

# Table of Contents

## 16.04.11 - RULES AND MINIMUM STANDARDS GOVERNING DEVELOPMENTAL DISABILITIES CENTERS

000. LEGAL AUTHORITY. ....	3
001. TITLE AND SCOPE. ....	3
002. POLICY. ....	3
003. DEFINITIONS. ....	3
004. -- 099. (RESERVED). ....	7
100. LICENSING OF OTHER LICENSED FACILITIES. ....	7
101. REQUIRED LICENSING. ....	7
102. -199. (RESERVED). ....	7
200. THE ROLE OF DEVELOPMENTAL DISABILITIES CENTERS. ....	7
201. -- 299. (RESERVED). ....	7
300. LICENSURE OF DEVELOPMENTAL DISABILITIES CENTERS. ....	7
301. APPLICATION FOR LICENSURE. ....	8
302. ISSUANCE OF LICENSE, POSTING AND TRANSFER. ....	10
303. EXPIRATION AND RENEWAL OF LICENSE. ....	10
304. PROVISIONAL LICENSE. ....	10
305. DENIAL, SUSPENSION OR REVOCATION OF LICENSE. ....	11
306. EMERGENCY REVOCATION. ....	11
307. - 499. (RESERVED). ....	11
500. RECORDS. ....	11
501. - 599. (RESERVED). ....	11
600. MANAGEMENT INFORMATION SYSTEM. ....	11
601. -- 699. (RESERVED). ....	12
700. REPORTING. ....	12
701.-749. (RESERVED). ....	12
750. QUALITY ASSURANCE. ....	12
751. -- 759. (RESERVED). ....	13
760. CLIENT RIGHTS. ....	13
761. DEVELOPMENT OF POSITIVE SOCIAL BEHAVIORS. ....	14
762. -- 799. (RESERVED). ....	15
800. STANDARDS FOR DEVELOPMENTAL DISABILITIES CENTERS. ....	15
801. - 809. (RESERVED). ....	18
810. STAFFING REQUIREMENTS FOR CENTERS. ....	18
811. - 819. (RESERVED). ....	19
820. PAYMENT PROCEDURES. ....	19
821. COORDINATION OF SERVICES. ....	19
822. - 829. (RESERVED). ....	20
830. TRANSITION. ....	20
831. - 899. (RESERVED). ....	20
900. ADDITIONAL STANDARDS FOR PERSONNEL PROVIDING	

DEVELOPMENTAL DISABILITY SERVICES. .... 20

901. VOLUNTEERS. .... 21

902. TRAINING. .... 21

903. -- 919. (RESERVED). .... 22

920. PHYSICAL PLANT. .... 22

921. HEALTH. .... 24

922. - 992. (RESERVED). .... 24

994. STATE PLAN. .... 25

995. AFFIRMATIVE ACTION. .... 25

996. ADMINISTRATIVE PROVISIONS. .... 25

997. CONFIDENTIALITY OF RECORDS. .... 25

998. INCLUSIVE GENDER. .... 25

999. SEVERABILITY. .... 25

**IDAPA 16**  
**Title 04**  
**Chapter 11**

**16.04.11 - RULES AND MINIMUM STANDARDS GOVERNING  
DEVELOPMENTAL DISABILITIES CENTERS**

**000. LEGAL AUTHORITY.**

The following rules and minimum standards for the licensure of developmental disabilities centers and the provision of services to persons with developmental disabilities in Idaho are adopted under the statutory authority vested in the Board of Health and Welfare, pursuant to the Developmental Disabilities Services and Facilities Act, Sections 39-4601 et seq., Idaho Code. (11-22-91)

**001. TITLE AND SCOPE.**

These rules govern the licensing of providers of rehabilitative and habilitative services to persons with developmental disabilities and the provision of services to eligible persons. These rules are to be cited as Idaho Department of Health and Welfare Rules, Title 04, Chapter 11, "Rules and Minimum Standards for Developmental Disabilities Centers." (11-22-91)

**002. POLICY.**

It is the policy of the Department of Health and Welfare to make developmental disability rehabilitative and habilitative services available through community centers, throughout the state, as authorized or mandated by law only to the extent of funding and available resources as may be appropriated by the Idaho legislature. It is the responsibility of the Department to assure developmental disability rehabilitative and habilitative services are available to those persons diagnosed as having a developmental disability. As appropriate, services shall be provided in community-based settings or in natural environments (e.g., home, work, leisure). Services provided by such centers are to enhance self-sufficiency of eligible persons in accordance with the concept of normalization and are to be delivered from programs that provide least restrictive alternatives and promote participation and inclusion in the community. (11-22-91)

**003. DEFINITIONS.**

For the purpose of these rules the following terms are used, as herein defined. (10-6-88)

01. Annual. Every three hundred and sixty-five (365) days except during a leap year which equals three hundred and sixty-six (366) days. (11-22-91)

02. Audiologist. A person qualified to conduct hearing evaluation and therapy, who possesses a certificate of clinical competency in audiology or who will be eligible for certification within one (1) year of employment. Certification shall be from the American Speech, Language and Hearing Association (ASHA). (11-22-91)

03. Board. The Idaho State Board of Health and Welfare. (12-31-91)

04. Bureau of Developmental Disabilities. The section of the Department responsible for community programs for persons with developmental disabilities and which serves as the state developmental disability authority. See Subsection 003.36 of these rules. (7-1-95)

05. Client. A person who has been identified as having a developmental disability as defined in this chapter and who is receiving services through a Developmental Disability Center. (11-22-91)

06. Communication Disorders Specialist. A person qualified to conduct speech/language evaluation and therapy, who possesses a certificate of clinical competency in speech-language pathology or who will be eligible for certification within one (1) year of employment. Certification shall be from the American Speech Language and Hearing Association (ASHA). (11-22-91)

07. Department. The Idaho Department of Health and Welfare. (10-6-88)

08. Developmental Disabilities Center. A developmental disabilities facility designated in accordance with these rules to provide outpatient rehabilitative or habilitative services to children and/or adults with

developmental disabilities. (11-22-91)

09. Developmental Disabilities Facility. Any public or private organization or agency which provides care to persons with developmental disabilities on an inpatient, outpatient, residential, clinical or other programmatic basis, including sheltered workshops and developmental disabilities centers. (11-22-91)

10. Developmental Disabilities Professional. A physician, psychologist, social worker, audiologist, communication disorder specialist, developmental specialist, occupational therapist, physical therapist, registered nurse or therapeutic recreation specialist employed by the developmental disabilities center to provide evaluation and services as defined by the Department. (11-22-91)

11. Developmental Disability. A disability which: (10-6-88)

a. Is attributable to an impairment, such as mental retardation, cerebral palsy, epilepsy, autism or other condition found to be closely related to or similar to one (1) of these impairments, which requires similar treatment or services or is attributable to dyslexia resulting from such impairments; and (10-6-88)

b. Has continued or can be expected to continue indefinitely; and (10-6-88)

c. Constitutes a substantial handicap to such person's ability to function normally in society; and (10-6-88)

d. Occurred prior to age twenty-two (22). (10-6-88)

e. Substantial Handicap. A disability which results in substantial function limitation in three (3) or more of the following areas of major life activity: (7-1-95)

i. Self-care; or (7-1-95)

ii. Receptive and expressive language; or (7-1-95)

iii. Learning; or (7-1-95)

iv. Mobility; or (7-1-95)

v. Self-direction; or (7-1-95)

vi. Capacity for independent living; or (7-1-95)

vii. Economic self-sufficiency; and (7-1-95)

f. Reflects the need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services which are: (7-1-95)

i. Lifelong or of extended duration; and (7-1-95)

ii. Individually planned and coordinated. (7-1-95)

