

DELAWARE REGULATIONS

FOR

**NEIGHBORHOOD HOMES FOR PERSONS
WITH DEVELOPMENTAL DISABILITIES**

These regulations are promulgated in accordance with
16 Delaware Code, §1101

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SECTION 55.0 - **PURPOSE**

The following regulations are designed specifically for Neighborhood Homes, for five or fewer persons with developmental disabilities, which are licensed by the Division of Long Term Care Residents Protection. These homes are distinct from Rest (Family care) Homes where three or fewer persons live in a home with care and supervision provided by persons who also reside on the premises.

These regulations address the minimum acceptable level of living conditions and supports for persons in Neighborhood Homes. The purpose of these regulations is to provide a sequence of expectations for services rendered by the Neighborhood Home provider and a system for Neighborhood Home providers to be accountable to the Division of Long Term Care Residents Protection (DLTRCP) and the Division of Developmental Disabilities Services (DDDS).

SECTION 55.1 - **DEFINITIONS**

- 55.101 Action Plan - The portion of the Essential Lifestyle Plan (ELP) that lists, and is used to track, those desired outcomes which are important to a person.
- 55.102 Annual Conference - The yearly interdisciplinary team meeting held with the person served and his/her family to develop or update the ELP after a review of the various assessments done on the person and discussion with the individual as to his/her aspirations and desires. The annual conference must be held within 30 days of the initiation of DDDS funded residential services and be held no more than 365 days from the previous annual conference.
- 55.103 Assessment - The process of gathering information to describe what has been learned about a person, and what others need to know or to do to support the person in attaining a healthy, safe and meaningful life.
- 55.104 Behavior Support Plan or Mental Health Plan - A multi-dimensional, systematic, assessment-based plan that details how staff should implement the identified behavior and/or mental health supports.
- 55.105 Behavior Support Review Committee - A committee assigned to review behavior intervention strategies and behavior support plans containing support procedures.
- 55.106 Choice - The process by which people make selections from an array of options which are within the context of Division of Developmental Disabilities Services (DDDS) policies and all applicable state and federal laws and

- regulations intended to safeguard the person and the rights of others.
- 55.107 Emergency Behavior Interventions - A set of DDDS sanctioned procedures available to manage an unanticipated event such as severe aggression or severe property destruction that places the individual or others in imminent danger of physical harm.
- 55.108 Essential Lifestyle Plan (ELP) - The type of individualized support plan used by the Division of Developmental Disabilities Services. A result of a system of person-centered planning, the ELP outlines how a person wants to live, service-related issues which need to be addressed as well as a plan of action for achieving expressed lifestyle choices and adequately addressing service-related issues.
- 55.109 Evaluation - An assessment process performed by professionals, according to standardized procedures, that incorporates the use, when possible, of standardized tests and measures in addition to informal and observational measures.
- 55.110 Goals - Desired outcomes that provide the framework upon which service and support actions are based.
- 55.111 Human Rights Committee (HRC) - A body of individuals composed of impartial members with no direct affiliation with the Division of Developmental Disabilities Services (DDDS), and whose role is to serve as a monitoring agent to safeguard the rights and personal dignity of persons served by DDDS.
- 55.112 Incident - An occurrence or event, a record of which must be maintained in provider's files, that results or might result in harm to a resident. Incident includes alleged abuse, neglect, mistreatment and financial exploitation; incidents of unknown source which might be attributable to abuse, neglect or mistreatment; all deaths; falls; and errors and omissions in medication/treatment. (Also see Reportable Incident, 55.123.)
- 55.113 Individual Records - Those records pertaining to a person served which are essential for effective individual planning, plan implementation, establishing and maintaining a personal history of the person, and for protecting legal rights of the person, the agency and the agency staff.
- 55.114 Interdisciplinary Team - Also known as "Treatment Team" or "Team," this is a group consisting of those who are knowledgeable about the person served, whose participation is required to identify the supports the person wants and/or needs so as to help him/her achieve a healthy, safe and meaningful life.
- 55.115 Intrusive - The unwanted or uninvited introduction of procedures or other people/staff into the lives or daily routines of persons served which is found bothersome by the person and which causes a perceived interference with the life and/or daily routines of the person.

- 55.116 Least Restrictive - Descriptive of services and treatments that are delivered with a minimum of limitation, intrusion, disruption or departure from commonly accepted patterns of living in the community.
- 55.117 Neighborhood Home - A single-unit house providing residential and support services to five or fewer people and licensed pursuant to 16 Delaware Code, §1101. This definition does not include ICF/MR programs.
- 55.118 Neighborhood Home Provider - An individual or organization responsible for the operation of the Neighborhood Home.
- 55.119 Outcomes -The major expectations and desired achievements for people's lives. The accompanying supports that are developed should reflect what people expect from the services and assistance they receive in order to reach their desired outcomes.
- 55.120 Person/People/Individual/Resident - Terms used throughout these regulations that identify someone receiving services and supports in a Neighborhood Home.
- 55.121 Physical Environment - Those locations in which the individual lives, works, recreates or receives services.
- 55.122 Physical Restraint - Approved manual methods that restrict the movement of the individual or the normal functioning of an individual's body or portion of the body.
- 55.123 Reportable Incident - An occurrence or event which must be reported at once to the Division of Developmental Disabilities Services (DDDS) and for which there is reasonable cause to believe that a resident has been abused, neglected, mistreated or subjected to financial exploitation. Reportable incident also includes an incident of unknown source which might be attributable to abuse, neglect or mistreatment; all deaths; falls with injuries; and significant errors or omissions in medication/treatment which cause the resident discomfort or jeopardize the resident's health and safety. DDDS will forward the report to the Division of Long Term Care Residents Protection (DLTCRP). (Also see Incident, 55.112.)
- 55.124 Rights Restriction - The limitation, disruption or constraint of a person's freedom to engage in activities generally allowed to others in society. Such is permissible only on a case-by-case basis and when there has been due process, official approval received and the need for such documented.
- 55.125 Safety - The absence of recognizable hazards in the design, construction and maintenance of any component of the physical environment including equipment and the establishment of procedures to evaluate and to reduce risks of physical harm.
- 55.126 Sanitation - The promotion of hygiene and prevention of disease by the maintenance of uncontaminated conditions.

