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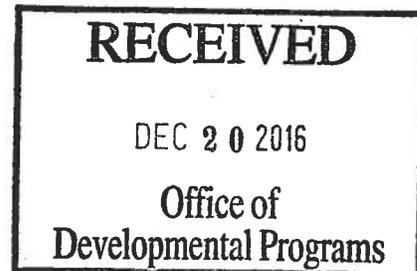
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*Community Living Care, Inc.*

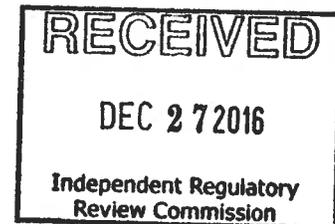
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[www.communitylivingcare.com](http://www.communitylivingcare.com)

December 20, 2016

Julie Mochon  
Human Service Program Specialist Supervisor  
Office of Developmental Programs  
Room 502, Health and Welfare Building  
625 Forster Street  
Harrisburg, PA 17120



**Re: Comments on Regulation 14 – 540**



Dear Ms. Mochon:

Enclosed please find the comments from Community Living Care Inc (CLC) concerning the proposed regulations: Chapter 6100, Chapter 2380, and Chapter 6400. As a provider of care and support to people with developmental disabilities and their families for close to thirty years, CLC believes that it is paramount that these regulations are conducive to the needs of the people that we support and are reflective of the Every Day Lives principles and values that guide our service system. Although we understand the parameters of rulemaking, CLC requests that the department give consideration to the attached comments when finalizing the development of the regulations, as well as those submitted by PAR.

Thank you for your time and consideration regarding this matter.

Sincerely,

A handwritten signature in cursive script that reads "Hayes E. Treasure".

Hayes E. Treasure, M Ed  
Chief Executive Officer  
Community Living Care, Inc.

3160

Government of Ontario

100 Queen Street West

Toronto, Ontario M5H 2B2

Telephone: (416) 325-2300

Fax: (416) 325-2301



December 2, 2016

Ms. M. M. M.

100 Queen Street West

Toronto, Ontario M5H 2B2

Dear Ms. M. M. M.:

Thank you for your letter of December 1, 2016.

I am pleased to hear that you are satisfied with the results of the review.

Yours faithfully,  
The Minister of Health

Ms. M. M. M.

I am pleased to hear that you are satisfied with the results of the review. The review was conducted in accordance with the provisions of the Access to Information Act and the Freedom of Information Act. The review was completed on December 1, 2016. The results of the review are set out in the report attached to this letter. I am pleased to hear that you are satisfied with the results of the review. The review was conducted in accordance with the provisions of the Access to Information Act and the Freedom of Information Act. The review was completed on December 1, 2016. The results of the review are set out in the report attached to this letter.

Thank you for your letter of December 1, 2016.

Ms. M. M. M.  
100 Queen Street West  
Toronto, Ontario M5H 2B2  
Telephone: (416) 325-2300  
Fax: (416) 325-2301

December 19, 2016

Julie Mochon  
Human Service Program Specialist Supervisor  
Office of Developmental Programs  
Room 502, Health and Welfare Building  
625 Forster Street  
Harrisburg, PA 17120

**Re: Community Living Care Comments on Chapter 6400**

KEY for reviewing Comments on Chapter 6400:

Strikethrough = text suggested to be deleted. (Text that the Department proposes to delete has also been stricken for consistency and ease of reading).

Blue text = text suggested to be added.

**CHAPTER 6400. COMMUNITY HOMES FOR INDIVIDUALS WITH AN INTELLECTUAL  
DISABILITY OR AUTISM**

**GENERAL PROVISIONS**

**§ 6400.1. Introduction.**

This chapter is based on the principle of integration and the right of the individual with an intellectual disability **or autism** to live a life which is as close as possible in all aspects to the life which any member of the community might choose. For the individual with an intellectual disability **or autism** who requires a residential service, the design of the service shall be made with the individual's unique needs in mind so that the service will facilitate the person's ongoing growth and development.

**§ 6400.2. Purpose.**

The purpose of this chapter is to protect the health, safety and well-being of individuals with an intellectual disability **or autism**, through the formulation, implementation and enforcement of minimum requirements for the operation of community homes for individuals with an intellectual disability **or autism**.