12. Developmental Specialist. A person qualified to conduct developmental evaluation and therapy, who possesses a bachelor's or master's degree in special education or a related field including early childhood education, communication disorders, adult special education, psychology, physical therapy, occupational therapy, or therapeutic recreation and who has had training in developmental disabilities or one (1) year of experience in working with persons with developmental disabilities, or a combination of special training and work experience. Persons employed as developmental specialists prior to October 6, 1988 will be exempted from the requirements of Subsection 003.12 of these rules. Persons hired after October 6, 1988 are subject to the requirements of Subsection 003.12 of these rules. (7-1-95)

13. Director. The Director of the Idaho Department of Health and Welfare or his designee. (12-31-91)
14. Division of Community and Family Services. The division of the Department with responsibility for both community and institutional services for persons with developmental disabilities and mental illness. (7-1-95)
15. Habilitation. The process of developing skills and abilities. (10-6-88)
16. Normalization. The process of providing services which promote a life as much as possible like that of other citizens of the community, including living in the community and access to community resources. These services are designed to enhance the social image and personal competence of those being served. (11-22-91)
17. Objective. A behavioral statement of outcome developed to address an identified need of an individual. The need is identified by the client, parent and/or guardian, and others the client has chosen to participate on his planning team, to be incorporated into the client's repertoire of functional behaviors. The objective is written in measurable terms which specify a target date for completion, no longer than two (2) years in duration, and criteria for successful attainment of the objective. (7-1-95)
18. Occupational Therapist. A person qualified to conduct occupational evaluations and therapy, who is certified by the American Occupational Therapy Certification Board and licensed to practice in Idaho, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (11-22-91)
19. Paraprofessional. A person such as an aide or therapy technician who is qualified to assist developmental disability professionals in providing services. (11-22-91)
20. Person Centered Plan. The process by which the focus person and those individuals who the focus person has elected to be team members, identify the focus person's talents, skills, and desires. These identified features, when expressed and recorded, become an active plan that changes as new opportunities and obstacles arise. The process must include the identification of the things that need to happen so that the focus individual can address the goals recorded in the plan. (7-1-95)
21. Physical Therapist. A person qualified to conduct physical therapy evaluations and therapy, who is registered to practice in Idaho, and has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (11-22-91)
22. Physician. A person licensed to practice medicine in Idaho in accordance with the provisions of the Medical Practice Act, Sections 54-1801 et seq., Idaho Code. (11-22-91)
23. Primary Center. The developmental disabilities center which, in addition to providing services to persons with developmental disabilities, provides administrative supervision and support services to its satellite, temporary, and/or secondary center(s). (11-22-91)
24. Provider. Any individual or organization furnishing services through the provisions of these rules. (10-6-88)
25. Provider Agreement. An agreement between a provider and third-party payor whereby the third-party payer agrees to pay the provider for furnishing developmental disabilities rehabilitative and habilitative services in accordance with these rules. (10-6-88)
26. Provisional License. A license issued to a developmental disabilities center which is found not to be in substantial compliance with these rules. A provisional license can be issued for a specific period of time, not to exceed one hundred and eighty (180) days, while corrections are being completed. (7-1-95)
27. Psychologist. A person licensed by the state of Idaho in accordance with the provisions of Sections 54-2301 et seq., Idaho Code, to independently practice psychology, or who is exempt from such requirements and meets the minimum qualifications established by the Idaho Personnel Commission to perform the duties assigned in

classified service as defined by the Department, and has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (11-22-91)

28. **Psychology Assistant.** An individual who practices psychology under the supervision of a licensed psychologist as required by Title 54, Chapter 23, Idaho Code, and as outlined by the Rules of the Idaho State Board of Psychologist Examiners. (11-22-91)

29. **Regional Access Unit.** Access to Care Coordination, Evaluation, Services, and Supports. Multidisciplinary, transdivisional unit which has the responsibility of determining eligibility, authorizing services and assuring quality services and supports for individuals with developmental disabilities. (7-1-95)

30. **Registered Nurse.** A person qualified to conduct nursing, evaluation and therapy, who is registered to practice in Idaho, and who has specialized training in developmental disabilities or one (1) year of experience in working with persons with developmental disabilities. (11-22-91)

31. **Rehabilitation.** The process of improving skills or level of adjustment to increase the person's ability to maintain satisfactory independent or dependent functioning. (10-6-88)

32. **Rehabilitative and Habilitative Services.** Evaluation and diagnostic services which include medical, social, developmental, psychological/psychiatric services, occupational therapy, physical therapy, and speech and hearing therapy. Treatment services which include individual, group and family-centered psychotherapy; individual and group speech and hearing therapy; individual and group physical therapy; individual and group developmental therapy, and individual and group occupational therapy. Evaluation, diagnostic and treatment services are to be provided on an outpatient basis and may be community-based, home-based, or center-based as consistent with the requirements of this chapter. (7-1-95)

33. **Satellite Center.** A center located one hundred and twenty (120) miles or less from the primary center. (11-22-91)

34. **Secondary Center.** A center more than one hundred and twenty (120) miles from the developmental disability center's primary center. A secondary center shall be licensed separately from the primary center. (11-22-91)

35. **Service.** Evaluation, diagnosis, therapy, training, assistance, and/or support provided to a person with a developmental disability by a Developmental Disabilities Center. (11-22-91)

36. **Service Area.** The geographic area designated by the Department in the state developmental disabilities plan as a planning area for developmental disabilities services. (10-6-88)

37. **Social Worker.** A person licensed in accordance with the Social Work Licensing Act, Sections 54-3201 et seq., Idaho Code, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (11-22-91)

38. **State Developmental Disability Authority.** The Division of Community and Family Services, Bureau of Developmental Disabilities, within the Department which has statewide responsibility for planning, coordinating and monitoring developmental disabilities services. (7-1-95)

39. **Substantial Compliance.** Deficiencies identified at the time of the survey by the licensing agency do not present a serious risk to the clients' health or safety or seriously impede the center's ability to provide habilitative or rehabilitative services. (11-22-91)

40. **Supervision.** Initial direction and procedural guidance by a developmental disabilities professional and periodic inspection of the actual work performed at the site of service delivery. (11-22-91)

41. **Support Plan.** The plan developed as a result of the person centered planning process identified in 003.20 of these rules. (7-1-95)

42. Temporary Developmental Disabilities Center. A center, established by a fully licensed center, to provide additional services for ninety (90) or less consecutive days. (11-22-91)

43. Temporary License. A license issued to a developmental disabilities center upon application when the Department determines that all application requirements have been met. A temporary license can be issued for a period not to exceed one hundred and eighty (180) days from the initiation of services. This license allows the Department time to evaluate the center's ongoing capability to provide services and to meet these rules. (7-1-95)

44. Therapeutic Recreation Specialist. A person qualified to conduct therapeutic recreation and services via possession of a bachelor's or master's degree in recreation, and who has specialized training in developmental disabilities or one (1) year of experience working with persons with developmental disabilities. (11-22-91)

45. U.L. Underwriters Laboratories. (11-22-91)

46. Waiver or Variance. A waiver or variance to these rules in whole or in part that may be granted under the following conditions: (7-1-95)

a. Good cause is shown for such waiver; and (10-6-88)

b. The health, welfare or safety of clients will not be endangered by granting such a waiver; and (11-22-91)

c. The center's ability to provide services will not be impeded by granting such a waiver; and (11-22-91)

d. Precedent shall not be set by the granting of such a waiver; and (10-6-88)

e. The waiver may be renewed if sufficient written justification is presented to the licensing agency. (11-22-91)

**004. -- 099. (RESERVED).**

**100. LICENSING OF OTHER LICENSED FACILITIES.**

Hospitals, skilled nursing facilities, intermediate care facilities for the mentally retarded, sheltered workshops or other facilities or agencies licensed and/or certified under state law to provide medical, residential, professional or other services to persons with developmental disabilities need not be licensed under these rules unless the facility is seeking to provide rehabilitative and habilitative services to persons with developmental disabilities as described under Subsection 003.32 of these rules. (7-1-95)

