

**RULES
OF
DEPARTMENT OF MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES
OFFICE OF LICENSURE**

**CHAPTER 0940-5-3
APPLICATION OF RULES FOR DISTINCT
SERVICES CATEGORY**

TABLE OF CONTENTS

| | | | |
|--------------|---|--------------|--|
| 0940-5-3-.01 | Repealed | 0940-5-3-.17 | Application of Rules for Mental Retardation Institutional Facilities |
| through | | 0940-5-3-.18 | Application of Rules for Mental Retardation Residential Habilitation Facilities |
| 0940-5-3-.07 | | 0940-5-3-.19 | Application of Rules for Mental Retardation Boarding Home Facilities |
| 0940-5-3-.08 | Application of Rules for Mental Health Outpatient Facilities | 0940-5-3-.20 | Application of Rules for Mental Retardation Placement Services Facilities |
| 0940-5-3-.09 | Application of Rules for Mental Health Day Program Facilities | 0940-5-3-.21 | Application of Rules for Mental Retardation Respite Care Services Facilities |
| 0940-5-3-.10 | Application of Rules for Mental Health Hospital Facilities | 0940-5-3-.22 | Application of Rules for Mental Retardation Semi-Independent Living Facilities |
| 0940-5-3-.11 | Application of Rules for Mental Health Residential Treatment Facilities | 0940-5-3-.23 | Application of Rules for Mental Retardation Supported Living Services Facilities |
| 0940-5-3-.12 | Application of Rules for Mental Health Crisis Stabilization Unit Facilities | 0940-5-3-.24 | Application of Rules for Mental Health Intensive Day Treatment Program for Children and Adolescents Facilities |
| 0940-5-3-.13 | Application of Rules for Mental Health Supportive Living Facilities | 0940-5-3-.25 | Application of Rules for Mental Health Therapeutic Nursery Program Facilities |
| 0940-5-3-.14 | Application of Rules for Mental Retardation Adult Habilitation Day Facilities | 0940-5-3-.26 | Application of Rules for Personal Support Services Agencies |
| 0940-5-3-.15 | Application of Rules for Mental Retardation Preschool Facilities | | |
| 0940-5-3-.16 | Application of Rules for Mental Retardation Diagnosis and Evaluation Facilities | | |

0940-5-3-.01 REPEALED.

Authority: T.C.A. §§4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.
Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Amendment filed October 17, 1986; effective December 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004.

0940-5-3-.02 REPEALED.

Authority: T.C.A. §§4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.
Administrative History: Original rule filed November 16, 1978; effective January 1, 1979. Amendment filed May 22, 1979; effective July 10, 1979. Amendment filed November 30, 1983; effective December 30, 1983. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed June 30, 1986; effective July 30, 1986. Amendment filed October 14, 1986; effective November 28, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004.

0940-5-3-.03 THROUGH 0940-5-3-.05 REPEALED.

Authority: T.C.A. §§4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302.
Administrative History: Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996. Repeal filed September 4, 2003; effective January 28, 2004.

0940-5-3-.06 AND 0940-5-3-.07 REPEALED.

Authority: T.C.A. §§4-4-103, 4-5-202(a)(3), 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302 **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Repeal filed September 4, 2003; effective January 28, 2004.

0940-5-3-.08 APPLICATION OF RULES FOR MENTAL HEALTH OUTPATIENT FACILITIES.

- (1) The governing body of a mental health outpatient facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.04(2) Life Safety Business Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-14 Minimum Program Requirements for Mental Health Outpatient Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.09 APPLICATION OF RULES FOR MENTAL HEALTH DAY PROGRAM FACILITIES.

- (1) The governing body of a day treatment facility Must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.03(2) Life Safety Educational Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-15 Minimum Program Requirements for Mental Health Day Program Facilities.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.10 APPLICATION OF RULES FOR MENTAL HEALTH HOSPITAL FACILITIES.

- (1) The governing body of a mental health hospital facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and

(Rule 0940-5-3-.10, continued)

- (d) Chapter 0940-5-16 Minimum Program Requirements for Mental Health Hospital Facilities.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.11 APPLICATION OF RULES FOR MENTAL HEALTH RESIDENTIAL TREATMENT FACILITIES.

- (1) The governing body of a mental health residential treatment facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
- (a) Rule 0940-5-4-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-17 Minimum Program Requirements for Mental Health Residential Treatment Facilities.
- (2) The governing body of a mental health residential treatment facility providing services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
- (a) Rule 0940-5-1-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-17 Minimum Program Requirements for Mental Health Residential Treatment Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.
- (3) The governing body of a mental health residential treatment facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
- (a) Rule 0940-5-4-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-17 Minimum Program Requirements for Mental Health Residential Treatment Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

(Rule 0940-5-3-.11, continued)

Authority: T.C.A. §§4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 22, 1979; effective July 10, 1979. Repeal and new rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-5-3-.12 APPLICATION OF RULES FOR MENTAL HEALTH CRISIS STABILIZATION UNIT FACILITIES.