**§ 6400.3. Applicability.**

(a) This chapter applies to community homes for individuals with an intellectual disability **or autism**, except as provided in subsection (f).

(b) This chapter contains the minimum requirements that shall be met to obtain a certificate of compliance. A certificate of compliance shall be obtained prior to operation of a community home for individuals with an intellectual disability **or autism**.

(c) This chapter applies to profit, nonprofit, publicly funded and privately funded homes.

(d) Each home serving nine or more individuals shall be inspected by the Department each year and shall have an individual certificate of compliance specific for each building.

(e) Each agency operating one or more homes serving eight or fewer individuals shall have at least a sample of its homes inspected by the Department each year. The certificate of compliance issued to an agency shall specify the location and maximum capacity of each home the agency is permitted to operate.

(f) This chapter does not apply to the following:

(1) Private homes of persons providing care to a relative with an intellectual disability **or autism**.

(2) Residential facilities operated by the Department.

(3) Intermediate care facilities for individuals with an intellectual disability licensed by the Department in accordance with Chapter 6600 (relating to intermediate care facilities for individuals with an intellectual disability) **or intermediate care facilities for individuals with other related conditions**.

(4) Foster family care homes licensed by the Office of Children, Youth and Families of the Department that serve only foster care children.

(5) Summer camps.

(6) Facilities serving exclusively personal care home, drug and alcohol, mental health or domiciliary care residents.

(7) Residential homes for three or fewer people with an intellectual disability **or autism** who are 18 years of age or older and who need a yearly average of 30 hours or less direct staff contact per week per home.

(8) Child residential facilities which serve exclusively children, which are regulated under Chapter 3800 (relating to child residential and day treatment facilities).

(g) This chapter does not measure or assure compliance with other applicable Federal, State and local statutes, regulations, codes and ordinances. It is the responsibility of the home to comply with other applicable laws, regulations, codes and ordinances.

#### § 6400.4. Definitions.

**Discussion 6400.4.**

See comment and suggestion under Chapter 6100.3. Comment is identical unless otherwise noted.

“Individual” should replace use of the term “client” where applicable.

“Provider” should replace use of the term “agency” and “home” where applicable.

Where applicable, replace the use of the word “provider” in Chapter 6100 with “home” in Chapter 6400.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

*Adult*—A person 18 years of age or older.

*Agency Provider*—A person or legally constituted organization operating one or more community homes for people with an intellectual disability or autism serving eight or fewer individuals.

*Autism*—~~A developmental disorder defined by the edition of the *Diagnostic and Statistical Manual of Mental Disorders*, or its successor, in effect at the time the diagnosis is made. The term includes autistic disorder, Asperger's disorder and autism spectrum disorder.~~

*Community home for individuals with an intellectual disability or autism (home)*—A building or separate dwelling unit in which residential care is provided to one or more individuals with an intellectual disability or autism, except as provided in § 6400.3(f) (relating to applicability). Each apartment unit within an apartment building is considered a separate home. Each part of a duplex, if there is physical separation between the living areas, is considered a separate home.

~~[Content discrepancy—A difference between what was determined at the ISP meeting by the plan team and what is documented in the written ISP.]~~

~~[Documentation—Written statements that accurately record details, substantiate a claim or provide evidence of an event.]~~

*Fire safety expert*—A local fire department, fire protection engineer, State certified fire protection instructor, college instructor in fire science, county or State fire school, volunteer fire person trained by a county or State fire school or an insurance company loss control representative.

~~[ISP—Individual Support Plan—The comprehensive document that identifies services and expected outcomes for an individual.]~~

*Intellectual disability*—~~Subaverage general intellectual functioning which originates during the developmental period and is associated with impairment of one or more of the following:~~

~~—(i) Maturation.~~

~~—(ii) Learning.~~

~~—(iii) Social adjustment.~~

~~[Outcomes—Goals the individual and individual's plan team choose for the individual to acquire, maintain or improve.~~

~~—Plan lead—The program specialist, when the individual is not receiving services through an SCO.~~

~~—Plan team—The group that develops the ISP.]~~

*Relative*—A parent, child, stepparent, stepchild, grandparent, grandchild, brother, sister, half brother, half sister, aunt, uncle, niece or nephew.