**101. REQUIRED LICENSING.**

All centers providing or seeking to provide rehabilitative or habilitative services to persons with developmental disabilities described in Subsection 003.32 of these rules shall be licensed unless exempt from licensing requirements described in Section 100 of these rules. (7-1-95)

**102. -199. (RESERVED).**

**200. THE ROLE OF DEVELOPMENTAL DISABILITIES CENTERS.**

Services shall be directed toward persons identified as having a developmental disability under Subsection 003.11 of these rules. Centers shall provide service to eligible children and adults with developmental disabilities. (7-1-95)

**201. -- 299. (RESERVED).**

**300. LICENSURE OF DEVELOPMENTAL DISABILITIES CENTERS.**

01. Application for Licensure. Any primary, satellite, secondary, or temporary developmental disabilities center shall apply for licensure under these rules. (11-22-91)

02. Eligibility to Contract. Any program not licensed under these rules is ineligible to enter into a contract with, or receive funds through, the Department for the purpose of providing rehabilitative and habilitative services to persons with developmental disabilities as outlined in Subsection 003.32 of these rules. (7-1-95)

03. Obligation to Contract. Licensure of a center by the Department does not constitute an obligation by the state to enter into a contract with that center or otherwise provide state or federal funding or services. (11-22-91)

**301. APPLICATION FOR LICENSURE.**

01. General Requirements. (12-31-91)

a. Before any center, private or public, profit or nonprofit, can provide rehabilitative and habilitative services to persons with developmental disabilities under these rules, it shall make application for licensure for operation of the center. No client shall receive services through a center until the licensing agency has approved the application for licensure. No funding for services will be paid by the Department until the center is licensed. (7-1-95)

b. Licensed centers shall conform to all applicable rules of the Department, such as Medicaid reimbursement procedures, background checks, fingerprinting requirements, etc. (7-1-95)

c. The developmental disabilities center and records required under these rules shall be accessible during normal operations of the center to the licensing agency for the purpose of inspection, with or without prior notification, pursuant to Sections 39-4605(4) and 39-108, Idaho Code. (11-22-91)

d. Application for new centers will be accepted on an open and continuous basis in accordance with Subsection 301.02. (12-31-91)

02. Application for Licensure. (11-22-91)

a. Application shall be made to the licensing agency of the Department on a form provided by the Department. The application and supporting documents shall be received by the Department at least sixty (60) days prior to the planned opening date. (11-22-91)

b. The application shall include: (11-22-91)

i. Name, address and telephone number of the center; and (10-6-88)

ii. Types of services to be provided by the center and the anticipated capacity for each service; and (10-6-88)

iii. The service area of the center; and (10-6-88)

iv. The target population to be served and the service area to be covered by the program; and (10-6-88)

v. The anticipated date for the initiation of services; and (7-1-95)

vi. A statement indicating the need for the center's services; and (10-6-88)

vii. A statement which identifies the ownership and describes the management structure of the center, including a copy of the corporation's articles of incorporation with designation as nonprofit or profit, public or private, and a copy of the bylaws; and (11-22-91)

viii. A statement that the center is in compliance with these rules and all other applicable local, state and federal requirements, including an assurance that the center is in compliance with the provisions of Subsection 995.02 governing nondiscrimination; and (12-31-91)

ix. A copy of the proposed organizational chart or plan for staffing of the center; and (10-6-88)



- x. Staff qualifications including resumes, job descriptions and copies of state licenses for staff when applicable; and (7-1-95)
  - xi. When center-based services are to be provided, evidence of a local fire safety inspection; and (7-1-95)
  - xii. When center-based services are to be provided, evidence of compliance with local building and zoning codes; and (7-1-95)
  - xiii. When center-based services are provided, written policy and procedures regarding emergency evacuation procedures; and (7-1-95)
  - xiv. Staff and client illness policy, communicable disease policy and other health and hygiene policies and procedures; and (7-1-95)
  - xv. Written admission and transition policy; and (7-1-95)
  - xvi. Program records system including completed examples of individual service plans, intervention techniques, and monitoring records; and (7-1-95)
  - xvii. Fiscal record system including program billings and documentation of services provided clients; and (7-1-95)
  - xviii. Written description of the center's quality assurance program; and (7-1-95)
  - xix. Any other information requested by the Department for determining the center's compliance with these rules or the center's ability to provide the services for which licensure is requested (11-22-91)
  - xx. If the center intends to seek a waiver or variance of any regulation, then the application, pursuant to Subsection 301.02, shall include a written request for a waiver or variance request and shall specify the particular regulation and provide an explanation of the reasons for requesting the waiver or variance. (12-31-91)
- c. Upon receipt of the application form and initial application materials, the licensing agency will review the materials to determine if the center has in place systems, which if properly implemented, would result in regulatory compliance. (7-1-95)
- d. A written decision with regard to licensure will be submitted to the center by the licensing agency within thirty (30) days of the date the completed application packet is received in the licensing agency's office. (7-1-95)
- e. If an initial application for licensure is approved by the licensing agency the center will be issued a temporary license. (7-1-95)
- f. Prior to the expiration of the temporary license the licensing agency will conduct an on-site review of the center to determine if the center is in substantial compliance with the requirements of this chapter. (7-1-95)
- g. A provisional license shall not be issued immediately following a temporary license. (7-1-95)
- h. Secondary centers shall be licensed separately from the primary center. Centers meeting this description on effective date of these rules shall be reviewed and licensed as secondary developmental disabilities centers by the licensing agency at next review. (11-22-91)
- i. Only fully licensed developmental disabilities centers may apply to establish a temporary developmental disabilities center. (11-22-91)

03. Change of Physical Location. Prior to changing physical location centers providing center-based

services shall: (7-1-95)

a.. Notify the licensing agency of the plans to relocate and the address of the new program site thirty (30) days prior to the actual move; and (11-22-91)

b. For the new physical location provide evidence of review and approval by the local fire and building authorities and provide a statement verifying that the new location is accessible to persons with developmental disabilities. (7-1-95)

04. Issuance of a Provisional License, Denial or Revocation of License. The Department will issue a provisional license, or deny or revoke the license if, after investigation of the center, it finds that the center is not in substantial compliance with these rules. (7-1-95)

a. At the time of the site review, the applicant will be notified of the intent to issue a provisional license, or deny or revoke the license and the reasons for the intended action. (7-1-95)

b. Within fifteen (15) days of the site review, the applicant will be notified in writing of the Department's decision and the reason(s) for the intended action, pursuant to Sections 305 and 306. (7-1-95)

c. Within fifteen (15) days of the receipt date of the notice to issue a provisional license or deny or revoke the license, the applicant may request, in writing, a hearing with the Director and subsequently may appeal to the District Court. (7-1-95)

d. Upon receipt of the written request, a hearing will be scheduled and conducted in accordance with Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, "Rules Governing Contested Cases." A review decision will be sent to the applicant within thirty (30) days of the date of the conclusion of hearing. (11-22-91)

**302. ISSUANCE OF LICENSE, POSTING AND TRANSFER.**

01. Issuance of License. A notice of licensure shall be issued by the Department when it determines, in accordance with the provisions of this section, that the center requesting licensure is in substantial compliance with these rules. Centers found to be in substantial compliance with these rules but failing to comply with every detail may be issued a license when failure to comply does not present a serious risk to the clients' health or safety or seriously impede the center's ability to provide rehabilitative and/or habilitative services. A license issued on the basis of substantial compliance is contingent upon the correction of deficiencies in accordance with a plan developed by the center and approved by the Department. (11-22-91)

02. License Return. The license is the property of the state and shall be returned to the state if it is revoked or suspended in accordance with Section 305. (12-31-91)

03. License Not Transferable. The license is issued only to the center named thereon and may not be transferred or assigned to any other person or entity without the written permission of the Department. (11-22-91)

04. Posting of License. The license shall be posted in a conspicuous place at the principal site where the center provides services. (11-22-91)

**303. EXPIRATION AND RENEWAL OF LICENSE.**

All licenses issued under the provisions of these rules, except for those facilities exempted pursuant to Section 100, shall continue for a period of no greater than two (2) years unless revoked. No later than ninety (90) days before expiration, a center may apply for renewal of the license. Applicants for renewal will also require a site review by the licensing agency. Licensing will be reviewed no less than every two (2) years. A center shall be found to be in substantial compliance with these rules in order to receive renewal of the license. An application for renewal received less than ninety (90) days before expiration of the license shall be treated as an application to be acted upon after timely applications of renewal and initial applications. (12-31-91)

**304. PROVISIONAL LICENSE.**

If a new applicant or applicant for renewal is found not to be in substantial compliance with these rules, a provisional license may be issued by the Department for a one hundred and eighty (180) day period. At that time, the licensing agency will determine whether areas of concern have been corrected. If so, then the regular license will be issued. If not, the license will be denied or revoked.

