

Sec. 17a-227-30. Operating standards

A licensee must meet the following standards in order to maintain any license to conduct or maintain a residence for persons with mental retardation or autism:

(a) Health and Life Safety

(1) The applicant shall comply with the requirements delineated on the department's fire safety inspection report. Additionally, applicants located in a building containing more than two living units shall obtain a fire marshal certificate reflecting the applicable chapter of the NFPA Life Safety Code.

(2) The licensee shall practice and document evacuation procedures on a quarterly basis.

(A) At least one of the quarterly evacuation procedures per year shall be held during sleeping hours, and

(B) During evacuation procedures, individuals shall be moved to safe areas outside of the dwelling, unless their ability to evacuate independently has been documented, or unless practice evacuation would endanger the health or safety of those individuals.

(3) When the licensee is absent from the home, he shall provide a responsible designee who is available at all times, if such supervision is necessary as documented in the overall plan of services.

(4) The licensee shall ensure that the commissioner or his or her designee has access to the residence, the individual and his records at any reasonable time for the purpose of monitoring the person's safety and coordinating residential and other services.

(5) The licensee shall maintain records and reports of periodic fire safety, health, sanitation, and environmental inspections required by local and state laws and regulations and shall document actions taken to correct deficiencies noted in these reports.

(6) The licensee shall ensure and document that they and their designees are adequately trained to teach and support the individualized needs of residents as defined in the overall plan of services, including, but not limited to individuals who:

(A) Require special mealtime assistance,

(B) Use mobility devices,

(C) Have seizure disorders or physical disabilities,

(D) Have special communication needs,

(E) Require positioning or supportive devices,

(F) Require behavior management techniques, including those for behavioral emergencies,

(G) Are unable to self-administer medications,

(H) Receive behavior modifying and/or anti-convulsant medications, and

(I) Require other personal care services as outlined in the individual's OPS.

(7) The licensee shall ensure that required information is communicated to all direct contact persons to ensure the individual's safety and well-being.

(8) The licensee shall ensure that the individual receives adequate medical attention to prevent or treat any physical ailment or injury.

(9) The licensee shall assist the individual to obtain a medical examination annually or otherwise in accordance with the recommendation of the primary care physician and maintain documentation to that effect. The examination shall be appropriate to the person's gender and age and shall monitor chronic medical conditions, such as seizure disorders.

(10) The licensee shall record any time a person has a seizure and maintain such records for three years from the date of the last seizure. Such records shall include:

- (A) Time of the seizure,
- (B) Duration of the seizure, and
- (C) Descriptive characteristics of the seizure.

(11) The licensee shall assist the individual to obtain an annual dental examination and maintain documentation to that effect. The examination shall be appropriate to the person's age and shall monitor chronic dental conditions. Individuals without teeth shall be seen by a dentist and evaluated for prosthetic devices.

(12) The licensee shall ensure that each individual's adaptive, corrective, mobility, orthotic, prosthetic, and other devices are kept in good repair, that basic maintenance is performed as needed and that the case manager is notified of any problems with the devices.

(13) The licensee shall ensure that the individual's case manager is notified whenever the seriousness or frequency of a behavior is causing distress to an individual or suggests the possibility of a physiological, psychiatric, or psychological condition.

(14) The licensee shall ensure that on-going psychiatric or neurological consultation is provided as ordered by the physician who prescribes the behavior modifying medication.

(15) When an individual receives antipsychotic medication, the licensee shall assist the individual to obtain an examination for signs of an involuntary movement disorder semi-annually or more frequently required by the department or the individual's physician.

(16) The licensee shall ensure that the individual is provided adequate nutrition and hydration and special diets or eating devices when specified by a dietary professional or a physician.

(17) The licensee shall ensure sufficient amounts and variety of nutritious food for meals.

(b) Resident Rights

(1) The licensee shall not deny services, and treatments shall not be withheld from individuals who are otherwise eligible for them, solely on the basis of religion, race, color, ancestry, national origin, sex or physical or mental disability.