- (1) The governing body of a mental health crisis stabilization unit which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-18 Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities.

- (2) The governing body of a mental health crisis stabilization unit facility providing services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-18 Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.07(2) Mobile Non-Ambulatory rule.

- (3) The governing body of a mental health crisis stabilization unit facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-18 Minimum Program Requirements for Mental Health Crisis Stabilization Unit Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §§4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-5-3-.13 APPLICATION OF RULES FOR MENTAL HEALTH SUPPORTIVE LIVING FACILITIES.

- (1) The governing body of a mental health supportive living facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-19 Minimum Program Requirements for Mental Health Supportive Living Facilities.
- (2) The governing body of a mental health supportive living facility providing services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-19 Minimum Program Requirements for Mental Health Supportive Living Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.
- (3) The governing body of a mental health supportive living facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-19 Minimum Program Requirements for Mental Health Supportive Living Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile. Non-Ambulatory rule.

Authority: T.C.A. §§4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-5-3-.14 APPLICATION OF RULES FOR MENTAL RETARDATION ADULT HABILITATION DAY FACILITIES.

- (1) The governing body of a mental retardation adult habilitation day facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:

(Rule 0940-5-3-.14, continued)

- (a) Rule 0940-5-1-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-20 Minimum Program Requirements for Mental Retardation Adult Habilitation Day Facilities.
- (2) The governing body of a mental retardation adult habilitation day facility must provide services and facilities which comply with the following rules.
- (a) As determined by the Department's Office of Licensure, rule 0940-5-4-.03(2) Life Safety Educational Occupancies rule and/or rule 0940-5-4-.05(2) Life Safety Industrial Occupancies rule, depending on the use of the facility;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-20 Minimum Program Requirements for Mental Retardation Adult Habilitation Day Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §§4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 28, 1986; effective July 1, 1986. Repeal and new rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-5-3-.15 APPLICATION OF RULES FOR MENTAL RETARDATION PRESCHOOL FACILITIES.

- (1) The governing body of a mental retardation preschool facility must provide services and facilities which comply with the following rules:
- (a) Rule 0940-5-4-.03(2) Life Safety Educational Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-21 Minimum Program Requirements for Mental Retardation Preschool Facilities.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.16 APPLICATION OF RULES FOR MENTAL RETARDATION DIAGNOSIS AND EVALUATION FACILITIES.

- (1) The governing body of a mental retardation diagnosis and evaluation facility must provide services and facilities which comply with the following rules:
- (a) Rule 0940-5-4-.04(2) Life Safety Business Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;

(Rule 0940-5-3-.16, continued)

- (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
- (d) Chapter 0940-5-22 Minimum Program Requirements for Mental Retardation Diagnosis and Evaluation Facilities.

Authority: T.C.A. §33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.17 APPLICATION OF RULES FOR MENTAL RETARDATION INSTITUTIONAL FACILITIES.

- (1) The governing body of a mental retardation institutional facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-24 Minimum Program Requirements for Mental Retardation Institutional Facilities.

Authority: T.C.A. §33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.18 APPLICATION OF RULES FOR MENTAL RETARDATION RESIDENTIAL HABILITATION FACILITIES.

- (1) The governing body of a mental retardation residential habilitation facility which provides services for four (4) or more persons who are not capable of self-preservation must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.02(2) Life Safety Health Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-24 Minimum Program Requirements for Mental Retardation Residential Habilitation Facilities.
- (2) The governing body of a mental retardation residential habilitation facility which provides services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-24 Minimum Program Requirements for Mental Retardation Residential Habilitation Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

(Rule 0940-5-3-.18, continued)

- (3) The governing body of a mental retardation residential habilitation facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-1-.06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-24 Minimum Program Requirements for Mental Retardation Residential Habilitation Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §§4-5-209, 33-1-205, and 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988. Amendment filed March 19, 1996; effective June 2, 1996.

0940-5-3-.19 APPLICATION OF RULES FOR MENTAL RETARDATION BOARDING HOME FACILITIES.

- (1) The governing body of a mental retardation boarding home facility which provides services to two (2) or three (3) clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.07(2) One and Two-Family Dwellings Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Requirements for All Facilities;
 - (d) Chapter 0940-5-25 Minimum Program Requirements for Mental Retardation Boarding Home Facilities; and
 - (e) If services are to be provided to one (1) or more mobile non-ambulatory person, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.
- (2) The governing body of a mental retardation boarding home facility providing services to four (4) or more clients must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-06(2) Life Safety Board and Care Occupancies rule;
 - (b) Chapter 0940-5-5 Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (d) Chapter 0940-5-25 Minimum Program Requirements for Mental Retardation Boarding Home Facilities; and

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.20 APPLICATION OF RULES FOR MENTAL RETARDATION PLACEMENT SERVICES FACILITIES.