(7-1-95)

**305. DENIAL, SUSPENSION OR REVOCATION OF LICENSE.**

After a provisional license has been issued, if areas of concern have not been corrected, an application for relicensure may be denied or a license revoked. (7-1-95)

**306. EMERGENCY REVOCATION.**

A center's license may be immediately revoked when there is evidence of life-threatening danger or harm to clients served. If, following investigation, the issue of the safety of clients is resolved, then a license may be granted. (11-22-91)

**307. - 499. (RESERVED).**

**500. RECORDS.**

Each developmental disabilities center licensed under these rules shall maintain accurate, current and complete client and administrative records. Each client record shall support the need for the type and amount of each service provided. (11-22-91)

01. Integrated Clinical Record System. Each center shall have an integrated client records system to provide past and current information and to safeguard client confidentiality pursuant to Section 997. Each client record shall contain the following information: (12-31-91)

a. Profile sheet containing necessary identifying information about the client and family; and (11-22-91)

b. Medical/social history containing relevant medical and social history and information on the client and family; and (11-22-91)

c. Documentation which verifies that the services provided are recommended by a physician. A copy of an individual support plan developed by the client and his targeted service coordinator where the service coordinator has received either the verbal or written physician approval, will suffice for compliance to this requirement; and (7-1-95)

d. When evaluations are completed by the center the client's record shall include the evaluation forms and narrative reports, signed and dated by the respective examiners; and (7-1-95)

e. Service plans, when developed by the center or a copy of the support plan authorized by the Regional Access Unit; and (7-1-95)

f. Intervention techniques, program documentation and monitoring records which comply with all applicable sections of these rules; and (5-1-94)

g. The case record shall be divided into program/discipline areas identified by tabs (e.g. medical, social work, psychological, speech, developmental). (11-22-91)

02. Funds. Centers which receive funds under these rules shall maintain accurate records of the receipt, obligation and disbursement of funds. Reimbursement for services is contingent upon documentation in client records which supports the need for the type and amount of each service. Effective July 1, 1995, all clients receiving services from a Developmental Disabilities Center shall do so as part of an individual support plan developed by the client and his targeted service coordinator, if one is selected. Prior authorization for these DDC services will not be required from the Regional ACCESS Unit. Clients who are Home and Community Based Services Waiver participants who want and need DDC services shall develop an individual support plan with his targeted service coordinator and submit that plan to the Regional ACCESS Unit for authorization. (7-1-95)

03. Accessibility. Records shall be accessible during normal operation of the center to the Department for the purpose of inspection, with or without prior notification, pursuant to Section 39-108, Idaho Code. (11-22-91)

**501. - 599. (RESERVED).**

**600. MANAGEMENT INFORMATION SYSTEM.**

All licensed developmental disabilities centers seeking funding from the Department shall maintain a data base on client services.

The centers must be capable of providing the Department with basic client information such as, but not limited to, the number of persons with developmental disabilities served, diagnostic category, level of mental retardation, age, sex, hours of services, etc. This information may be hand-tabulated or part of the center's computerized information system. (11-22-91)

**601. -- 699. (RESERVED).**

**700. REPORTING.**

Centers funded by the Department shall furnish progress and other reports as the Department may require, such as age by disability reports and annual client progress reports. (11-22-91)

**701.-749. (RESERVED).**

**750. QUALITY ASSURANCE.**

Each developmental disabilities center defined under these rules shall develop and implement a quality assurance program. (11-22-91)

01. Purpose. The quality assurance program is an ongoing proactive internal review of the developmental disabilities center designed to ensure: (11-22-91)

a. Services provided to clients are high quality and consistent with individual choices, interests, and needs and current standards of practice; and (11-22-91)

b. Sufficient staff and material resources are available to meet the needs of each person served; and (11-22-91)

c. The environment in which center-based services are delivered is safe and conducive to learning; and (7-1-95)

d. Skill training activities are conducted in the natural setting where a person would commonly learn and utilize the skill, whenever appropriate; and (7-1-95)

e. The rights of a person with disabilities are protected and each person is provided opportunities and training to make informed choices. (7-1-95)

02. Program Components. The quality assurance program shall be described in writing and include: (11-22-91)

a. Goals and procedures by which the purpose of the quality assurance program as described in Subsection 750.01 will be achieved; and (12-31-91)

b. Person, discipline or department responsible for each goal; and (11-22-91)

c. A system to ensure the correction of problems identified within a specified period of time. (11-22-91)

03. Additional Requirements. The quality assurance program shall ensure that services provided: (11-22-91)

a. Are developed with client, parent, and/or guardian participation and actively promote personal choice and preference; and (11-22-91)

b. Are age appropriate; and (11-22-91)

c. Promote normalization; and (11-22-91)

d. Provide opportunities for community participation and inclusion; and (11-22-91)

- e. Offer opportunities for clients to exercise their rights; and (11-22-91)
- f. Are observable in practice. (11-22-91)

**751. -- 759. (RESERVED).**

**760. CLIENT RIGHTS.**

Each person receiving services at a center designated under these rules shall be ensured the following rights: (11-22-91)

- 01. Sections 66-412 and 66-413, Idaho Code. The rights guaranteed in these sections of the Idaho Code include, but are not limited to, the right to: (11-22-91)
  - a. Humane care and treatment; and (11-22-91)
  - b. Not be put in isolation; and (11-22-91)
  - c. Be free of mechanical restraints, unless necessary for the safety of that person or for the safety of others; and (11-22-91)
  - d. Be free of mental and physical abuse; and (11-22-91)
  - e. Communicate by telephone or otherwise and to have access to private area to make telephone calls and receive visitors; and (7-1-95)
  - f. Receive visitors at all reasonable times and to associate freely with persons of his own choice; and (11-22-91)
  - g. Voice grievances and to recommend changes in policies and/or services being offered; and (11-22-91)
  - h. Practice his own religion; and (11-22-91)
  - i. Wear his own clothing and to retain and use personal possessions; and (11-22-91)
  - j. Be informed of his medical and habilitative condition, of services available at the center and the charges for the services; and (11-22-91)
  - k. Reasonable access to all records concerning himself; and (11-22-91)
  - l. Refuse services; and (11-22-91)
  - m. Exercise all civil rights, unless limited by prior court order. (11-22-91)
- 02. Additional Client Rights. The center shall also ensure the following rights. The right to: (11-22-91)
  - a. Privacy and confidentiality; and (11-22-91)
  - b. Be treated in a courteous manner; and (11-22-91)
  - c. Receive a response from the center to any request made within a reasonable time frame; and (11-22-91)
  - d. Receive services which enhance the client's social image and personal competencies and, whenever possible, promote inclusion in the community; and (11-22-91)
  - e. Refuse to perform services for the center. If the client is hired to perform services for the center the wage paid shall be consistent with state and federal law; and (11-22-91)
  - f. Review the results of the most recent survey conducted by the Department and the accompanying plan of correction; and (11-22-91)