- 55.127 Screening - The initial part of the assessment process which is of limited scope and intensity and is designed to determine whether further evaluation or other intervention is indicated.
- 55.128 Self-Limiting Behavior - Any behavior that significantly interferes with a person's ability to acquire meaningful life skills, form and maintain interpersonal relationships, and/or successfully live in his/her community. A behavior in and of itself is not self-limiting; rather, it may be viewed contextually relative to the impact it has on the quality of life of both the person who is displaying the behavior and on others in the environment who are affected by the behavior.
- 55.129 Supplemental Plans - Detailed instructions or preparations needed to support an outcome or opportunity. Types of such plans include learning, motivating, achieving a personal goal and gaining a new opportunity. Supplemental plans are used to outline a course of action in an effort to accomplish an outcome or provide an opportunity which has been identified in the action plan.
- 55.130 Support - A broad term used to refer to those methods designed to help an individual achieve a meaningful life and to function to his/her fullest capacity.
- 55.131 Support Coordinator - The staff person responsible for monitoring and coordinating all activities in implementing the person's plan.
- 55.132 Transfer - Movement of a person from one program, service or residence to another within DDDS.

SECTION 55.2 - LICENSING AND GENERAL REQUIREMENTS

- 55.201 When a Neighborhood Home pursuant to these regulations plans any structural alteration, one copy of properly prepared plans and specifications for the entire home shall be submitted to the Division of Long Term Care Residents Protection (DLTCRP). The Neighborhood Home shall receive written approval of the plans before any work is begun.
- 55.202 Separate licenses are required for separate homes, regardless of their proximity, even though operated by the same Neighborhood Home provider. A license shall not be transferred from one provider to another or from one location to another.
- 55.203 The license shall be conspicuously posted in the Neighborhood Home.
- 55.204 All applications for renewal of licenses shall be filed with DLTCRP at least thirty days prior to expiration. Licenses shall be issued by DLTCRP for a period not to exceed one year (12 months) from the date they are issued.
- 55.205 All required records maintained by the Neighborhood Home shall be open to inspection by the authorized representatives of DLTCRP and DDDS.

- 55.206 The term “Neighborhood Home” shall not be used as part of the name of any program in this State unless the home is licensed under these regulations.
- 55.207 No Neighborhood Home provider shall adopt rules that conflict with these regulations.
- 55.208 DLTCRP shall be notified in writing of any changes in the ownership or management of a Neighborhood Home.
- 55.209 Each Neighborhood Home provider shall provide with the admission agreement, to all persons or their family member/guardian, a complete statement enumerating all charges for services, materials and equipment which shall, or may be, furnished to the person during the period of residency.
- 55.210 Each Neighborhood Home provider shall make known, in writing, the refund and prepayment policy at the time of admission, and in the case of third-party payment, an exact statement of responsibility in the event of retroactive denial.

SECTION 55.3 - NEIGHBORHOOD HOME PROVIDER PERFORMANCE STANDARDS

- 55.301 The Neighborhood Home provider shall have a written statement of its mission, values and goals which defines the agency’s proactive commitment to helping people live the lifestyle they choose and fosters the least restrictive alternatives of supports and services.
- 55.302 The Neighborhood Home provider shall have written policies and procedures that delineate how the civil rights of the people served are to be ensured.
- 55.303 The Neighborhood Home provider shall have a written procedure to handle appeals of decisions made by the provider from people receiving services, their advocates, legal guardians and families. The procedures shall include the use of the Appeal to DDS Decisions policy.
- 55.304 The Neighborhood Home provider shall have a written policy that defines and prohibits abuse, neglect, mistreatment, misappropriation of property and significant injury of persons served and a procedure for initiating intervention in all such cases whether the alleged incident occurred within or outside of the Neighborhood Home. The provider shall comply with the provisions of Department of Health and Social Services (DHSS) Policy Memorandum #46 by reporting all instances of abuse, neglect, mistreatment, misappropriation of property or significant injury and the requirements for other reportable incidents. (See 55.123.)
- 55.305 The Neighborhood Home provider shall have a written policy and procedures for protecting the financial interests of people served.
- 55.306 The Neighborhood Home provider shall review its written policies and

