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# Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204. For questions and copies of the notice, contact the person listed below.

<b>Agency/Board/Commission:</b>	Tennessee Department of Mental Health and Developmental Disabilities
<b>Division:</b>	Office of Licensure
<b>Contact Person:</b>	Karen Edwards
<b>Address:</b>	425 Fifth Avenue North 5 <sup>th</sup> Floor, Cordell Hull Building
<b>Phone:</b>	615-532-3648
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Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

<b>ADA Contact:</b>	Gwen Hamer
<b>Address:</b>	425 Fifth Avenue North 5 <sup>th</sup> Floor, Cordell Hull Building
<b>Phone:</b>	615-532-6510
<b>Email:</b>	Gwen.Hamer@state.tn.us

**Hearing Location(s)** (for additional locations, copy and paste table)

Address 1:	425 Fifth Avenue North		
Address 2:	3 <sup>rd</sup> Floor, Cordell Hull Building		
City:	Nashville		
Zip:	37243		
Hearing Date:	04/16/2009		
Hearing Time:	1:30 p.m.	<input checked="" type="checkbox"/> CST	<input type="checkbox"/> EST

**Additional Hearing Information:**

Hearing Location:	TDMHDD Large Conference Room, 3 <sup>rd</sup> Floor, Cordell Hull Building
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**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables. Please enter only ONE Rule Number/RuleTitle per row.)

Chapter Number	Chapter Title
0940-05-51	Minimum Program Requirements for Adult Supportive Residential Facilities
Rule Number	Rule Title

0940-05-51-.01	Definition
0940-05-51-.02	Application of Rules
0940-05-51-.03	Policies and Procedures
0940-05-51-.04	Personnel and Staffing Requirements
0940-05-51-.05	Professional Services
0940-05-51-.06	Service Recipient Record Requirements
0940-05-51-.07	Service Recipient Rights
0940-05-51-.08	Medication Administration
0940-05-51-.09	Recreational Provisions for Service Recipients
0940-05-51-.10	Health, Hygiene and Grooming Provisions
0940-05-51-.11	Clothing Provisions for Service Recipients
0940-05-51-.12	Day Activities for Service Recipients

<b>Chapter Number</b>	<b>Chapter Title</b>
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<b>Rule Number</b>	<b>Rule Title</b>
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(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

0940-05-51-.01 Definition.

- (1) "Adult Supportive Residential Facility" means a mental health residential program that provides twenty-four (24) hour residential care with a treatment and rehabilitation component less intensive than required in a Residential Treatment Facility. Coordinated and structured services are provided for adult service recipients that include personal care services, training in community living skills, vocational skills, and/or socialization. Access to medical services, social services, and mental health services are insured and are usually provided off-site, although limited mental health treatment and rehabilitation may be provided on site.

0940-05-51-.02 Application of Rules.

- (1) The governing body of an adult supportive residential facility must comply with the following rules:
  - (a) Rule 0940-05-04-.02(2) Life Safety Board and Care Occupancy;
  - (b) Chapter 0940-05-05 Adequacy of Facility Environment and Ancillary Services;
  - (c) Chapter 0940-05-06 Minimum Program Requirements for All Mental Health Facilities; and
  - (d) Chapter 0940-05-51 Minimum Program Requirements for Adult Supportive Residential Programs.

0940-05-51-.03 Policies and Procedures.

- (1) The facility must maintain a written policies and procedures manual which contains the following elements:
  - (a) A policy and procedures which only allow the admittance of persons who are:
    1. Able to perform basic self-help activities including eating and bathing;
    2. Able to care for their own possessions and to maintain bedroom or living area in a reasonable state of orderliness and cleanliness;
    3. Able to recognize danger or threat to personal safety;
    4. Able to live comfortably within any limitations in the structure of the facility; and
    5. Generally able to maintain appropriate behaviors tolerable to the community.
  - (b) A policy and procedures which address the method for managing disruptive behavior; and
  - (c) A policy and procedures which state that Physical Holding must be implemented in such a way as to minimize any physical harm to the service recipient and may only be used when the service recipient poses an immediate threat under the following conditions:
    1. The service recipient poses an immediate harm to self or others; and/or
    2. To prevent the service recipient from causing substantial property damage.