- g. All other rights established by law; and (11-22-91)
- h. Be protected from harm. The center shall develop policies and procedures which ensure that: (11-22-91)
- i. Individuals hired do not have a conviction or prior employment history of child or client abuse, neglect, mistreatment, or exploitation; and (11-22-91)
- ii. All confirmed or suspected incidents of mistreatment, neglect, exploitation or abuse of clients are reported to the Department. (11-22-91)
- 03. Method of Informing Clients of Their Rights. Each center shall ensure that each person receiving services is informed of his rights in the following manner (11-22-91)
  - a. Upon initiation of services, provide each client, parent and/or guardian with a packet of information which outlines rights, access to grievance procedures, and the names, addresses, and telephone numbers of protection and advocacy services. This packet shall be written in easily understood terms. (11-22-91)
  - b. When providing center-based services prominently post a list of the rights contained in this chapter. (7-1-95)
  - c. Provide each client, parent and/or guardian with a verbal explanation of their rights in a manner that will best promote individual understanding of these rights. (11-22-91)

**761. DEVELOPMENT OF POSITIVE SOCIAL BEHAVIORS.**

Each developmental disabilities center shall develop and implement written policies and procedures that address the development of positive social behaviors and the management of inappropriate behavior. These policies and procedures shall include:

- (11-22-91)
- 01. Positive Social Skills. Focusing on increasing positive social skills; and (11-22-91)
- 02. Positive Approaches/Least Restrictive Alternatives. Ensuring and documenting the use of positive approaches and least restrictive alternatives; and (11-22-91)
- 03. Protected Rights. Ensuring that the safety, welfare and human and civil rights of clients are adequately protected; and (11-22-91)
- 04. Underlying Causes. Addressing the evaluation or assessment of the possible underlying causes of the inappropriate behavior and what the client may be attempting to communicate by the behavior; and (11-22-91)
- 05. Objectives and Plans. Ensuring that objectives and intervention techniques are developed or obtained and implemented to address self-injurious behavior, aggressive behavior, inappropriate sexual behavior and any other behaviors which significantly interfere with the client's independence and/or ability to participate in the community; and (7-1-95)
- 06. Training Alternate Behavior. Ensuring that programs to manage inappropriate client behavior include training of the appropriate alternative behavior(s); and (11-22-91)
- 07. Client Involvement. For plans developed by the center ensuring the client is involved, whenever possible, in developing the plan to manage inappropriate behavior. When plans used by the center are developed by another service provider the center shall not be held accountable for ensuring client involvement in the development of the plan; and (7-1-95)
- 08. Written Informed Consent. Ensuring that programs developed by the center to manage inappropriate client behavior are conducted only with the written informed consent of the client, parent, if client is a minor, or legal guardian. When programs used by the center are developed by another service provider the center shall not be held accountable for ensuring informed consent has been garnered; and (7-1-95)
- 09. Review and Approval. Ensuring that programs developed by the center to manage inappropriate behavior are

only implemented after the review and written approval of a Developmental Disability Professional (DDP). If the program contains restrictive or aversive components, the center psychologist will also review and approve, in writing, the plan prior to implementation. When programs implemented at the center are developed by another service provider the center will not be held accountable for ensuring these reviews and approvals have been completed; and (7-1-95)

10. Appropriate Use of Interventions. Ensuring that interventions used to manage inappropriate client behavior are never used: (11-22-91)
  - a. For disciplinary purposes; or (11-22-91)
  - b. For the convenience of staff; or (11-22-91)
  - c. As a substitute for a needed training program; or (11-22-91)
  - d. By untrained or unqualified staff. (11-22-91)

**762. -- 799. (RESERVED).**

**800. STANDARDS FOR DEVELOPMENTAL DISABILITIES CENTERS.**

Each developmental disabilities center shall provide the following rehabilitative and habilitative services consistent with the needs of persons with developmental disabilities (see Section 200), to be available and accessible throughout its service area. (11-22-91)

01. Evaluation and Diagnostic Services. (11-22-91)
  - a. Evaluations which are completed by the center shall: (7-1-95)
    - i. Be conducted by qualified professionals for the respective disciplines as defined in this chapter; and (11-22-91)
    - ii. Be recommended by a physician; and (7-1-95)
    - iii. Identify accurate, current and relevant client strengths, needs and interests; and (11-22-91)
    - iv. Recommend the type and amount of therapy necessary to address the clients' needs. (11-22-91)
  - b. Prior to the delivery of ongoing services in a specific discipline (i.e. OT, PT, Developmental, etc.) a comprehensive medical, medical/social, and developmental and/or psychological/psychiatric evaluations shall be completed as required in 800.01.d. Evaluations from additional disciplines such as communication disorders specialists or physical therapists, shall also be completed as necessary to meet the client' needs. (5-1-94)
  - c. All evaluations shall be completed within forty-five (45) calendar days of the date it is recommended by the physician. If not completed within this time frame the client's record must contain client-based documentation justifying the delay. (7-1-95)
  - d. A psychological or psychiatric evaluation shall be completed when the following circumstances exist. (5-1-94)
    - i. The client is receiving a behavior modifying drug(s); or (5-1-94)
    - ii. Prior to the initiation of interventions to modify inappropriate behavior(s); or (5-1-94)
    - iii. An evaluation is necessary to determine eligibility for services and/or establish a diagnosis; or (5-1-94)
    - iv. The client has a primary or secondary diagnosis of mental illness; or (5-1-94)
    - v. When otherwise required in this chapter. (5-1-94)

02. Service Plan. The center shall not be required to develop service plans for persons who obtain services from the center as part of an individual support plan. For other individuals a service plan shall be developed and the following shall apply: (7-1-95)
- a. The service plan shall be developed following, at a minimum, medical, medical/social and developmental and/or psychological/psychiatric evaluations consistent with the requirements of this chapter. (7-1-95)
  - b. The planning process shall include the client, parent and/or guardian, and others the individual chooses to have in attendance. The client, parent, and/or guardian will be provided a copy of the completed service plan. If the client, parent and/or guardian is unable to participate, the reason shall be documented in the client's record. (7-1-95)
  - c. The service plan shall promote self-sufficiency, the client's choice in program objectives and activities and encourage the client's participation and inclusion in the community. (11-22-91)
  - d. The service plan shall include: (11-22-91)
    - i. The client's name and medical diagnosis; and (11-22-91)
    - ii. The name of the developmental disability professional, the date of the planning meeting, and the name and titles of those present at the meeting; and (7-1-95)
    - iii. Documentation that the plan is recommended by a physician; and (7-1-95)
    - iv. The type, amount and duration of therapy to be provided such as individual speech therapy, thirty (30) minutes two (2) times per week; group developmental therapy, two and one-half (2 1/2) hours, five (5) days per week; and (11-22-91)
    - v. A list of the client's current personal goals, interests and choices; and (11-22-91)
    - vi. An accurate, current and relevant list of the client's specific developmental and behavioral strengths; and (11-22-91)
    - vii. An accurate, current and relevant list of the client's specific developmental and behavioral needs. This list will identify which needs are a priority for the individual. A service plan objective shall be developed for each priority need; and (11-22-91)
    - viii. The discipline or developmental disability professional responsible for each objective; and (11-22-91)
    - ix. The target date for completion; and (10-6-88)
    - x. The review date; and (11-22-91)
    - xi. An individual transition plan designed to facilitate independence, personal goals and interests. The transition plan shall specify criteria for transition into alternative settings such as the public school system, preschool adult education, vocational training, supported or independent employment, and/or less restrictive settings. The implementation of the plan may necessitate decreased hours of service or discontinuation of services from a developmental disabilities center. (11-22-91)
  - e. The service plan shall be supported by documentation included in the client's record. (11-22-91)
  - f. Members of the planning team shall meet at least annually, or more often if necessary, to review and update the plan to reflect any changes in the needs or status of the client. (7-1-95)
  - g. There shall be documentation that the plan is recommended by a physician in the following circumstances: (7-1-95)
    - i. Prior to implementing the initial service plan; and (11-22-91)