- procedures at least annually to ensure that they are in compliance with the requirements of the applicable laws and regulations. Copies of all relevant policies and procedures shall be made available to persons served or their families at any time and be available to any party upon request.
- 55.307 The Neighborhood Home provider shall maintain a current table of organization identifying its operational elements and programs and administrative personnel and illustrating lines of authority, responsibility and communication. This document shall be shared with provider staff.
- 55.308 The Neighborhood Home provider's chief executive officer shall designate an employee to assume management responsibility during his or her absence. All employees shall be informed of who has such responsibility at any given time and who is to be contacted in the event of an emergency.
- 55.309 The Neighborhood Home provider shall comply with the policies of the Department of Health and Social Services (DHSS) Human Subjects Review Board with regard to conducting research involving people served.
- 55.310 In all provider activities and references, including name, language of staff, internal documents and communication to the public, the language used shall reflect the Neighborhood Home provider's program, its purposes and promote respect and a positive image of the people served and the staff who support them.
- 55.311 Services shall be provided to people who are otherwise eligible without regard to disability, gender, age, sexual orientation, race, religion, marital status or ability to pay.
- 55.312 The Neighborhood Home provider shall not employ individuals under the age of 18.
- 55.313 The Neighborhood Home provider shall obtain the results of each employment applicant's drug screening for the following drugs:
- a. Marijuana/cannabis
 - b. Cocaine
 - c. Opiates including heroin
 - d. Phencyclidine (PCP)
 - e. Amphetamines
 - f. Barbiturates
 - g. Benzodiazepene
 - h. Methadone

- i. Methaqualone
 - j. Propoxyphene
- 55.314 The Neighborhood Home provider shall complete a state and federal criminal background check for each employment applicant through DLTCRP.
- 55.315 The Neighborhood Home provider shall ensure that each employee is thoroughly familiar with assigned duties and responsibilities. Job descriptions with employees' individual responsibilities and duties shall be made available on site.
- 55.316 Orientation and training shall be provided to all employees in accordance with the training policy of DDDS and shall be documented, continuously updated and made available for review upon request.
- 55.317 The Neighborhood Home provider shall ensure that staff training is relevant to the support needs of the people served and shall continuously evaluate training effectiveness by assessing employees' demonstrated competencies and by modifying training programs accordingly.
- 55.318 The Neighborhood Home provider shall provide each person with an oral and written summary of his/her rights and an explanation of how to exercise those rights in easily understandable language. This review shall be documented in the person's record and shall occur at least annually. The rights of a person shall not be restricted without due process; any restrictions, including the need for guardianship, shall be reviewed at least annually. All investigations into alleged violations of individuals' rights and the actions taken to intervene in such situations shall be documented.
- 55.319 Each Neighborhood Home provider shall have its own human rights committee or shall participate in a system-wide human rights committee. Each human rights committee shall be responsible for assuring that people's rights are supported and shall be approved by the Division of Developmental Disabilities Services. Human rights committees shall comply with DDDS minimum standards of operations of such committees, and their decisions concerning persons served by DDDS shall be subject to the review and approval of the DDDS human rights committee.
- 55.320 Each human rights committee member shall be provided with a written explanation and training in the committee's duties and responsibilities. Any member who has been involved in the development, review or approval of a matter before the committee shall be excluded from decision-making related to that matter.
- 55.321 The Neighborhood Home provider shall safeguard and maintain records regarding the funds of people receiving services and support their efforts towards independence/self-management of those funds. Requests to the contrary, other than from the person's legal guardian (of property), shall require a recommendation of the Interdisciplinary Team, accompanied by substitute safeguards, with approval from the Director of the DDDS

Community Services or Special Populations program. Such actions shall be documented in the person's record. The financial records shall be available on request to the person, his/her legal guardian (of property) or other individuals or entities authorized by DDDS.

- 55.322 Funds for one person shall not be commingled with the funds of another person. People shall have community bank accounts in their own names unless otherwise indicated by them or their legal guardian of property.

SECTION 55.4 - **PERSONS' SERVICES AND SUPPORTS**

- 55.401 The Neighborhood Home provider shall comply with the Patient's Bill of Rights set forth in 16 Del. C., Section 1121. A copy of the Patient's Bill of Rights shall be conspicuously posted within the home.
- 55.402 To the greatest extent possible, the person chooses where and with whom he/she shall live.
- 55.403 With due regard to each individual's right to privacy and safety and as agreed upon by the person served, the person's family, guardian, advocates, spouse and friends shall be encouraged to visit the person in his/her Neighborhood Home. Visits shall occur at reasonable times and may be without prior notice.
- 55.404 The Neighborhood Home provider shall facilitate frequent informal visits by persons to the homes of their families and friends in accordance with each party's desire.
- 55.405 People shall be provided with opportunities and supports to develop and maintain social relationships, to perform different social roles and to participate in the life of their community, including attending and participating in religious activities of their choice. Wherever possible, supports shall be adapted to the cultural background, language and ethnic origin of the person.
- 55.406 People shall receive support and instruction as appropriate to exercise the rights and responsibilities of citizens such as voting, employment, consumer affairs, law enforcement, paying taxes or consulting an attorney.
- 55.407 People shall be supported in receiving advocacy and/or legal services as needed.
- 55.408 People shall receive support and instruction in recognizing and respecting the rights of others as reciprocal to their own.
- 55.408 If a person is represented by a legal guardian or a substitute decision maker (as defined in the DDDS Consent Policy), such shall be documented in the individual plan; and efforts shall be made to ensure that the person receives continued education, instruction and support to exercise his/her rights and make informed decisions.