Authority: T.C.A. § 33-2-504.

0940-05-51-.04 Personnel and Staffing Requirements.

- (1) All staff, direct care and mental health, shall be under the supervision of a licensed mental health

professional.

- (2) The facility must provide adequate supervision by an adult who is knowledgeable of rules, policies and procedures relevant to the facility's operation.
- (3) During normal waking hours, all facilities must provide at least one (1) direct-care staff person on-duty/on-site for every twelve (12) service recipients present in the facility. During normal sleeping hours, all facilities must provide at least one (1) awake, direct-care staff person on-site in each building where service recipients are housed.
- (4) All direct care staff at the facility must have at least four (4) hours training annually in areas relevant to the care provided as evidenced in the facility's records.
- (5) Service recipients must not be left unattended in the facility at any time.
- (6) Mental Health treatment and rehabilitation services may be provided on-site for up to fifteen (15) hours per week, if the services are provided by a licensed mental health outpatient facility.
- (7) The program must provide back-up coverage by staff trained to handle acute psychiatric problems on a twenty-four (24) hours a day, seven (7) days a week, on-call basis.
- (8) The program must arrange for the regular, consultative, and emergency services of a licensed psychiatrist.
- (9) The program must provide at all times at least one (1) on-duty staff member certified in cardiopulmonary resuscitation (CPR) and trained in First Aid and the Abdominal Thrust Technique. The provision of training must be evidenced by documentation in the facility's records.

Authority: T.C.A. § 33-2-504.

#### 0940-05-51-.05 Professional Services.

- (1) Utilizing community resources, the facility must make arrangements for qualified dental, medical, nursing and pharmaceutical care for service recipient of the facility including care for emergencies on twenty-four (24) hours per day and seven (7) days per week basis; and allow service recipients of their families to have the option of choosing a personal professional for routine services.
- (2) The facility must provide or procure for each service recipient a physical examination, which includes routine screening and special studies as determined by the examining physician, within thirty (30) days of admission unless the service recipient has had a physical examination within ninety (90) days prior to admission. Subsequently physical examinations must be provided or procured as determined by the service recipient's examining physician. The documentation of required physical examinations must be provided in the service recipient's record and must include exact name of the examining physician, clinic, or hospital.
- (3) In consultation with the service recipient/guardian/conservator, the program must arrange access for each service recipient for ongoing mental health services not provided by the facility and assist the service recipient in keeping appointments and participating in treatment programs. Documentation of access to services must be made in the service recipient's record.

Authority: T.C.A. § 33-2-504.

#### 0940-05-51-.06 Service Recipient Record Requirements.

- (1) The individual record maintained for each service recipient must contain the following information:
  - (a) Marital status;
  - (b) Social security number;

- (c) Medicaid and Medicare number;
- (d) Legal competency status, if available;
- (e) Source of financial support and financial arrangements for residing in the facility. This information must be updated when the service recipient's financial status changes;
- (f) Name, address and telephone number of the physician or health agency providing medical services;
- (g) A list of each individual article of the service recipient's personal property valued at fifty dollars (\$50) or more including its disposition, if no longer in use;
- (h) Written accounts of all monies received and disbursed on behalf of the service recipient;
- (i) Report of medical problems, accidents, seizures and illnesses and treatments for such accidents, seizures and illnesses;
- (j) Report of significant behavior incidents;
- (k) Notes made on a weekly basis which minimally include a brief statement of the service recipient's progress while residing at the facility. The notes must include the date that the note was written and the signature of the person making the note;
- (l) Current diagnosis and DSM axes, summary of mental health service plan and crisis plan;
- (m) Medication log; and
- (n) Long-term housing plan.

Authority: T.C.A. § 33-2-504.

0940-05-51-.07 Service Recipient Rights.