- ii. When revisions in the plan change the type, amount, and/or duration of the service provided; and (11-22-91)
- iii. At the annual review. (11-22-91)
- 03. Intervention Techniques. Intervention techniques shall include at a minimum: (7-1-95)
  - a. Baseline assessment to determine the client's specific skills and abilities related to the specific skill to be learned; (7-1-95)
  - and
  - b. A measurable behaviorally stated objective for the skill to be learned; and (7-1-95)
  - c. Therapeutic/training interventions, such as curriculum, lesson plans, activity schedules, type and frequency of reinforcement and data collection, which are available and directed at the achievement of each objective. These interventions shall be initiated within fourteen (14) calendar days of the initiation of ongoing services. These interventions may be standardized, however, shall be individualized and revised, as necessary, to promote client progress towards the stated objective(s). (7-1-95)
- 04. Program Documentation. Each client's record shall include documentation of the client's participation in and response to services provided. This documentation shall include at a minimum: (7-1-95)
  - a. Daily entry of all activities conducted toward meeting client objectives; and (7-1-95)
  - b. Sufficient progress data to accurately assess the client's progress toward each objective. (11-22-91)
  - c. A review of the data and, when indicated, changes in the daily activities and/or specific implementation procedures by a developmental disabilities professional. The review shall include the developmental disabilities professional's dated initials. (7-1-95)
- 05. Documentation of Program Changes. Documentation of all changes in the individual service plan, if applicable, and intervention techniques shall be included in the client's record. This documentation shall include at a minimum: (7-1-95)
  - a. The reason for the change; and (11-22-91)
  - b. The date the change was made; and (11-22-91)
  - c. Signature of the person making the change complete with date and title. (11-22-91)
- 06. Services to be Provided. Services provided shall be sufficient in quantity and quality to meet the needs of each person receiving services, and shall be provided by qualified professionals for the respective disciplines defined in this chapter. The following services, individual, group, community-based and home-based shall be available as recommended by the physician to eligible clients either by employees of the center or through formal written agreement and shall comply with all applicable rules of this chapter: (7-1-95)
  - a. Psychotherapy services when provided by a physician, psychiatrist, psychologist, psychology assistant, or social worker in accordance with the objectives specified. Psychotherapy services available shall include the following: (7-1-95)
    - i. Individual psychotherapy; and (11-22-91)
    - ii. Group psychotherapy in which there shall be a minimum ratio of one (1) qualified staff person for every twelve (12) individuals in group therapy; and (11-22-91)
    - iii. Family-centered psychotherapy which shall include the client and one (1) other family member at any given time. (11-22-91)
  - b. Speech and hearing therapy services provided in accordance with the specified objectives; (7-1-95)

- c. Physical therapy services provided by a licensed physical therapist in accordance with the specified objectives. (7-1-95)
- d. Developmental therapy services: (11-22-91)
  - i. Shall be provided by qualified developmental disabilities staff in accordance with objectives specified; and (7-1-95)
  - ii. Therapy shall be directed toward the rehabilitation/habilitation of physical or mental disabilities in the areas of self-care, receptive and expressive language, learning, mobility, self-direction, capacity for independent living or economic self-sufficiency; and (11-22-91)
- e. Occupational therapy services provided by a licensed occupational therapist in accordance with the specified objectives. (7-1-95)
- f. Home-based and community-based services in the areas of psychotherapy, speech, hearing, physical, occupational and developmental therapy may be provided to the client whenever appropriate. (7-1-95)
- 07. Optional Services. (11-22-91)
  - a. Consultation for the purpose of prescribing, monitoring, and/or administering medications. These consultations shall be: (11-22-91)
    - i. Provided by a physician or licensed nurse practitioner in direct face-to-face contact with the client; and (11-22-91)
    - ii. Incorporated into the client's individual plan with the type, amount, and duration of the service specified. (7-1-95)
  - b. Nursing services for the purpose of supervising, monitoring, and/or administering medication within the limits of the Nurse Practice Act, Section 54-1402(d), Idaho Code. These services shall be: (11-22-91)
    - i. Ordered and supervised by a physician; and (11-22-91)
    - ii. Provided by licensed and qualified nursing personnel in direct face-to-face contact with the client; and (11-22-91)
    - iii. Incorporated into the client's individual plan with the type, amount, and duration of the services specified. (7-1-95)
  - c. Psychiatric evaluations and services for the purpose of establishing a diagnosis, identifying client strengths and needs, and recommending and/or implementing interventions to address each need. These evaluations and services shall be: (11-22-91)
    - i. Conducted by a physician in direct face-to-face contact with the client; and (11-22-91)
    - ii. Incorporated into the client's individual plan with the type, amount, and duration of the service specified. (7-1-95)

**801. - 809. (RESERVED).**

**810. STAFFING REQUIREMENTS FOR CENTERS.**

- 01. Physician. The center shall have a physician available a sufficient amount of time to: (11-22-91)
  - a. Review medical/social history information for the purpose of ordering appropriate evaluations; and (10-6-88)

- b. Perform necessary medical assessments; and (10-6-88)
  - c. When service plans are developed by the center, review and recommend the services identified in the service plans; and (7-1-95)
  - d. If applicable, participate in annual reviews of client services to determine continued appropriateness of the plan. (7-1-95)
02. Professionals. The center shall have available, at a minimum, the following qualified developmental disability professionals as employees of the center or through formal written agreement: (11-22-91)
- a. Audiologist or communication disorders specialist; and (10-6-88)
  - b. Developmental specialist; and (10-6-88)
  - c. Occupational therapist; and (11-22-91)
  - d. Physical therapist; and (11-22-91)
  - e. Physician; and (10-6-88)
  - f. Psychologist; and (10-6-88)
  - g. Social worker. (10-6-88)

**811. - 819. (RESERVED).**

**820. PAYMENT PROCEDURES.**

Payment for center services shall be in accordance with rates, forms, policies and procedures established by the Department. Payment for services is contingent upon documentation in each client's record which supports the type and amount of each service based on the center's integrated records system and compliance with the requirements specified under Section 500.02 of this chapter. (7-1-95)

**821. COORDINATION OF SERVICES.**

Each developmental disabilities center designated under these rules shall integrate its services within the center. The center shall also be responsible for coordinating services with other service providers, unless the client selects a service coordinator. Services with which coordination and integration shall occur include: (7-1-95)

- 01. Community Agencies. Other community agencies and human service providers with resources to assist their clients. (10-6-88)
- 02. Department Developmental Disabilities Centers and Idaho State School and Hospital. Coordination with Department Developmental Disabilities Centers and the Idaho State School and Hospital including, but not limited to, facilitation of institutional admission and discharge of service area residents, sheltered workshop services, respite care, financial services, residential services, designated examinations and dispositions. (11-22-91)
- 03. Community ICF/MR Facilities. Community ICF/MR facilities in the service area. (10-6-88)
- 04. Residential Facilities. Residential facilities in the center's service area, including by not limited to, personal care homes, adult family homes, board and care facilities, and residential care facilities. (11-22-91)
- 05. Public School Districts and District Health Departments. (10-6-88)
- 06. Children's Services. Developmental disabilities centers shall refer a child of mandatory school attendance age, seven (7) through sixteen (16), to the local school district for consideration for educational services found in Public Law 94-142. The developmental disabilities center may provide educationally related services. These related services include audiology, psychotherapy services, physicians services, developmental therapy, occupational therapy, physical therapy and speech pathology. The

client's record shall contain an individualized educational plan for each child of school age. (11-22-91)