- 55.410 People shall decide when and with whom they wish to share personal information. Prior to the release of information, including the person's name or photo, a written consent shall be signed by the person (unless legally adjudicated to need a guardian), a parent (if the person is a minor), or by a substitute decision maker in accordance with DDDS policy on confidentiality and release of information. The consent shall minimally include:
- a. The designation of time limit with a maximum of 365 days;
 - b. The person to whom the information is to be released;
 - c. The exact information to be released;
 - d. The stipulation that consent may be rescinded at any time.
- 55.411 People shall be supported to exercise choice, including but not limited to choice in the following:
- a. Clothing and personal possessions;
 - b. Telephone use with privacy available;
 - c. Time, space and opportunity for privacy;
 - d. Opening mail addressed to them unless other arrangements are expressly made;
 - e. Deciding when and where to go unless otherwise indicated in their plan;
 - f. Deciding who will assist them with personal hygiene;
 - g. Participation in household responsibilities.
- 55.412 People shall be supported to bathe with the maximum independence and privacy.
- 55.413 People who are incontinent shall be bathed or cleansed immediately upon voiding or soiling. All soiled items shall be changed immediately.
- 55.414 Each person shall have an Essential Lifestyle Plan written in terms that are understandable to all, where the person's goals, dreams and aspirations are stated and defined. The person, with the support of the team, shall determine when and how to measure success and attainment of his/her desired outcomes; and such criteria shall be defined in the Essential Lifestyle Plan, as applicable.
- 55.415 The person's plan shall include financial planning which takes into account the person's resources, assets and benefits in conjunction with his/her personal goals.
- 55.416 For each person, an interdisciplinary team including the support coordinator

- and specific people responsible for obtaining services and implementing the support plan, shall be clearly defined. Staff of all Neighborhood Home providers providing any component of service or support shall take an active role in assuring effective communication and overall support coordination.
- 55.417 The support coordinator shall monitor, review, analyze, observe the implementation and document all components of a person's plan at least monthly.
- 55.418 If the monthly review determines the need for any action, such action shall be taken in a timely manner by the appropriate team member.
- 55.419 The support coordinator shall assist the person in locating and obtaining those services and supports identified by the team and shall assist the person in assuming management of those activities for which the person has demonstrated management capacity and/or expressed an interest.
- 55.420 The support coordinator shall elicit the person's preferences and respect those preferences when they are consistent with the rights and well-being of the person and of others.
- 55.421 The support coordinator shall facilitate the transfer of the person to another service, service location or service provider when the person desires such a transfer and such is consistent with the person's plan.
- 55.422 The initial plan and subsequent plans are developed, at the discretion of the person and/or the guardian, with the active participation of the following:
- a. The person;
 - b. Support staff who know and care about the person;
 - c. Professionals and others with the expertise to design and review elements of the plan, including those who provide supports or treatment.
 - d. The person's family, guardian, advocate or friends.
- 55.423 The person's plan shall be reviewed by his/her team as often as the person decides, but at least yearly (365 days) in conjunction with the person's annual conference or when significant changes occur, to determine the need to continue, revise or terminate services and supports. Any applicable information, including previous plans, shall be reviewed for possible inclusion in the current plan.
- 55.424 Plans shall be implemented within 30 days of the development of an initial plan and within 30 days of each subsequent annual conference. The initial plan shall be revised within 60 days of initiation of Neighborhood Home services.
- 55.425 Supplemental plans shall be in place as required by the person's action plan, and shall be based on the person's learning styles.

- 55.426 Reassessments for those persons receiving services, including direct or indirect clinical services, shall be completed annually in preparation for the annual conference or when there is an indication of need. Reassessments shall be available in preparation for the person's annual conference.
- 55.427 Meetings concerning the person shall be scheduled at a date, time and location suitable for all team members, especially the person and his/her parents, guardian and/or advocate.
- 55.428 The Neighborhood Home provider's policies and practices relative to behavior supports, as evidenced in writing and in ongoing activities, shall be congruent with the policies and practices of DDDS and emphasize positive approaches and behavior interventions.
- 55.429 The Neighborhood Home provider shall have its own, or use the DDDS behavior support committee which shall include:
- a. Persons qualified to evaluate published behavior support research studies and the technical adequacy of proposed behavior support interventions;
 - b. Medical and other professionals qualified to evaluate proposals for the use of interventions to manage behavior.
- 55.430 Prior to the use of behavior intervention strategies, and absent a crisis situation or psychiatric emergency requiring an immediate response, the following activities shall take place:
- a. The physical and social environments shall be analyzed to determine their role in contributing to the self-limiting behavior;
 - b. The necessary modifications shall be made to the environment based on that analysis;
 - c. Medical treatment shall be obtained for any possible physiological cause of the behavior; and
 - d. The treatment team shall discuss and document the risk/benefits of the proposed procedure.
- 55.431 Prior to the use of behavior intervention strategies, persons who will implement behavior support procedures shall have been trained in the procedures specified in the person's plan.
- 55.432 People receiving services shall not discipline other people receiving services.
- 55.433 When food is used in a behavior support plan, good health and nutritionally adequate dietary practices shall be followed.
- 55.434 The behavior support plan shall be designed to replace self-limiting

