

### 8.609.5 COMPREHENSIVE HABILITATION SERVICES AND SUPPORTS DESCRIPTION AND GENERAL PROVISIONS

A. Comprehensive Habilitation Services and Supports provide a full day (24 hours) of services and supports to ensure the health, safety and welfare of the individual, and to provide training and habilitation services or a combination of training (i.e., instruction, skill acquisition) and supports in the areas of personal, physical, mental and social development and to promote interdependence, self-sufficiency and community inclusion. Services and supports are designed to meet the unique needs of each person as determined by the interdisciplinary team and to provide access to and participation in typical activities and functions of community life.

B. Program approved service agencies providing Comprehensive Habilitation Services and Supports shall conform to the following provisions:

1. Physical facilities utilized as residential settings and/or adult day service sites shall meet all applicable fire, building, licensing and health regulations.
2. Persons receiving Comprehensive Habilitation Services and Supports shall have 24-hour supervision. Supervision may be on-site (staff is present) or accessible (agency personnel is not on site but available to respond when needed). Staffing arrangements must be adequate to ensure the health, safety and welfare of persons receiving services and the needs of the individual as determined by the Individualized Plan.
3. Services and supports shall be provided pursuant to the person's Individualized Plan and pertinent Individual Service and Support Plans and in accordance with Department guidelines and service descriptions.

Individual Service and Support Plans shall be developed for all persons receiving comprehensive services and meet requirements of section 8.608.

4. The program approved service agency shall provide for the regular on-site monitoring of Comprehensive Habilitation Services and Supports. Program approved service agencies shall conduct an on-site visit of each IRSS or GRSS site at least once every quarter. On-site monitoring of IRSS and GRSS sites shall include, but not be limited to, inspection of all fire alarms, smoke detectors, fire exits, first aid kits, and a review of each individual's emergency and disaster assessment.

5. The program approved service agency shall be responsible for the monitoring of conditions at the property at all times and shall provide sufficient oversight and guidance to ensure the health, safety, and welfare of individuals in services.

56. Each program approved service agency providing residential services shall establish and implement written policies and procedures concerning the use and handling of the personal needs funds and personal possessions, including clothing, of the person receiving services as prescribed by the Department.

67. A person receiving services shall be presumed able to manage his/her own funds and possessions unless the Individualized Plan documents and justifies limitations to self management, and where appropriate, reflects a plan to increase this skill.

78. The program approved service agency shall be responsible for providing services, supplies and equipment as prescribed by the Department.

**Commented [BC1]:** Stakeholder Feedback: Who monitors compliance to ensure that the host home inspections have been completed?

**Commented [BC2R1]:** Additional feedback on how non-compliance would work. How would this work? Who is notified?

**Commented [BC3]:** Request to change "shall" to "must" and add to the end "...which are not pre-scheduled and are conducted with no prior notice to the person in the role of IRSS or GRSS site manager/contractor."

**Commented [BC4R3]:** Additional feedback suggested at least 3 unannounced visits per year, with one in the first month.

**Commented [BC5]:** Stakeholder Feedback: What about staff supports that are offered – i.e. ensuring line of sight is followed, etc?

89. Persons receiving services, guardians, authorized representatives, as appropriate, and the community centered board shall be notified at least fifteen (15) days prior to proposed changes in residential placements.

- a. If an immediate move is required for the protection of the person, notification shall occur as soon as possible before the move or not later than three (3) days after the move.
- b. Persons receiving services, guardians, and authorized representatives, as appropriate, shall be involved in planning subsequent placements and any member of the interdisciplinary team may request a meeting to discuss the change in placement.
- c. If the person receiving services, guardian, or authorized representative, as appropriate, wants to contest the move they should follow the grievance procedure of the agency. If they remain dissatisfied, they may ask the community centered board to review the decision.
- d. If there is a concern regarding the health, safety, or welfare of the person being jeopardized as a result of the move then any interested party may request an emergency order from the department pursuant to section 8.605.4.

910. Program approved service agencies shall conduct an evaluation of consumer satisfaction with services and supports no less than every three (3) years.

1011. The program approved service agency shall maintain a record for each person receiving services which includes the information required by these rules and as prescribed by the Department.

Staff, providers and other support personnel shall have ready access to records and information required by them to carry out their responsibilities.

#### **8.609.7 INDIVIDUAL RESIDENTIAL SERVICES AND SUPPORTS (IRSS) SPECIFICATIONS**

- A. Individual Residential Services and Supports (IRSS) use a variety of living arrangements individually designed to meet the unique needs for support, guidance and habilitation of each person receiving services. The program approved service agency has the responsibility for the living environment and persons may live in a home owned or leased by the agency, their own home or a Host Home. Services are generally provided to no more than two persons receiving services per setting.