(2) The licensee shall foster ongoing communication and contact between individuals and their families, friends and other significant persons.

(3) The licensee shall not require the individual to perform work beyond normal household chores, unless such work is part of a program that has been approved by the person's interdisciplinary team and, if necessary, the regional program review and human rights committees.

(4) The licensee shall not require the individual to be involved in the care, eating assistance, clothing, or training of other individuals.

(5) The licensee shall ensure each individual's access to his advocate or legal counsel.

(6) The licensee shall not subject the individual to harassment or humiliation in any aspect of the residential program.

(7) The licensee shall allow the individual to attend religious services as desired and whenever possible, shall help the person travel to religious activities in the community.

(8) The licensee shall allow the individual to acquire, possess, store, and have access to his personal belongings.

(9) The licensee shall not deny an individual regular meals for any reason, except

according to a doctor's orders.

(10) The licensee shall allow individuals access to telephones with privacy for incoming and outgoing calls. Assistance in the proper use of the telephone shall be afforded the individual so he may pursue this right. Any limitations imposed on this access by the overall plan of services shall be reviewed and approved by the human rights committee and the regional director.

(11) The licensee shall ensure that the individual may receive and send sealed mail without any form of censorship or invasion of privacy. The licensee shall offer training and assistance as needed to help the individual.

(12) The licensee shall allow the individual to voice grievances without interference.

(13) The licensee shall allow the individual to be employed outside of the home and assist him in his efforts to secure suitable employment.

(c) Prevention of Abuse and Neglect

(1) The licensee shall not use and shall prohibit the use of corporal punishment.

(2) The licensee shall not mistreat, abuse, or neglect an individual who receives services under the auspices of the licensee. The licensee shall report any instance of suspected abuse according to provisions of applicable state law.

(3) The licensee shall document any instance of possible abuse or neglect or unusual incidents in the individual's record and shall notify the department's case manager verbally within 72 hours of learning of the incident.

(4) The licensee shall cooperate with all investigating bodies and supply any information requested during an abuse investigation.

(5) The licensee shall verbally report the death of an individual to the regional director within 24 hours of the death.

(6) The licensee shall implement any protective service plan required by DMR or another agency authorized to investigate abuse and require these plans.

(d) Protection of Resident Financial Interests

(1) Money earned or received by an individual as a gift or allowance shall be treated as the individual's personal property.

(2) The licensee shall assist individuals to control their personal funds as prescribed in their overall plans of service, and assure that the individuals are involved in decisions related to the expenditures of such funds.

(3) The licensee shall, as appropriate to each individual's age and abilities, teach skills in budgeting, shopping and money management consistent with the individual's specific service plan for the residential setting.

(4) Individuals' personal monies shall not be used to pay for any services or other expenses which are funded by state or federal programs.

(5) The licensee shall assure that the financial interests and personal belongings of individuals who are transferred into a residence are received and properly accounted for. The licensee shall assure that individuals who are transferred from the licensee's residence leave in possession of their financial resources, personal property, and that appropriate documentation is maintained, including:

(A) If the individual is transferred to another residence, the licensee of the sending residence shall assure that the individual leaves in possession of his bankbook or any other

indices of ownership of bank accounts,

(B) The balance of the individual's funds, shall be sent to the new licensee or the individual, whichever is appropriate, within ten (10) days after the transfer date, and

(C) Any cash held by the licensee plus any amount held in aggregate trustee bank accounts shall be included.

(6) The licensee shall assure the safekeeping of individuals' financial interests and personal belongings.

(A) Individual monies and personal belongings, to the extent the licensee exercises any control over such monies and belongings, shall be kept reasonably safe from theft or destruction,

(B) Checking, savings or any other bank accounts shall be titled in a manner that assures that only the resident has an ownership interest in such accounts, and

(C) Resident's personal monies and accounts shall not be commingled with the licensee's personal monies or accounts.