- (1) The governing body of a mental retardation placement services facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.04 Business Occupancies for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes, such as a facility licensed by the Department, if such facility meets the provisions of rule 0940-5-4-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0940-5-6 Minimum Program Requirements for All Facilities; and
 - (c) If services are to be provided to one (1) or more mobile, non-ambulatory persons, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

0940-3-.21 APPLICATION OF RULES FOR MENTAL RETARDATION RESPITE CARE SERVICES FACILITIES.

- (1) The governing body of a mental retardation respite care services facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.04 Business Occupancies for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes, such as a facility licensed by the Department, if such facility meets the provisions of rule 0940-5-4-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (c) Chapter 0940-5-27 Minimum Program Requirements for Mental Retardation Respite Care Services Facilities; and
 - (d) If services are to be provided to one (1) or more mobile non-ambulatory persons, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.22 APPLICATION OF RULES FOR MENTAL RETARDATION SEMI-INDEPENDENT LIVING FACILITIES.

- (1) The governing body of a mental retardation semi-independent living facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.04 Business Occupancies for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes, such as a facility licensed by the Department, if such facility meets the provisions of rule 0940-5-4-.01 Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;

(Rule 0940-5-3-.22, continued)

- (c) Chapter 0940-5-28 Minimum Program Requirements for Mental Retardation Semi-Independent Living Facilities; and
- (d) If services are to be provided to one (1) or more mobile non-ambulatory persons, rule 0940-5-4-.09(2) Mobile Non-Ambulatory rule.

Authority: T.C.A. §33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988.

0940-5-3-.23 APPLICATION OF RULES FOR MENTAL RETARDATION SUPPORTED LIVING SERVICES FACILITIES.

- (1) The governing body of a mental retardation supported living services facility must comply with and provide services that comply with and provide services that comply with the following rules:
 - (a) Rule 0940-5-4-.04 Business Occupancies for the location from which the licensed program services are to be delivered. The licensed program services may be delivered from a location which is used for other purposes including, but not limited to a facility licensed by the Department, if such facility meets the provisions of Rule 0940-5-4-.01, Life Safety Requirements for the primary use of the building;
 - (b) Chapter 0940-5-6 Minimum Program Requirements for All Facilities;
 - (c) Chapter 0940-5-32, Minimum Program Requirements for Mental Retardation Supported Living Services Facilities; and
 - (d) If services are to be provided to one (1) or more mobile, non-ambulatory person(s), Rule 0940-5-4-.09(2), Mobile Non-Ambulatory rule.

Authority: T.C.A. §§4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed October 17, 1995; effective December 31, 1995.

0940-5-3-.24 APPLICATION OF RULES FOR MENTAL HEALTH INTENSIVE DAY TREATMENT PROGRAM FOR CHILDREN AND ADOLESCENTS FACILITIES.

- (1) The governing body of a mental health intensive day treatment program for children and adolescents facility must provide services and facilities which comply with the following rules:
 - (a) Rule 0940-5-4-.03(2) - Life Safety Educational Occupancies Rule;
 - (b) Chapter 0940-5-5 - Adequacy of Facility Environment and Ancillary Services;
 - (c) Chapter 0940-5-6 - Minimum Program Requirements for All Facilities; and
 - (d) Chapter 0940-5-30 - Minimum Program Requirements for Mental Health Intensive Day Treatment Programs for Children and Adolescents Facilities.

Authority: T.C.A. §§4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed January 11, 1996; effective March 26, 1996.

0940-5-3-.25 APPLICATION OF RULES FOR MENTAL HEALTH THERAPEUTIC NURSERY PROGRAM FACILITIES.

- (1) The governing body of a mental health therapeutic nursery program facility must provide services and facilities which comply with the following rules:

(Rule 0940-5-3-.25, continued)

- (a) Rule 0940-5-4-.03(2) - Life Safety Educational Occupancies Rule;
- (b) Chapter 0940-5-5 - Adequacy of Facility Environment and Ancillary Services;
- (c) Chapter 0940-5-6 - Minimum Program Requirements for All Facilities; and
- (d) Chapter 0940-5-31 - Minimum Program Requirements for Mental Health Therapeutic Nursery Programs For Children Facilities.

Authority: T.C.A. §§4-4-103, 33-1-205(b)(5), and 33-2-504. **Administrative History:** Original rule filed January 11, 1996; effective March 26, 1996.

0940-5-3-.26 APPLICATION OF RULES FOR PERSONAL SUPPORT SERVICES AGENCIES.

- (1) The licensee providing personal support services must comply with and provide services that comply with the following rules:
 - (a) Chapter 0940-5-6 Minimum program requirements for all facilities;
 - (b) Chapter 0940-5-36 Minimum program requirements for personal support services agencies; and
 - (c) Regardless of whether a licensee is a sole proprietorship, partnership, corporation, limited liability company or limited liability partnership, it must meet all requirements of chapters 0940-5-6, and 0940-5-36.

Authority: T.C.A. §§4-4-103, 4-5-202, 4-5-204, 33-1-302, 33-1-305, 33-1-309, 33-2-301, and 33-2-302. **Administrative History:** Original rule filed August 29, 2003; effective December 29, 2003.