**822. - 829. (RESERVED).**

**830. TRANSITION.**

A client shall be transitioned from the services of a developmental disabilities center when one (1) or more of the following criteria is met: (11-22-91)

01. Personal Choice. When the client chooses to receive reduced or alternative services. (11-22-91)
02. Transition Plan. When the client attains the goals and criteria established in his transition plan. (11-22-91)
03. Maximum Potential. When the client has reached his maximum potential in a developmental disabilities center. (11-22-91)
04. Minimum Likelihood of Regression. When the client seems unlikely to regress upon termination or reduction of services through a developmental disabilities center. (11-22-91)
05. Potential for Reduced or Alternative Services. When the client shows potential for, or interest in, either reduced hours of developmental disabilities services or for alternative services such as the public school system, adult education, vocational training, supported employment, competitive employment and/or less restrictive settings. (11-22-91)

**831. - 899. (RESERVED).**

**900. ADDITIONAL STANDARDS FOR PERSONNEL PROVIDING DEVELOPMENTAL DISABILITY SERVICES.**

01. Professionals. Except as provided in Subsection 900.02 of this section, all personnel employed by a center for the purpose of providing developmental disability services after October 6, 1988, shall be developmental disability professionals. (11-22-91)
02. Paraprofessionals. Paraprofessionals, such as aides or therapy technicians, may be used by a center to provide developmental disability services if they are under the supervision of a developmental disability professional. (11-22-91)
  - a. During the center's primary training hours, 8:00 a.m. to 5:00 p.m., 1:00 p.m. to 9:00 p.m., there shall be a minimum of one (1) DDP on duty and supervising the delivery of services for every twelve (12) individuals receiving services at a given time. Two (2) individuals may be receiving community based services while ten (10) individuals are simultaneously receiving community-based services. In this situation, one (1) DDP is required. If services are provided at times other than during the primary training hours, the center shall designate a developmental disabilities professional or administrator to be contacted in case of emergency (7-1-95)
  - b. There shall be a minimum of one (1) qualified staff, which may be the DDP, providing direct services for every twelve (12) individuals. Additional staff shall be added, as necessary, to meet the individual needs of each individual served. (11-22-91)
  - c. Aides or therapy technicians utilized to assist in the provision of physical therapy services may do so only when a physical therapist is present at the site of service delivery; (11-22-91)
  - d. Paraprofessionals shall not conduct client evaluations or establish the service plan. These activities shall be conducted by a developmental disabilities professional. (11-22-91)
  - e. The paraprofessional shall, on a daily basis, be given orientation and training on the program and procedures to be followed; (11-22-91)
  - f. If the paraprofessional works independently, there shall be a review conducted by a developmental disabilities professional by the end of the next regular working day as to the outcome of the paraprofessional's work and appropriate adjustment made. This review will include the dated initials of the developmental disabilities professional conducting the

review. (11-22-91)

g. A developmental disabilities professional periodically inspect the work performed by the paraprofessional at the site of service delivery. (11-22-91)

03. Specified Service Providers. In accordance with Section 800, only specified developmental disability service providers may provide service within the designated element of service. (12-31-91)

04. Medical Services. Medical services shall be available either from a physician or a physician consultant on a continuing and regularly scheduled basis. (11-22-91)

05. Administrative Staffing. The program administrator shall be accountable for all service elements of a developmental disability program and shall be employed on a continuous regularly scheduled basis. (11-22-91)

003.10; a. The program administrator shall be a Developmental Disability Professional (DDP) as defined in Subsection (12-31-91)

b. If the administrator is not a DDP, a DDP shall be employed on a continuous regularly scheduled basis and shall be responsible for the service elements of the developmental disabilities program; (11-22-91)

c. Either the program administrator or the DDP shall have two (2) years of supervisory or management experience providing developmental disabilities services to individuals with developmental disabilities. (11-22-91)

d. The administrator shall have responsibility for the overall direction of the center and, when applicable, the primary, temporary, satellite and/or secondary center(s); (7-1-95)

e. If the developmental disabilities center is providing services at a primary, satellite or temporary center, the program administrator shall insure adequate on-site supervision from the administrator or DDP having two (2) years of supervisory or management experience providing developmental disabilities services; (7-1-95)

f. If the developmental disabilities center is operating a secondary center, the program administrator may direct the center's operations. However, there shall be a DDP employed at the secondary center with two (2) years of supervisory or management experience providing developmental disabilities services who is responsible for the service elements of the center. (11-22-91)

**901. VOLUNTEERS.**

If volunteers are utilized, the program shall establish policies and procedures governing the screening, training and utilization of volunteer workers for delivery of services. (11-22-91)

**902. TRAINING.**

Each center designated under these rules shall provide ongoing training for staff and volunteers (11-22-91)

01. Annual Training. A minimum of twelve (12) hours of formal training shall be provided each staff member annually including first aid and CPR, as needed for initial and renewal of certification, fire safety, behavior management and skill development in the area of rehabilitation or habilitation of persons with developmental disabilities. This training shall be documented in a log of training for each staff person. (11-22-91)

02. Sufficient Training. Training of staff and volunteers shall be sufficient to ensure the following as applicable to their work assignments and responsibilities (11-22-91)

a. Correct and consistent implementation of client service plans and interventions to achieve individual objectives; and (5-1-94)

b. Optimal independence of all individuals receiving services is encouraged, supported and reinforced through appropriate activities, opportunities, and training; and (5-1-94)

c. Correct and appropriate use of assistive technology used by individuals obtaining services; and (7-1-95)

- d. Accurate record keeping and data collection procedures; and (5-1-94)
- e. Consistent use of behavioral and developmental programming principles and the use of positive behavioral intervention techniques; and (5-1-94)
- f. Adequate observation, review and monitoring of staff, volunteer and client performance to promote the achievement of client objectives; and (7-1-95)
- g. Each client's rights, confidentiality, safety and welfare; and (11-22-91)
- h. The proper implementation of all policies and procedures developed by the center. (11-22-91)

**903. -- 919. (RESERVED).**

**920. PHYSICAL PLANT.**

The requirements under this section apply when a center is providing center-based services. (7-1-95)

- 01. Accessibility. Centers designated under these rules shall be responsive to the needs of the service area and persons receiving services and accessible to persons with disabilities as defined in 504 of the Federal Rehabilitation Act and the Uniform Federal Accessibility Standard. (11-22-91)
- 02. Environment. The center shall be designed and equipped to meet the needs of each client including, but not limited to, factors such as sufficient space, equipment, lighting and noise control. (11-22-91)
- 03. Capacity. Centers shall serve no more than forty (40) persons with developmental disabilities on site at a given time. Centers may apply to the Director for a waiver pursuant to Subsection 301.02.b.xx. of these rules. The decision of the Director may be reviewed by the Board. Centers are encouraged to include persons without disabilities in their programs or to integrate persons with disabilities into community activities for part of the day. (7-1-95)
- 04. Fire and Safety Standards. (11-22-91)
  - a. Buildings on the premises used as facilities shall meet all local and state codes concerning fire and life safety that are applicable to developmental disabilities centers. The owner/operator shall have the facility inspected at least annually by the local fire authority. In the absence of a local fire authority, such inspections shall be obtained from the Idaho State Fire Marshall's office. A copy of the inspection shall be made available to the licensing agency upon request and shall include documentation of any necessary corrective action taken on violations cited; and (11-22-91)
  - b. The facility shall be structurally sound and shall be maintained and equipped to assure the safety of clients, employees and the public; and (11-22-91)
  - c. On the premises of all facilities where natural or man-made hazards are present, suitable fences, guards and/or railings shall be provided to protect clients; and (11-22-91)
  - d. The premises and all buildings used as facilities shall be kept free from the accumulation of weeds, trash and rubbish; and (11-22-91)
  - e. Portable heating devices shall be prohibited except units that have heating elements that are limited to not more than two-hundred and twelve (212) degrees Fahrenheit. The use of unvented, fuel-fired heating devices of any kind shall be prohibited. All portable space heaters must be U.L. approved as well as approved by the local fire or building authority. (11-22-91)
  - f. Quantities of flammable and/or combustible materials deemed hazardous by the licensing agency shall not be stored in the facility; and (11-22-91)
  - g. All hazardous or toxic substances shall be properly labeled and stored under lock and key; and (11-22-91)
  - h. Water temperatures in areas accessed by clients shall not exceed one hundred and twenty (120) degrees