1. Three persons may be served in a single setting when:
  - a. The persons involved so choose; and,
  - b. Each person is afforded the opportunity for their own bedroom; and,
  - c. The setting is not a host home; or,
  - d. The interdisciplinary team determines placement in the setting is the best alternative in an emergency and placement does not exceed thirty days; or,
  - e. Placement is to provide short-term relief for a Host Home provider and does not exceed fourteen (14) days.
2. Living environments utilized for IRSS shall be selected in accordance with Department guidelines implementing section 1616(e) of the Social Security Act (42 U.S.C. section 1382e (e)(1)) and addressing building capacity, including the maximum number of persons receiving services and the number of units which may be utilized under a single roof or in a single setting.
3. The selection of a living environment shall include consideration of the following:
  - a. Opportunities for community inclusion for persons receiving services;
  - b. Individual choice, including preference to be close to family; and,
  - c. Distance from other homes (e.g., apartments, houses) of persons receiving services so that persons with developmental disabilities are not grouped in a conspicuous manner.
4. Homes of persons receiving services and supports shall, at minimum, meet HUD Section 8 Housing Quality Standards.
5. The home (exterior and interior) and grounds shall be maintained:
  - a. In good repair,
  - b. To protect the health, comfort and safety of persons receiving services; and,
  - c. Free of offensive odors, accumulation of dirt, rubbish and dust.
6. There shall be two means of exit from floors with rooms used for sleeping.
  - a. Fire exits shall remain clear and unobstructed at all times.
7. Bedrooms shall meet minimum space requirements (single 80 square feet, double 120 square feet). (Not applicable for studio apartments.)
8. Adequate and comfortable furnishings and adequate supplies shall be provided and maintained in good condition.
9. All areas of a home needing to be accessed by persons receiving services who use a wheelchair or other assistive technology devices shall be accessible.

**Commented [BC6]:** Feedback received stated "The standard for cleanliness and orderliness of the host home and property needs to be specified in some document, along with the action required if conditions are found to be unacceptable."

**Commented [BC7]:** Stakeholder Feedback: Delete.

10. The primary entry to the home of a person receiving services who utilizes a wheelchair or other assistive technology devices shall be accessible.

B. Persons receiving services shall live safely in environments common to other citizens with reasonable supports provided to protect their health and safety while simultaneously promoting community inclusion.

1. An assessment of each person's capability to take appropriate action in case of an emergency and to take care of safety needs shall be conducted upon enrollment into services and be maintained current. This assessment, at a minimum, shall address the following emergencies and disasters:

- a. Fire;
- b. Severe weather and other natural disasters;
- c. Missing persons;
- d. Serious accidents and illness;
- e. Assaults; and,
- f. Intruders.

2. There shall be a written plan for each person addressing how emergencies specified above will be handled. The plans shall be based on assessments, maintained current and shall, at minimum, address:

- a. Specific responsibilities/actions to be taken by persons receiving services, staff or other providers of supports and services in case of an emergency;
- b. How the person receiving services will evacuate in case of fire by specifying, at minimum, two exit routes from floors used for sleeping and level of assistance needed; and,
- c. Telephone access (by the person receiving services or with assistance) to the nearest poison control center, police, fire and medical services.

3. Safety plans shall be reviewed and practiced at sufficient frequency, but no less than once a quarter, to ensure all persons with responsibilities for carrying out the plan are knowledgeable about the plan and capable of performing it. All safety plans shall be reviewed by the program approved service agency during each on-site visit.

4. A fire extinguisher shall be available in each home. Presence of an operational fire extinguisher shall be confirmed by the program approved service agency during each on-site visit.

5. Smoke detectors shall be installed in each home to meet HUD requirements and/or local ordinances. Smoke detectors shall be monitored and tested during each on-site visit by the program approved service agency.

6. Each home shall have first aid supplies. First aid supplies shall be confirmed by the program approved service agency during each on-site visit.

**Commented [BC8]:** Stakeholder feedback: Who is the appropriate person/group to oversee and inspect fire safety at host homes, provide fire safety training and provide full transparency of those fire safety activities to all interested parties (PASA, CCB, state, families/guardians, public) in a timely manner

**Commented [BC9R8]:** Additional Feedback: Host Homes should be registered with the local fire department and show proof of initial passed inspection before services start. Host Homes should have to register each year and provide proof of successful fire inspection in order to complete their registration.

**Commented [BC10R8]:** Additional Feedback that the inspections should not be conducted by the state, CCB, or PASA due to lack of expertise, Department of Labor Concern, general liability, lack of consistency, conflict of interest, transparency, and it is superficial.

C. The program approved service agency shall provide sufficient oversight and guidance and have established procedures to ensure that the health and medical needs of persons receiving services are addressed. The amount and type of guidance provided shall be directly related to an assessment of the person's capabilities.

1. Each person receiving services shall have a primary physician.
2. Each person receiving services shall receive a medical evaluation at least annually unless a greater or lesser frequency is specified by his/her primary physician. If the physician specifies an annual evaluation is not needed, a medical evaluation shall be conducted no less frequently than every two years.
3. Each person receiving services shall be encouraged and assisted in getting a dental evaluation at least annually.
4. Other medical and dental assessments and services shall be completed as the need for these is identified by the physician, dentist, other medical support personnel or the interdisciplinary team.
5. Records shall contain documentation of:
  - a. medical services provided;
  - b. results of medical evaluations/ assessments and of follow-up services required, if any;
  - c. acute illness and chronic medical problems; and,
  - d. weight taken annually or more frequently, as needed.

**Commented [BC11]:** Feedback received stating: Regulations should specify that home providers need to follow through on getting clients to medical appointments, and that when they fail to do so (or fail to follow other directives in the client's individual plan), their contracting agency must correct the situation or terminate the host home provider contract. If the agency has no other provider available, the CCB needs to provide information to the client and the client's family on the RFP process

D. The program approved service agency shall provide sufficient support and guidance to ensure that persons receiving services have a nutritionally adequate diet. Decisions concerning the amount and type of support and guidance provided shall be based on an assessment of the person's capabilities and nutritional needs.

1. The program approved service agency shall regularly monitor the diets of persons receiving services to determine their nutritional adequacy.
2. Therapeutic diets shall be prescribed by a licensed physician.