- (1) Upon admission to the facility, each service recipient must be provided an orientation which includes minimally the following:
  - (a) Explanation of the facility's services, activities, performance expectations, any rules and regulations and program descriptions;
  - (b) Familiarizing the service recipient with the facility's premises, the neighborhood and public transportation systems; and
  - (c) Explanation of service recipient rights and grievance procedures.
- (2) Service recipients must not be denied adequate food, treatment/rehabilitative activities, religious activities, mail or other contacts with families as punishment.
- (3) A service recipient must not be confined to his/her room or other place of isolation as punishment. This does not preclude requesting individuals to remove themselves from a potentially harmful situation in order to regain self-control.

Authority: T.C.A. § 33-2-504.

0940-05-51-.08 Medication Administration.

- (1) When supervising the self-administration of medication, the facility must consider the service recipient's self-management skills and ability.

- (2) The facility must ensure that prescription medications are taken only by service recipients for whom they are prescribed and in accordance with the directions of a qualified prescriber.
- (3) Medications must be stored in a locked container which ensures proper conditions of security and sanitation and prevents accessibility to any unauthorized person.
- (4) Discontinued and outdated medications and containers with worn, illegible, or missing labels must be disposed.
- (5) All medication errors, drug reactions, or suspected overmedication must be reported to the practitioner who prescribed the medication.
- (6) Evidence of the current prescription of each medication taken by a service recipient must be maintained by the facility.
- (7) All direct-service staff must be trained about medications used by service recipients. This training must include information about the purpose and function of the medications, their major side effects and contraindications, and ways to recognize signs that medication is not being taken or is ineffective.
- (8) Staff must have access to medications at all times.
- (9) For any service recipient incapable of self-administration, all medications must be administered by personnel licensed to administer medication.
- (10) Qualified personnel administering medication may only administer medication within the scope of an established protocol approved by medical staff.
- (11) Staff must document each time a service recipient receives medication including over-the-counter medication or refuses a prescribed medication. This documentation must include the date, time, medication, name, and dosage. This documentation must be made on the medication log sheet in the service recipient's chart.

Authority: T.C.A. § 33-2-504.

#### 0940-05-51-.09 Recreational Provisions for Service Recipients.

The facility must provide opportunities for recreational activities, including off-site activities at least once a week unless otherwise indicated by service recipient's behavior, that are appropriate to and adapted to the needs, interests and ages of the service recipients being served. These opportunities and the participation of the residents will be documented in records available at the facility.

Authority: T.C.A. § 33-2-504.

#### 0940-05-51-.10 Health, Hygiene and Grooming Provisions for Service Recipients.

- (1) The facility must assist service recipients in the independent exercise of health, hygiene and grooming practices.
- (2) The facility must encourage the use of dental appliances, eyeglasses and hearing aids if used by service recipients.
- (3) The facility must encourage each service recipient to maintain a well groomed and clean appearance that is age and activity appropriate and within reason of currently acceptable styles of grooming, dressing and appearance.

Authority: T.C.A. § 33-2-504.

#### 0940-05-51-.11 Clothing Provisions for Service Recipients.

- (1) The facility must provide indirect supervision of service recipients in the selection and purchase of their clothes and in the selection of dressing manner and change of clothes.
- (2) Any marking of service recipients' clothes for identification purposes must be done in an inconspicuous manner.
- (3) The facility must allow service recipients to select and purchase their clothes and to dress themselves at appropriate times.

Authority: T.C.A. § 33-2-504.

0940-05-51-.12 Day Activities for Service Recipients.

The facility must assist service recipients in making use of daily activities according to the age levels, interests and abilities of the service recipients. Such day services 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.

Authority: T.C.A. § 33-2-504.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.



Date: 2/24/09

Signature: [Handwritten Signature]

Name of Officer: Cynthia Clark Tyler

Title of Officer: Director, Office of Legal Counsel

Subscribed and sworn to before me on: February 24, 2009

Notary Public Signature: Que B. Hunt

My commission expires on: July 25, 2009

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The Hargett  
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Secretary of State

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