- behaviors by understanding their purpose or function and by subsequently teaching functionally equivalent behaviors and promoting existing adaptive behaviors to serve the same function.
- 55.435 Procedures for altering behaviors shall not be implemented in the absence of self-limiting behaviors, in retribution, for the convenience of the staff, as a consequence of insufficient staff or in the absence of positive behavior support.
- 55.436 Emergency behavior interventions, in accordance with Division of Developmental Disabilities Services policies, shall only be used as a last resort to manage an unanticipated and already occurring event which is placing an individual or others in imminent danger of physical or emotional harm.
- 55.437 Prior to the implementation of a written behavior support plan incorporating the use of a restrictive or intrusive technique:
- a. The Neighborhood Home provider shall document that acceptable informed consent has been obtained;
 - b. The behavior support plan has been reviewed and approved by a behavior support committee; and
 - c. The behavior support plan has been reviewed and approved by a human rights committee.
- 55.438 Restraint procedures shall be designed to use the minimum amount of restraint necessary to safely manage the person's behavior in order to avoid physical injury to a person and to minimize any possible physical or psychological discomfort.
- 55.439 Physical restraint shall be used only until the individual is no longer dangerous to him/herself or others and shall be ended immediately if a person begins to exhibit signs of medical distress.
- 55.440 Only devices specified in the written behavior intervention strategy shall be used to restrain the individual; and mechanical restraint devices shall be inspected before and after each use to ensure that they are clean and in good repair.
- 55.441 The monitoring requirement for the restraint procedure shall be specified in the behavior support plan. The record shall document the time of the institution of the mechanical restraint, the time of release and the time interval that the person was in restraints, as indicated in the individual plan.
- 55.442 Each behavior support plan utilizing an intrusive intervention or drugs to manage behavior shall:
- a. Include a risk/benefit analysis, in non-technical terms, which identifies the risks associated with not providing the intervention, the risks associated

with providing the intervention, and the benefits of the proposed intervention;

- b. Include a detailed plan of action the team intends to follow to reduce or eliminate the need for the intrusive intervention/drugs;
 - c. Specify provisions for at least a quarterly reevaluation for the need for continuation of the intervention/drugs;
 - d. Include alternative supports; and
 - e. Be discussed with the person/guardian relative to the rationale for such treatment and the risks/benefits involved.
- 55.443 Each mental health plan utilizing psychotropic medications for the treatment of a diagnosed psychiatric illness shall:
- a. Include a risk/benefit analysis, in non-technical terms, which identifies the risks associated with not providing the intervention, the risks associated with providing the intervention, and the benefits of the proposed intervention;
 - b. Specify provisions for ongoing reevaluation of the need for continuing the use of medication;
 - c. Include alternative supports, as appropriate; and
 - d. Be discussed with the person/guardian relative to the rationale for such treatment and the risks/benefits involved.

SECTION 55.5 - ENVIRONMENT

- 55.501 Neighborhood Home providers shall ensure a home-like environment for each licensed home. Functional arrangement of rooms, furnishings, and decor shall be compatible with the need for accessibility.
- 55.502 Furniture and furnishings shall be safe, comfortable, and in good repair and shall resemble those in homes in the local community, to the extent compatible with persons' choice and the physical needs of the people living in the home. To the extent possible, personal furniture shall be chosen by individuals.
- 55.503 Heating apparatus shall not constitute a burn, smoke or carbon monoxide hazard to persons served or their support staff.
- 55.504 Temperature, humidity, ventilation, and light in all living and sleeping quarters shall be maintained to provide a comfortable atmosphere.
- 55.505 Homes serving persons with physical challenges shall be accessible to those persons with physical challenges according to the appropriate American

National Standards Institute (ANSI) Standards and all other federal and state standards.

- 55.506 Protective or security features such as fences and security windows may be used only when justified on the basis of the needs of persons served and shall preserve as normal an appearance as possible.
- 55.507 Use of security or observational devices shall constitute a restrictive procedure and require consent and review by the human rights committee. The need for such devices shall be documented in the person's behavior support plan.
- 55.508 Homes shall be sanitary, free of offensive odors, insects and uncontrolled pests. Exterminator services shall be required upon evidence of any infestation.
- 55.509 Waste and garbage shall be stored, transferred, and disposed of in a manner that does not create a nuisance, or permit the transmission of disease. Litter shall not be permitted to accumulate on the premises.
- 55.510 Stairways, ramps, walkways and open-sided porches shall have adequate lighting and handrails for safety. Non-skid surfaces shall be used when slippery surfaces present a hazard.
- 55.511 All stairways, hallways, doorways and walkways shall be kept free and clear of obstructions at all times.
- 55.512 Mirrors shall be furnished in bedrooms and bathrooms, including mirrors that are accessible by persons who use wheelchairs.
- 55.513 Each home shall provide storage space for both in season and out of season clothing and storage space for personal items to include, minimally, closet space and four drawers in a chest of drawers.
- 55.514 Each home shall contain a clothes washer and dryer that are accessible to people unless people use commercial laundromats or are being supported to do so.
- 55.515 Basement space may be used for activities for people in the home if there is a minimum of two (2) fire exits.
- 55.516 If a bedroom is below grade level, it must have a window that
- a. Is usable as a second means of escape by the person(s) occupying the room; and
 - b. Is no more than 36 inches (measured to the window sill) above the floor as required under the Health Care Occupancy Chapter of the Life Safety Code.

