the signatures of the person supported or his/her legal representative (conservator, parent, guardian, or legal custodian), and the appropriate staff;
 - (e) Specifies the needs of the person supported, identified by assessments and to be addressed within the particular service/program component;
 - (f) Includes outcomes and action steps of the person supported, which are related to his/her specific needs and desires identified, and which are to be addressed by the particular service/program component; and
 - (g) Includes methods or activities by which the outcomes and action steps of the person supported are to be implemented.
- (7) The licensee must ensure that contacts with persons supported include:
- (a) One (1) contact shall be completed each calendar month;
 - (b) One of the contacts each quarter must be face-to-face (pending CMS approval of 1915(c) HCBS waiver amendment, expected in January 2017);
- (8) Monthly reviews shall be documented by the licensee. Information contained within the monthly review shall include: ISP implementation status, including progress in completing action steps and achieving outcomes; information gathered from the monthly contact, interviews with the person supported, his/her family members, conservators or guardians. The monthly review shall also contain information from the quarterly progress notes submitted by the residential, day, or personal assistance providers of the person supported.
- (9) The Annual ISP meeting must be held prior to the ISP expiration date. The effective date of a new plan can be no more than one (1) year from the effective date of the previous plan.
- (10) The ISP must be amended when any of the following occur:
- (a) The action steps and outcomes change;
 - (b) Services or service providers change;
 - (c) There is a significant change in overall service and support needs of the person supported;
 - (d) The person supported has made major changes to his/her preferred lifestyle.

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.

0465-02-19-.05 PERSONNEL AND STAFFING.

- (1) The licensee shall maintain a personnel file for each support coordinator with the following:
 - (a) A job description including the employment requirements and job responsibilities for each staff position held; and
 - (b) Individuals employed as ISC's must meet at least one (1) of the following educational and relevant experience requirements:
 1. A Bachelor's degree from an accredited college or university in a human services field;
 2. A Bachelor's degree from an accredited college or university in a non-related field, plus one (1) year of relevant experience;
 3. An Associate degree, plus two (2) years of relevant experience;
 4. A high school diploma or general educational development (GED) certificate, plus four (4) years of relevant experience;
 5. Relevant experience is defined as experience in working directly with persons with intellectual disabilities, other developmental disabilities, or mental illness; or
 6. Support Coordinators who do not have a Bachelor's degree in a human services field must be supervised by someone who does meet that qualification.
- (2) The licensee must ensure a staff member is available to people receiving services at all times, including evening, nights, weekends, and holidays when provider offices are generally closed.
- (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.

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.

0465-02-19-.06 PERSON SUPPORTED RECORDS.

- (1) The record of a person supported must contain the following:
 - (a) A Uniform Assessment;
 - (b) Reports from medical and other consultants (e.g. therapy consultation reports, specialty physician consult report, psychiatric consult report, etc.);
 - (c) Clinical service assessment reports;
 - (d) Medicaid medical eligibility documentation (the PAE packet);
 - (e) Emergency contact information;
 - (f) A current photograph of the person supported;

(Rule 0465-02-19-.06, continued)

- (g) The current ISP;
- (h) The current BSP, if applicable;
- (i) The Individual Education Plan, if applicable;
- (j) Support coordination monthly reviews;
- (k) Correspondence, as applicable;
- (l) Discharge summaries, if applicable;
- (m) Plans of care or treatment for nursing, therapeutic, therapy-related, or dental services;
and
- (n) Health Care Surrogates, POA, Guardianships (for minors if applicable), Supported
Decision Maker forms, and Orders of Conservatorship.

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.