

**RULES
OF
TENNESSEE OF MENTAL HEALTH AND MENTAL RETARDATION
OFFICE OF LICENSURE**

**CHAPTER 0940-5-32
MINIMUM PROGRAM REQUIREMENTS FOR MENTAL RETARDATION
SUPPORTED LIVING SERVICES FACILITIES**

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0940-5-32-.01 POLICIES AND PROCEDURES FOR SUPPORTED LIVING SERVICE FACILITIES.

- (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 individuals receiving support 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 individuals served 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 individual receiving support.

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

0940-5-32-.02 PROFESSIONAL SERVICES TO BE PROVIDED TO INDIVIDUALS RECEIVING SUPPORTED LIVING SERVICES.

- (1) The governing body must ensure that individuals 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 individual receives an annual physical examination (unless less often is indicated by the individual's physician) 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

(Rule 0940-5-32-.02, continued)

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

0940-5-32-.03 PERSONNEL AND STAFFING REQUIREMENTS FOR SUPPORTED LIVING SERVICES FACILITIES.

- (1) The governing body must ensure that appropriate support and assistance are provided in accordance with the needs of the individual(s) living in the home.
- (2) Support staff must be available on call to individuals living in the home on a twenty-four (24) hours per day basis.
- (3) Employees coming in contact with individuals receiving support must have a test for tuberculosis prior to employment and as required thereafter by current Department of Health guidelines.
- (4) Support staff must be provided with a basic orientation in the proper management of individuals with seizures prior to being assigned to work with those individuals.
- (5) The governing body must ensure that support staff are trained in First Aid and the Heimlich maneuver.

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

0940-5-32-.04 RECORD REQUIREMENTS FOR SUPPORTED LIVING SERVICES FACILITIES.

- (1) The governing body must ensure that each individual's record contains the following information:
 - (a) A recent photograph of the individual and identifying information about the individual;
 - (b) The individual's social security number,
 - (c) The individual's legal competency status;
 - (d) The individual's sources of financial support including social security, veterans benefits, and insurance;
 - (e) The individual's sources of coverage for medical care;
 - (f) The name, address, and telephone number of the physician or health agency providing medical services to the individual;
 - (g) Report of medical problems, accidents, seizures, and illnesses and treatments for such medical problems, accidents, seizures, and illnesses as they occur;
 - (h) Report of significant behavior incidents and of actions taken;
 - (i) Report of the use of restrictive behavior-management techniques;
 - (j) Written accounts of all monies received and disbursed on behalf of the individual.

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

0940-5-32-.05 MEDICATION ADMINISTRATION IS SUPPORTED LIVING SERVICES FACILITIES.

- (1) When medications are taken by individuals with the assistance of support staff, the governing body must ensure that:
 - (a) The individual's ability and training are considered;
 - (b) Prescription medications are taken only by individuals for whom they are prescribed, and in accordance with the directions of a physician;
 - (c) Discontinued and outdated drugs and containers with worn, illegible, or missing labels are disposed;
 - (d) All medication errors, drug reactions, or suspected overmedications are reported to the practitioner who prescribed the drug; and
 - (e) Documentation is maintained of all prescription medications taken with assistance by each individual supported in the home including the name of the medication, date prescribed, type, dosage, frequency, and the reason the medication is prescribed.

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

0940-5-32-.06 DAY ACTIVITY PROVISIONS FOR INDIVIDUALS RECEIVING SUPPORT LIVING SERVICES.

- (1) The governing body must ensure that daily activities are provided or procured in accordance with the age level, interests, and abilities of the individual as specified in the individual support plan. 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 individual attends a school or day program outside of the facility 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 individual plan, as appropriate.

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

0940-5-32-.07 ASSESSMENT REQUIREMENTS FOR PERSONS RECEIVING SUPPORTED LIVING SERVICES.

- (1) The following individual assessments must be completed prior to the development of the individual support plan:
 - (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, 33-1-205, and 33-2-504. *Administrative History:* Original rule filed October 17, 1995; effective December 31, 1995.

0940-5-32-.08 INDIVIDUAL SUPPORT PLAN DEVELOPMENT AND IMPLEMENTATION FOR INDIVIDUALS RECEIVING SUPPORTED LIVING SERVICES.

(Rule 0940-5-32-.08, continued)

- (1) The governing body must ensure that a written support plan is implemented for each individual. The individual support plan must meet all the following requirements:
 - (a) Be developed prior to the initiation of services;
 - (b) Be developed by relevant persons, including the individual served;
 - (c) Be approved by the individual or guardian;
 - (d) Address abilities, needs, and preferences;
 - (e) Identify supports that will be provided to the individual and the person or entity that will provide the supports.

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

0940-5-32-.09 INDIVIDUAL SUPPORT PLAN MONITORING AND REVIEW FOR INDIVIDUALS RECEIVING SUPPORTED LIVING SERVICES.

- (1) The governing body must ensure:
 - (a) Support summaries are documented at least quarterly, and
 - (b) The individual support plan is reviewed at least annually and revised, if indicated.

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

0940-5-32-.10 SUPPORTIVE SERVICES FOR INDIVIDUALS RECEIVING SUPPORTED LIVING SERVICES.

- (1) The governing body must ensure that the following support services are provided for individuals as needed:
 - (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 in each individual's home of current telephone numbers for emergency services and persons providing support;
 - (d) Assistance to each individual 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 individual;
 - (f) Assistance in procuring and taking prescription and non-prescription drugs;
 - (g) Assistance in the use and protection of money; and
 - (h) Assistance in applying for financial benefits for which the individual may be eligible.

(Rule 0940-5-32-.10, continued)

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

0940-5-32-.11 REQUIREMENTS FOR THE USE OF RESTRICTIVE BEHAVIOR MANAGEMENT WITH INDIVIDUALS RECEIVING SUPPORTED LIVING SERVICES.

- (1) No procedures should be used for behavior management which result in physical or emotional harm to the individual.
- (2) Corporal punishment, seclusion, aversive stimuli, chemical restraint, and denial of a nutritionally adequate diet must not be used.
- (3) Restraint, (personal holding, mechanical restraint), drugs 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 individual support plan.
- (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 program must be reviewed and approved by the individual or the individual's legal guardian/conservator, with documentation, and a Human Rights Committee must review and approve the written program.
- (6) Procedures such as personal holding, mechanical restraint, and time out which are used in emergency situations to prevent an individual 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 support plan.
- (7) Behavior management drugs may be used only when authorized in writing by a physician for a specific period of time.
- (8) 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 individual.
- (9) An individual 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 for motion, exercise, liquid intake, and toileting.
- (10) Personal restraint/physical holding may be used only until the individual is calm.
- (11) An individual placed in time out must be released after a period of not more than sixty (60) minutes.
- (12) The ability of an individual 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, 33-1-205, and 33-2-504. *Administrative History:* Original rule filed October 17, 1995; effective December 31, 1995.