SECTION 55.6 - MEALTIMES

- 55.601 The home's meal and menu planning shall be supervised by a registered dietitian or nutritionist or by an experienced person who consults a registered dietitian or nutritionist as needed. Therapeutic diet orders, meal and menu planning shall be reviewed, monitored and updated as recommended by the nutritionist/dietitian with a minimum of an annual evaluation. Therapeutic diets shall require a physician's order.
- 55.602 Nutritional intake of persons receiving a medically prescribed modified diet shall be followed, reviewed and monitored by a nurse, dietitian or other medical personnel as appropriate, as determined by the dietitian or physician.
- 55.603 Persons shall be offered opportunities for choices in food selection and are actively involved in menu planning and food preparation as part of the daily meal routine.
- 55.604 Menus and records of foods actually served shall be retained for a period of three months.
- 55.605 Foods shall be provided in sufficient amounts for meals and snacks and in sufficient variety on a daily, weekly, monthly, and seasonal basis.
- 55.606 The daily diet for each person shall include a minimum of three balanced meals a day with food from the four basic food groups.
- 55.607 Meals shall be served so that they are flavorful, attractive in appearance, at appropriate serving temperature, and have preserved their nutritional value.
- 55.608 Meals should be provided in locations which provide the opportunity for socialization, choice, sanitation, and also support the person's preference.
- 55.609 Persons shall eat in an upright position or in a position that is medically indicated.
- 55.610 There shall be at least one refrigerator and one freezing unit, in proper working order and capable of maintaining frozen foods in the frozen state and refrigerated foods at 41 degrees F. or below.
- 55.611 Dry or staple food items shall be stored at least four inches above the floor in a ventilated room that is not subject to waste water back flow or to contamination by condensation or leakage.
- 55.612 There shall be at least one four-burner range and one oven (or combination thereof), which is in proper working order.
- 55.613 There shall be a dishwasher or facilities for performing dishwashing.
- 55.614 There shall be at least one operable window or exhaust system for removal of smoke, odors, and fumes in the cooking area.

- 55.615 There shall be three days supply of food in each home at all times as posted on the menus. Opened foods that are to be stored shall immediately be dated with the date that the foods were opened.

SECTION 55.7 - **MEDICAL AND HEALTH CARE**

- 55.701 Each person shall have a primary care physician and a dentist and shall receive an annual physical and dental examination unless otherwise recommended by the appropriate professional. Routine screening and laboratory examinations shall be obtained when such are determined warranted by the physician.
- 55.702 Within 30 days after services are initiated by the agency, the following screenings shall be scheduled if the need for such is identified by the physician, person, advocate, guardian or team:
- a. Nutritional;
 - b. Visual;
 - c. Auditory;
 - d. Speech and language;
 - e. Occupational therapy;
 - f. Physical therapy;
 - g. Assistive technology;
 - h. Other screenings as identified.
- 55.703 When requested by the person, advocate, guardian or team or when indicated by the screening results, the person shall receive a comprehensive evaluation in the area(s) within 90 days.
- 55.704 Each person shall have his/her own toothbrush which is used regularly and stored antiseptically.
- 55.705 Persons shall be supported, to the extent possible, to attend to their own health care needs by making medical and dental appointments, cooperating in receiving medical and dental treatment and in self-administering their medications.
- 55.706 The Neighborhood Home provider shall have policies and procedures for infection control as it pertains to persons, staff, and visitors. Upon confirmation of reportable disease, the appropriate County Health Officer of the Division of Public Health shall be notified.
- 55.707 The Neighborhood Home provider shall have on file results of tuberculin

tests:

- a. Performed annually for all employees and volunteers, and
 - b. Performed on all newly admitted persons. The tuberculin test to be used is the Mantoux test containing 5 TU-PPD stabilized with Tween, injected intradermally, using a needle and syringe, usually on the volar surface of the forearm. Persons found to have a significant reaction (defined as 10 mm of induration or greater) to tests shall be reported to the Division of Public Health and managed according to recommended medical practice. A tuberculin test as specified, done within the twelve months prior to employment or admission, or a chest x-ray showing no evidence of active tuberculosis shall satisfy this requirement.
- 55.708 Each person's health and immunization history shall be updated continuously.
- 55.709 Persons who require adaptations of the environment or who use adaptive, corrective, mobility, orthotic, prosthetic, communication or other assistive devices or supports shall receive instruction in their proper use and shall receive professional assessments annually, or as otherwise prescribed, to ascertain the continued applicability and fitness of those devices or supports.
- 55.710 Adaptive, corrective, mobility, orthotic and prosthetic equipment shall be available, kept clean and in good repair and used as appropriate.
- 55.711 If any of the above supports are needed or used, the person's plan shall specify:
- a. the reason for each support;
 - b. the situations in which each is to be applied; and
 - c. a schedule for the use of each support.

SECTION 55.8 - **MEDICATIONS**

- 55.801 Individuals receiving medication shall be instructed in self-administration to the limit of their understanding. The Neighborhood Home Provider shall also include instruction in the purpose, dosage and possible side effects of the prescribed medication to the limit of the person's understanding.
- 55.802 Individuals who administer their own medication shall:
- a. Understand the purpose of the medication, dosage times and possible side effects;
 - b. Know what to do if a dosage is missed, extra medication is taken or an adverse reaction is experienced;

- c. Be educated in the maintenance of his/her own medication history and in the recording of information needed by the physician to determine medication and dosage effectiveness.
- 55.803 Medications shall be used only by the person for whom they were prescribed.
- 55.804 Injectable medication shall only be administered by licensed practical nurses, registered nurses or other licensed medical professionals.
- 55.805 Providers who have successfully completed a Board of Nursing approved Assistance with Self-Administration of Medication (AWSAM) training program may assist persons in the taking of medication, provided that the medication is in the original container and properly labeled. The medication shall be taken exactly as indicated on the label.
- 55.806 A medication record shall be maintained for each person. The record shall show the name and strength of each medication being taken by the person. Each dose administered shall be recorded by date, time and initials of person or persons assisting. Effectiveness shall be monitored by clinical support staff.
- 55.807 The Neighborhood Home Provider shall assist the person in reporting side effects to the physician who prescribed the medication. Suspected drug reactions shall be noted in the medication record and documented in the active file of the person.
- 55.808 All medication errors and corrective actions shall be documented and reported in accordance with provider written policy.
- 55.809 Serious medication errors and reactions to medication shall be reported immediately to the physician and to the Neighborhood Home provider's chief executive officer or to a person designated by written policy.
- 55.810 A three-day supply of medication shall be available at all times. All medication shall be stored in its original container either from the pharmacy, physician or manufacturer with the proper label and specific directions for assistance.
- 55.811 Medications to be applied externally shall be distinguishable from medications to be taken internally by means of packaging, labeling and segregation within storage areas.
- 55.812 Medication shall be stored and locked under proper conditions of temperature, light, humidity and ventilation. Room temperature acceptable for medication storage is between 59 and 86 degrees Fahrenheit.
- 55.813 Medications requiring refrigeration shall be kept in a separate locked box within the refrigerator. A temperature monitoring device shall be used and the temperature shall be maintained between 36 and 42 degrees Fahrenheit.
- 55.814 A supply of over-the-counter medication shall be stocked at each home.