## GENERAL REQUIREMENTS

### § 6400.15. Self-assessment of homes.

#### Discussion 6400.15.

(a) The agency shall complete a self-assessment of each home the agency operates serving eight or fewer individuals, within 3 to 6 months prior to the expiration date of the agency's certificate of compliance, to measure and record compliance with this chapter.

(b) The agency shall use the Department's licensing inspection instrument for the community homes for individuals with an intellectual disability or autism regulations to measure and record compliance.

(c) A copy of the agency's self-assessment results and a written summary of corrections made shall be kept by the agency for at least 1 year.

### § 6400.18. – 6400.20 Incident Management

**Comment and Suggestion for 6400.18. – 6400.20. Incident Management:**  
See Comment and Suggestion under Chapter 6100 Incident Management; 6100.401 – 6100.405. Comment is identical unless noted otherwise.

### § 6400.24. Applicable laws and regulations.

The home shall comply with applicable Federal, State and local laws, regulations and ordinances.

### § 6400.31. – 6400.34 Individual Rights

## INDIVIDUAL RIGHTS

**Comment and Suggestion 6400.31 – 6400.34. Individual Rights**  
See Comment and Suggestion under Chapter 6100 Individual Rights (6100.181 – 6100.185).  
Comment is identical unless noted otherwise.

## STAFFING

§ 6400.44. Program specialist.

**Comment and Suggestion 6400.44**  
Text is suggested for purpose of clarity.

(a) A minimum of ~~[one]~~ 1 program specialist shall be assigned for every 30 individuals. A program specialist shall be responsible for a maximum of 30 people, including people served in other types of services.

(b) The program specialist shall be responsible for the following:

~~[(1) Coordinating and completing assessments.~~

~~—(2) Providing the assessment as required under § 6400.181(f) (relating to assessment).~~

~~—(3) Participating in the development of the ISP, ISP annual update and ISP revision.~~

~~—(4) Attending the ISP meetings.~~

~~—(5) Fulfilling the role of plan lead, as applicable, under §§ 6400.182 and 6400.186(f) and (g) (relating to development, annual update and revision of the ISP; and ISP review and revision).~~

~~—(6) Reviewing the ISP, annual updates and revisions under § 6400.186 for content accuracy.~~

~~—(7) Reporting content discrepancy to the SC, as applicable, and plan team members.~~

~~—(8) Implementing the ISP as written.~~

~~—(9) Supervising, monitoring and evaluating services provided to the individual.~~

~~—(10) Reviewing, signing and dating the monthly documentation of an individual's participation and progress toward outcomes.~~

~~—(11) Reporting a change related to the individual's needs to the SC, as applicable, and plan team members.~~

~~—(12) Reviewing the ISP with the individual as required under § 6400.186.~~

~~—(13) Documenting the review of the ISP as required under § 6400.186.~~

~~—(14) Providing the documentation of the ISP review to the SC, as applicable, and plan team members as required under § 6400.186(d).~~

~~—(15) Informing plan team members of the option to decline the ISP review documentation as required under § 6400.186(e).~~

~~—(16) Recommending a revision to a service or outcome in the ISP as provided under § 6400.186(e)(4).~~

~~—(17) Coordinating the services provided to an individual.~~

~~—(18) Coordinating the training of direct service workers in the content of health and safety needs relevant to each individual.~~

~~—(19) Developing and implementing provider services as required under § 6400.188 (relating to provider services).]~~

(1) Coordinating the completion of assessments.

(2) Participating in the PSP process, PSP development, PSP team reviews and the implementation of the PSP in accordance with this chapter.

(3) ~~Providing and supervising~~ Coordinating and facilitating activities for the individuals in accordance with the PSPs.

(4) Supporting the integration of individuals in the community.

(5) Supporting individual communication and ~~involvement~~ relationships with families and friends.

(c) A program specialist shall have one of the following groups of qualifications:

(1) A master's degree or above from an accredited college or university and 1 year of work experience working directly with individuals with an intellectual disability or autism.

