

**RULES  
OF  
TENNESSEE DEPARTMENT OF MENTAL HEALTH  
AND MENTAL RETARDATION**

**CHAPTER 0940-5-25  
MINIMUM PROGRAM REQUIREMENTS FOR MENTAL RETARDATION  
BOARDING HOME FACILITIES**

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**0940-5-25-.01 POLICIES AND PROCEDURES FOR BOARDING HOME FACILITIES.** 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. § 33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

**0940-5-25-.02 PROFESSIONAL SERVICES IN BOARDING HOME FACILITIES.**

- (1) The facility must provide or procure assistance for clients 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 client (unless less often is indicated by the client's physician). 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. § 33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

**0940-5-25-.03 PERSONNEL AND STAFFING REQUIREMENTS FOR BOARDING HOME FACILITIES**

- (1) The facility must provide one (1) direct services staff member for each ten (10) clients present in the facility.
- (2) Clients are never to be left unattended in the facility.

(Rule 0940-5-25-.03, continued)

- (3) Each employee must have a tuberculosis skin test within thirty (30) days of employment and thereafter as required by the current guidelines of the Tennessee Department of Health.
- (4) The facility must ensure that employees practice infection control procedures that will protect clients from infectious diseases.
- (5) Employees must be provided with a basic orientation in the proper management of individuals with seizure disorders prior to being assigned to work with individuals with such disorders.

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

**0940-5-25-.04 CLIENT RECORD REQUIREMENTS FOR BOARDING HOME FACILITIES.**

- (1) Each client record must include the following information:
  - (a) A recent photograph and a description of the client;
  - (b) The client's social security number.
  - (c) The legal competency status of the client;
  - (d) The client's sources of financial support including social security, veteran's benefits and insurance;
  - (e) Sources of coverage for the client's medical care costs;
  - (f) The name, address and telephone number of the client's physician or of the health agency providing medical services;
  - (g) Documentation of all drugs administered to the client by the facility which indicates date prescribed, type, dosage, frequency, amount and reason;
  - (h) A discharge summary upon the client's discharge from the facility which includes the date of discharge, reasons for discharge and referral for other services, if appropriate;
  - (i) A list of each individual article of the client's personal property valued at fifty dollars (\$50) or more including its disposition, if no longer in use;
  - (j) Written accounts of all monies received and disbursed on behalf of the client;
  - (k) Report of medical problems, accidents, seizures and illnesses and treatments for such medical problems, accidents, seizures and illnesses while the client resides in the facility;
  - (l) Report of significant behavior incidents and of actions taken; and
  - (m) Report of the use of restrictive behavior-management techniques.

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

**0940-5-25-.05 MEDICATION ADMINISTRATION IN BOARDING HOME FACILITIES.**

- (1) The facility must consider the client's ability and training when supervising the administration of medication.

(Rule 0940-5-25-.05, continued)

- (2) The facility must ensure that prescription medications are taken only by clients for whom they are prescribed and in accordance with the directions of a physician.
- (3) Drugs must be stored in a locked container which ensure proper conditions of security and sanitation and prevents accessibility to any unauthorized person;
- (4) Discontinued and outdated drugs and containers with worn, illegible, or missing labels must be disposed.
- (5) All medication errors, drug reactions, or suspected over medications must be reported to the practitioner who prescribed the drug.
- (6) Evidence of the current prescription of each medication taken by a client must be maintained by the facility.

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

**0940-5-25-.06 CLIENT HEALTH, HYGIENE AND GROOMING PROVISIONS IN BOARDING HOME FACILITIES.**

- (1) The facility must assist and encourage clients in the use of dental appliances, eyeglasses and hearing aids.
- (2) The facility must assist and encourage clients 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. § 33-2-504. **Administrative History:** Original rule filed May 26, 1988; effective July 11, 1988.

**0940-5-25-.07 CLIENT CLOTHING PROVISIONS IN BOARDING HOME FACILITIES.**

- (1) Each client 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 client to dress himself in his/her own clothes and to change clothes at appropriate times according to individual abilities.
- (3) The facility must assist each client in securing an adequate allowance of personally-owned, individualized, normal, clean and seasonal clothes.
- (4) Any marking of clients' clothing for identification purposes must be done in an inconspicuous manner.

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

**0940-5-25-.08 RECREATIONAL ACTIVITY PROVISIONS IN BOARDING HOME FACILITIES.** The facility must ensure that opportunities are provided for recreational activities which are appropriate to an adapted to the needs, interests and ages of the clients being served

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

**0940-5-25-.09 DAY ACTIVITY PROVISIONS IN BOARDING HOME FACILITIES.** 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 clients of the facility. Such day activities should be in accordance with the age level, interests and abilities of the clients being served.

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

**0940-5-25-.10 CLIENT ADMISSIONS CRITERIA FOR BOARDING HOME FACILITIES.**

- (1) The governing body must ensure that all clients admitted and residing in the facility are only persons who are:
  - (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. § 33-2-504. *Administrative History:* Original rule filed May 26, 1988; effective July 11, 1988.

**0940-5-25-.11 REQUIREMENTS FOR THE USE OF RESTRICTIVE BEHAVIOR MANAGEMENT IN BOARDING HOME FACILITIES.**

- (1) Corporal punishment must not be used.
- (2) Behavior-management programs must not employ techniques that may result in denial of a nutritionally adequate diet.
- (3) Physical restraint, drugs for behavior management, time-out rooms, aversive stimuli, or other techniques with similar degrees of restriction or intrusion must not be employed except as an integral part of an Individual Program Plan that is assigned by the client's Individual Program Plan team to lead to a less restrictive way of managing, and ultimately to the elimination of, the behavior.
- (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 incorporating the use of a highly restrictive or intrusive technique, the facility must document that the program has been reviewed and approved by the client or the client's legal guardian and the facility must appoint a Human Rights Committee to review and approve the written program.
- (6) Emergency procedures used to prevent a client from inflicting bodily harm may not be repeated more than three (3) times within six (6) months without being incorporated into a written behavior-management program that is part of an Individual Program Plan designed by the client's Individual Program Plan team
- (7) Behavior-management drugs may be used only when authorized in writing by a physician for a specific period of time.
- (8) Chemical restraint may be used only when authorized and supervised by a physician in attendance.
- (9) A client placed in chemical restraint must be under continuous staff observation.
- (10) If the use of chemical restraint is necessary beyond twenty-four (24) hours, the situation must be re-evaluated, authorized and supervised by a physician in attendance.
- (11) The program for the use of a mechanical restraint must specify the extent and frequency of the monitoring according to the type and design of the device and the condition of the client.

(Rule 0940-5-25-.11, continued)

- (12) A client placed in mechanical restraint must be released for a minimum of ten (10) minutes at least every two (2) hours and provided with an opportunity provided for motion, exercise, liquid intake and toileting.
- (13) Personal restraint/physical holding may be used only until the client is calm.
- (14) If the use of personal restraint/physical holding is necessary beyond sixty (60) minutes, the situation must be reevaluated and authorized by a mental retardation specialist.
- (15) The client placed in a time-out room must be released after a period of not more than sixty (60) minutes.
- (16) The ability of a client to exit a time-out room must not be prevented by means of keyed or other locks; and time-out rooms must allow for the immediate entry of staff.
- (17) Aversive stimuli may be used only when the behavior of a client is likely to cause irreparable harm to himself or others, the behavior precludes his or her development and less negative procedures have, in the immediate past, been documented to be ineffective in reducing or eliminating this particular behavior.

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