However, the use of such medications must be authorized by the person's physician in writing, and their use documented in the medication record and in the person's active file.

- 55.815 Discontinued and outdated medications and containers with illegible or missing labels shall be promptly disposed of in a safe manner.

SECTION 55.9 - PERSONS' RECORDS

- 55.901 A cumulative record containing all information and documents related to supporting and providing services to the person shall be maintained chronologically for each person.
- 55.902 The record shall be readily accessible to those who require such access in order to provide services as described in the person's support plan.
- 55.903 All information concerning a person served, including information contained in an automated data bank, is confidential; and access shall be limited to staff who need to see the record, or to persons specifically authorized by the person or legally qualified representatives.
- 55.904 Entries in a person's record referring to actions with another person shall be coded in such a way as to protect the confidentiality of the persons served.
- 55.905 The provider shall be responsible for the safekeeping of each person's record and for securing it against loss, destruction, or use by unauthorized persons as evidenced by policies and practices.
- 55.906 Incident reports, with adequate documentation, shall be completed for each incident. Adequate documentation shall consist of the name of the resident(s) involved; the date, time and place of the incident; a description of the incident; a list of other parties involved, including witnesses; the nature of any injuries; resident outcome; and follow-up action, including notification of the resident's family or guardian, attending physician and DDS or law enforcement authorities when appropriate. Incident reports shall be kept on file by the provider. Reportable incidents shall be communicated immediately to the Division of Developmental Disabilities Services.

SECTION 55.10 - TRANSPORTATION

- 55.1001 The transportation system operated by, or under contract to, the home shall meet local and state licensing, inspection, insurance, and capacity requirements.
- 55.1002 Vehicles used to transport persons shall be equipped with a seat belt for each person and a means of communication. Vehicles used to transport persons with physical impairments shall be adapted to their needs.
- 55.1003 Drivers of vehicles shall have valid and appropriate driver's licenses.

- 55.1004 Emergency transportation shall be available on a 24-hour basis.
- 55.1005 The provider shall provide or arrange transportation for a person's routine medical and dental care.

SECTION 55.11 - **SAFETY AND SANITATION**

- 55.1101 The Neighborhood Home's program shall comply with all applicable provisions of federal, state and local laws, regulations and codes pertaining to health, safety, sanitation and plumbing.
- 55.1102 The provider shall maintain records and reports of periodic fire safety, health, sanitation, and environmental inspections required by local and state laws and regulations. The provider shall document actions taken to correct deficiencies noted in these reports.
- 55.1103 The provider shall prepare written policies that outline maintenance (including electrical maintenance) and cleaning procedures, storage of cleaning materials and/or pesticides and other toxic materials.
- 55.1104 Hot water at shower, bathing and handwashing facilities shall not exceed 115 degrees F.
- 55.1105 There shall be adequate, safe and separate areas of storage of:
- a. Food items;
 - b. Cleaning agents, disinfectants and polishes;
 - c. Poisons, chemicals and pesticides;
 - d. Eating, serving and cooking utensils;
 - e. Clean and dirty linen.
- 55.1106 Firearms shall be prohibited on the premises of the Neighborhood Home.
- 55.1107 Active attention shall be directed to avoiding hazards to the people supported, such as dangerous substances, sharp objects, unprotected electrical outlets, slippery floors or stairs, exposed heating devices, scalding water or broken glass. However, people shall be prepared for and progressively exposed to routine risks that are likely to be encountered in normal environments.

SECTION 55.12 - **BEDROOMS**

- 55.1201 Rooms or other areas of the Neighborhood Home that are not ordinarily sleeping rooms may not be used for sleeping purposes.
- 55.1202 Sleeping rooms shall have an outside window and must provide for quiet and privacy. Adequate electrical outlets shall be conveniently located in each room with at least one (1) light fixture switch at the entrance to the bedroom.

- 55.1203 Bedrooms shall have walls that extend from floor to ceiling, and shall accommodate no more than two persons.
- 55.1204 Multi-bed bedrooms shall provide at least 75 square feet per person.
- 55.1205 Single-bed bedrooms shall contain at least 100 square feet.
- 55.1206 Bedrooms shall contain space, as needed, for bedside assistance and to accommodate the use and storage of mobility devices and prosthetic equipment.
- 55.1207 Each person shall have a bed suitable for his or her physical stature and condition.
- 55.1208 Mattresses, bedding and pillows shall be clean and provide comfort and sufficient support and warmth.
- 55.1209 The use of hospital-type beds, plastic or other materials to keep beds and pillows dry, flat pillows or the absence of pillows or other departures from normalcy shall be justified in each case in the person's record and reviewed at least annually.
- 55.1210 There shall be a sturdy bedside stand, chair, a desk or table, and reading light for the person.
- 55.1211 Each bedroom window shall have a window treatment that closes for privacy.
- 55.1212 People shall be encouraged, and assisted as needed, to decorate their bedrooms as they choose.