- Fahrenheit; and (11-22-91)
- i. Portable fire extinguishers shall be installed throughout the facility. Numbers, types and location shall be directed by the applicable fire authority noted in Subsection 920.04.a.; and (12-31-91)
  - j. Electrical installations and equipment shall comply with all applicable local and/or state electrical requirements. In addition: (11-22-91)
    - i. Equipment designed to be grounded shall be maintained in a grounded condition; and (11-22-91)
    - ii. Extension cords and multiple electrical outlet adapters shall not be utilized unless U.L. approved and the numbers, location, and use of them are approved, in writing, by the local fire or building authority; and (11-22-91)
    - k. There shall be a telephone available on the premises for use in the event of an emergency. Emergency telephone numbers shall be posted near the telephone; and (11-22-91)
    - l. Furnishings, decorations or other objects shall not obstruct exits or access to exits; and (11-22-91)
    - m. Evacuation plans shall be posted throughout the building and shall indicate: (11-22-91)
      - i. Point of orientation; (11-22-91)
      - ii. Location of all fire extinguishers; (11-22-91)
      - iii. Location of exits; (11-22-91)
      - iv. Designated meeting area outside of building; and (11-22-91)
    - n. Emergency plans and training requirements: (11-22-91)
      - i. There shall be written policies and procedures covering the protection of all persons in the event of fire or other emergencies; and (11-22-91)
      - ii. All employees shall participate in fire and safety training upon employment and at least annually thereafter; and (11-22-91)
      - iii. All employees and clients shall engage in quarterly fire drills. At least two (2) of these fire drills shall include evacuation of the building; and (11-22-91)
      - iv. A brief summary of the fire drill and the response of the employees and clients shall be written and maintained on file. The summary shall indicate the date and time the drill occurred, problems encountered and corrective action taken; and (11-22-91)
  - 05. Food Preparation and Storage. (11-22-91)
    - a. If foods are prepared in the center, they shall be prepared by sanitary methods that also preserve nutritional value, flavor and appearance; (11-22-91)
    - b. Perishable foods shall be stored and served at the following temperatures, except during actual preparation time: (11-22-91)
      - i. Cold foods - under forty-five (45) degrees Fahrenheit; (11-22-91)
      - ii. Hot foods - over one hundred and forty (140) degrees Fahrenheit. (11-22-91)
    - c. Refrigerators and freezers used to store client lunches and other perishable foods used by clients, shall be equipped with a reliable, easily-readable thermometer. Refrigerators shall be maintained at forty-five (45) degrees Fahrenheit or

below. Freezers shall be maintained at zero (0) to ten (10) degrees Fahrenheit or below; and (11-22-91)

d. Foods shall be served in a form to meet the nutritional, dietary and individual needs of each client. (11-22-91)

06. Housekeeping and Maintenance Services. (11-22-91)

a. The interior and exterior of the center shall be maintained in a clean, safe and orderly manner and shall be kept in good repair; and (11-22-91)

and b. Deodorizers cannot be used to cover odors caused by poor housekeeping and/or unsanitary conditions; (11-22-91)

c. All housekeeping equipment shall be in good repair and maintained in a clean, safe and sanitary manner; and (11-22-91)

d. The center shall be maintained free from infestations of insects, rodents and other pests; and (11-22-91)

e. The facility shall maintain the temperature and humidity within a normal comfort range by heating, air conditioning or other means. (11-22-91)

**921. HEALTH.**

01. Policies and Procedures. The center shall develop policies and procedures which describe how the center will assure that staff is free from communicable disease and how it will protect clients from exposure to other individuals exhibiting symptoms of illness; (7-1-95)

02. Employees. Each employee with direct contact with clients shall be free of communicable disease and infected skin lesions while on duty. (7-1-95)

03. Handling of Clients' Medications. Personnel of the center shall not administer medications unless legally authorized to do so. Personnel may assist the client to take his own medication under the following conditions: (7-1-95)

a. The medication shall be brought by the client in a prepackaged container which is appropriately labeled with the name of the medication, dosage and time and amount to be taken. Each medication shall be packaged separately to avoid mistakes in identification unless packaged in Medisets or a similar system. (7-1-95)

b. Only licensed nurses and other professionals legally authorized to administer medications may give clients injectable medications. (7-1-95)

c. No medications shall be given except under the verbal or written orders of a physician. Evidence of the written or verbal order shall be maintained in the client's record. Medisets labeled by a pharmacist and supplied to the client on a weekly basis may serve as written evidence of a physician's order. An original prescription bottle labeled by a pharmacist describing the current physician's orders/instructions for use, may also serve as written evidence of a physician's orders. (7-1-95)

d. The center shall be responsible for the safeguarding of the client's medications while he is at the center or in the community. (7-1-95)

e. Medications which are no longer used by the client shall not be retained by center staff. These shall be returned to the pharmacist, the client, or person responsible for the client's home care. (7-1-95)

f. Medications shall not be borrowed between clients. (7-1-95)

04. Accident/Injury Reports. Accident/injury reports shall be completed for all such incidents experienced by clients receiving services. (7-1-95)

**922. - 992. (RESERVED).**



**993. ANNUAL PROGRESS REPORT AND PLAN.**

By June 30 of each year, each developmental disabilities center shall submit an annual progress report and plan covering the current fiscal year to the state developmental disability authority. (11-22-91)

**994. STATE PLAN.**

Each center shall be required, as needed, to participate in the state developmental disabilities plan development by completing an annual needs assessment survey or public hearing on services for Idahoans with disabilities. (11-22-91)

**995. AFFIRMATIVE ACTION.**

01. Equal Employment Opportunity. It is the policy of the Department to promote the objectives of equal employment opportunity and fair labor practice laws of the United States and the state of Idaho. Thus, any center designated under these rules will pursue these objectives. (10-6-88)

02. Nondiscrimination. No employee of a center designated under these rules will, in the course of serving client needs, discriminate against any individual on the basis of race, color, national origin, religion, sex, age, or physical/mental disability. (10-6-88)

**996. ADMINISTRATIVE PROVISIONS.**

Contested case hearings shall be governed according to the provisions of Idaho Department of Health and Welfare Rules, Title 05, Chapter 03, Sections 000, et seq., "Rules Governing Contested Cases and Declaratory Rulings." (12-31-91)

**997. CONFIDENTIALITY OF RECORDS.**

Any disclosure of information obtained by the Department is subject to the restrictions contained in Idaho Department of Health and Welfare Rules, Title 05, Chapter 01, "Rules Governing the Protection and Disclosure of Department Records." In addition: (11-22-91)

01. Storage of Records. All client information including, but not limited to, client records shall be maintained and stored in a manner which ensures client confidentiality. (11-22-91)

02. Written Consent. Client information and records shall not be provided to individuals or agencies not legally authorized to receive it without the informed written consent of the client, parent (if the client is a minor) or legal guardian. (11-22-91)

**998. INCLUSIVE GENDER.**

As used in these rules, the masculine, feminine, or neuter gender, and the singular or plural number, will each be deemed to include the others whenever the context so requires (10-6-88)

**999. SEVERABILITY.**

Idaho Department of Health and Welfare Rules, Title 04, Chapter 11, are severable. If any rule, or part thereof, or the application of such rule to any person or circumstance, is declared invalid, that invalidity does not affect the validity of any remaining portion of the chapter. (10-6-88)