(7) A license shall maintain an accounting of all client personal monies. The accounting shall:

(A) Maintain an individual financial record which documents, on a monthly basis, receipt and disbursement of resident funds and personal monies,

(B) Provide adequate documentation to support disbursements of individuals' monies with bona fide receipts for items costing in excess of \$20.00 from vendors and stores identifying the nature of the expenditures,

(C) Assure that such documentation discloses specific dates of transactions, the amount and the current balance,

(D) Maintain such documentation a minimum of three (3) years from the date of the last audit by the department, and

(E) Provide timely reports in the form of a detailed accounting upon request of a resident, family members, guardians, advocates or the department.

(e) Medication and Restraint

(1) The licensee shall not use medication, restraint or punishment as a substitute for programming or in any manner that interferes with habilitative programming.

(2) Behavior modifying medication shall not be ordered or administered on an as needed (p.r.n.) basis.

(3) The licensee shall administer medication in accordance with the physician's order, including monitoring for adverse reactions. The physician shall be notified immediately if any adverse reactions are noted.

(4) The licensee shall not employ mechanical or physical restraints, isolation, or aversive methods without prior interdisciplinary team involvement and approval of program review and human rights committees.

(5) In an emergency situation, of severity equal to a sudden psychotic episode, acute mania or suicidal depression, the licensee shall ensure that the individual's case manager is notified as soon as possible.

(6) The licensee shall assure that, to the extent reasonably possible, an individual who experiences a behavioral emergency will be managed utilizing approved behavior management techniques without resorting to police intervention, hospital emergency room

admission, or admission to a mental health facility.

In the event that a licensee cannot manage a behavioral emergency within the licensee's resources and must resort to police intervention, hospital emergency room admission or admission to a mental health facility, the licensee shall notify the regional director or his designee via the region's emergency on-call system prior to taking any such action, or as soon as possible thereafter.

(7) If a behavior modifying medication is used on an emergency basis three times within a 30-day period, the licensee shall notify the individual's case manager.

(8) The licensee shall employ emergency mechanical or physical restraints only when absolutely necessary to protect the individual from injury to himself or to prevent injury to others.

(9) When mechanical or physical restraint is used three times within a 30 day period, the licensee shall notify the individual's case manager.

(10) The licensee shall report each use of an emergency restraint or behavior modifying medication to the DMR case manager within 72 hours.

(11) Only devices identical to those specified in a written behavior management program shall be used to restrain an individual. When an individual is restrained using mechanical devices, the licensee shall document for each use:

(A) That the safety and well-being of the individual is checked at least every 15 minutes during each application,

(B) That release from restraint was provided for a minimum of ten minutes every hour with an opportunity provided for motion, exercise, liquid intake, and toileting, and

(C) That release from restraint is allowed as soon as the individual is calm.

(f) Planning and Provision of Services

(1) The licensee shall participate in the individual's interdisciplinary team and shall assist in the development of the individual's overall plan of service.

(2) When the individual's overall plan of service specifies goals that are to be addressed in the residential setting, the licensee shall participate in the development and implementation of a written specific service plan in collaboration with the individual's interdisciplinary team as appropriate.

(3) Prior to the development of the specific service plan, the licensee shall review any pertinent information, which may include plans developed for the individual by other agencies to assess its relevance to the residential needs of the individual.

(4) The licensee shall ensure that the specific service plan developed for the residential setting is implemented consistent with:

(A) The behavioral objectives,

(B) The instructional methods,

(C) Collection, reporting and analysis procedures, and

(D) Timeframes identified in the plan.

(5) The licensee shall obtain any health, psychological, cognitive, social, or other assessment of the individual that is specified as the licensee's responsibility by the interdisciplinary team.

(6) The licensee and the case manager shall review the overall plan of service on at least a quarterly basis to ensure that it is being implemented and that it continues to meet the

Regulations of Connecticut State Agencies

needs of the individual.

(7) The licensee shall not transfer an individual without the prior approval of the department.

(8) The licensee shall ensure that he and his designees use the language or communication system that the individual uses or is being taught to use.

(9) The licensee shall teach the individual skills through activities and social interactions that maximize the individual's positive contact with other persons in the community.

(Effective August 24, 1994)