SECTION 55.13 - **BATHROOMS**

- 55.1301 There shall be private toilet facilities with a shower or tub in good repair in each home. These facilities shall be accessible to the person according to his/her needs and shall facilitate maximum independence.
- 55.1302 Traffic to and from any room shall not be through a bedroom or bathroom except where a bathroom opens directly off the room it serves.
- 55.1303 There shall be at least one (1) window or mechanical ventilation to the outside of the bathroom.
- 55.1304 Toilets, bathing and toileting appliances shall be equipped for use by physically handicapped persons, as dictated by such persons' needs.
- 55.1305 There shall be at least one (1) toilet of appropriate size for each four (4) persons. Each toilet shall be equipped with a toilet seat and toilet tissue.
- 55.1306 There shall be at least one (1) wash basin for each four (4) persons.

- 55.1307 There shall be at least one (1) tub or shower for each four (4) persons.
- 55.1308 Wash basins shall be available in or immediately adjacent to bathrooms and/or toilet rooms.
- 55.1309 Shower and tub areas shall be equipped with substantial hand-grip bars and slip-resistant floor surfaces.

SECTION 55.14 - **EMERGENCIES AND DISASTERS**

- 55.1401 Fire safety in Neighborhood Homes shall comply with the rules and regulations of the State Fire Prevention Commission or the appropriate local jurisdiction. All applications for a license or renewal of a license shall include a letter certifying compliance by the Fire Marshal with jurisdiction. Notification of non-compliance with the applicable rules and regulations shall be grounds for revocation of a license.
- 55.1402 The home shall have a minimum of two means of egress.
- 55.1403 The home shall have an adequate number of UL approved smoke detectors in working order.
 - a. In a single level home, a minimum of one smoke detector shall be placed between the bedroom area and the remainder of the home.
 - b. In a multi-story home, a minimum of one smoke detector shall be on each level. On levels which have bedrooms, the detector shall be placed between the bedroom area and the remainder of the home.
- 55.1404 There shall be at least one functional two and one-half to five pound ABC fire extinguisher on each floor of living space in the home that is readily accessible, visible and mounted on the wall. Inspections shall be completed by the service company or as regulated by the Fire Marshal. Each extinguisher shall be checked annually.
- 55.1405 The provider shall have written procedures for meeting all emergencies and disasters such as fire, severe weather, and missing persons; and such procedures shall be communicated to all staff.
- 55.1406 The procedures shall assign specific personnel to specific tasks and responsibilities.
- 55.1407 The procedures shall contain instructions related to the use of alarm and signal systems. Provisions shall be made to alert persons living in the home according to their abilities, and these provisions shall be included in the procedures.
- 55.1408 Evacuation routes and the location of fire-fighting equipment shall be posted in areas used by the public as required by the applicable fire safety

regulations. The number and placement of postings are otherwise dictated by building use and configuration and by the needs of persons and staff.

- 55.1409 The provider shall maintain an adequate communication system to ensure that on and off-duty personnel and local fire and safety authorities are notified promptly in the event of an emergency or disaster.
- 55.1410 The telephone numbers of the nearest poison control center and the nearest source of emergency medical services shall be posted.
- 55.1411 Provisions shall be made for emergency auxiliary heat and lighting by means of alternate sources of electric power, alternate fuels, and stand-by equipment, or arrangements with neighbors, other agencies or community resources.

SECTION 55.15 - EVACUATION DRILLS

- 55.1501 Drills shall be held quarterly for each shift with one drill per calendar month. Evacuation drills shall be held on different days, at different times, including times when people are asleep.
- 55.1502 The location of egress during these evacuation drills shall be varied, with window evacuation procedures discussed as an alternative, if not practiced.
- 55.1503 During drills, persons shall be evacuated with staff assistance to the designated safe area outside of the home.
- 55.1504 As evidenced by evacuation drill reports that are maintained by the Neighborhood Home, drills shall assure that all persons and staff are familiar with the evacuation requirements and procedures. Any problems persons have evacuating a building during a drill shall result in a written plan of specific corrective action(s) to be taken.
- 55.1505 Persons who are unable to achieve the exit schedule prescribed by the Life/Safety Code with available assistance shall be either relocated or provided with additional assistance.

SECTION 55.16 - WAIVERS OF STANDARDS

- 55.1601 Specific standards may be waived by the Division of Long Term Care Residents Protection provided that each of the following conditions is met:
 - a. Strict enforcement of the standard would result in unreasonable hardship on the provider.
 - b. The waiver is in accordance with the particular needs of the person.

- c. A waiver must not adversely affect the health, safety, welfare, or rights of any person.
 - d. Residents may be informed of the waiver request and asked for input, as appropriate.
- 55.1602 The request for a waiver must be made to the Division of Long Term Care Residents Protection in writing by the provider with substantial detail justifying the request. The Division of Long Term Care Residents Protection will inform the provider of its decision within 30 days of receipt of the written request.
- 55.1603 A waiver granted by the Division of Long Term Care Residents Protection is not transferable to another Neighborhood Home provider in the event of a change in ownership.
- 55.1604 A waiver shall be granted for a period up to the term of the license.

SECTION 55.17 - **SEVERABILITY**

- 55.1701 Should any section, sentence, clause or phrase of these regulations be legally declared unconstitutional or invalid for any reason, the remainder of said regulations shall not be affected thereby.

Adopted 10/10/03