(2) A bachelor's degree from an accredited college or university and 2 years of work experience working directly with individuals with an intellectual disability or autism.

(3) An associate's degree or 60 credit hours from an accredited college or university and 4 years of work experience working directly with individuals with an intellectual disability or autism.

(4) A minimum of 8 years of direct work experience with individuals who have an intellectual disability or autism and has supervisory experience.

#### § 6400.45. Staffing.

(a) A minimum of one staff person for every eight individuals shall be awake and physically present at the home when individuals are awake at the home.

(b) A minimum of ~~[one]~~ 1 staff person for every 16 individuals shall be physically present at the home when individuals are sleeping at the home.

(c) An individual may be left unsupervised for specified periods of time if the absence of direct supervision is consistent with the individual's assessment and is part of the individual's [ISP] PSP, as an outcome which requires the achievement of a higher level of independence.

(d) The staff qualifications and staff ratio as specified in the [ISP] PSP shall be implemented as written, including when the staff ratio is greater than required under subsections (a), (b) and (c).

(e) An individual may not be left unsupervised solely for the convenience of the residential home or the direct service worker support worker.

§ 6400.46. [Staff] Emergency training.

**Discussion 6400.46.**

*Please clarify (c) because as it is written it does not make sense.*

~~[(a) The home shall provide orientation for staff persons relevant to their responsibilities, the daily operation of the home and policies and procedures of the home before working with individuals or in their appointed positions.~~

~~—(b) The home shall have a training syllabus describing the orientation specified in subsection (a).~~

~~—(c) The chief executive officer shall have at least 24 hours of training relevant to human services or administration annually.~~

~~—(d) Program specialists and direct service workers who are employed for more than 40 hours per month shall have at least 24 hours of training relevant to human services annually.~~

~~—(e) Program specialists and direct service workers shall have training in the areas of intellectual disability, the principles of integration, rights and program planning and implementation, within 30 calendar days after the day of initial employment or within 12 months prior to initial employment.~~

~~—(f)(a) Program specialists and service worker support worker workers shall be trained before working with individuals in general fire safety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the building or within the fire safe area in the event of an actual fire, smoking safety procedures if individuals or staff persons smoke at the home, the use of fire extinguishers, smoke detectors and fire alarms, and notification of the local fire department as soon as possible after a fire is discovered.~~

~~[(g) (b) Program specialists and service worker support worker workers shall be trained annually by a fire safety expert in the training areas specified in subsection [(f) (a)].~~

~~[(h) (c) Program specialists and service worker support worker workers and at least one person in a vehicle while individuals are being transported by the home[,] shall be trained before working with individuals in first aid techniques.~~

~~[(i) (d) Program specialists, service worker support worker workers and drivers of and aides in vehicles shall be trained within 6 months after the day of initial employment and annually thereafter, by an individual certified as a trainer by a hospital or other recognized health care organization, in first aid, Heimlich techniques and cardio-pulmonary resuscitation.~~

~~—(j) Records of orientation and training, including the training source, content, dates, length of training, copies of certificates received and staff persons attending, shall be kept.]~~

(Editor's Note: Sections 6400.50—6400.52 are new and printed in regular type to enhance readability.)

**§ 6400.50. – 6400.52 Training**

**Comment and Suggestion 6400.50 – 6400.52 Training.**

See Comment and Suggestion under Chapter 6100 TRAINING (6100.141 – 6100.143).

Comment is identical unless noted otherwise.

For 6400.50 – 6400.52: Training - the provider is responsible for complying with the provisions, not the home.

6400.53 is suggested to be added, as noted below, consistent with Chapter 6100.

**§ 6400.50**

~~(a) The home shall design an annual training plan based on the needs of the individuals as specified in the individuals' PSPs, other data and analysis indicating staff person training needs and as required under §§ 6400.46 and 6400.52 (relating to emergency training; and annual training). The provider shall design an annual training plan based on the needs specified in the individual's PSP and the provider's quality improvement strategy.~~

**§ 6400.53. Natural supports.**

Sections 6400.50. —6400.52. (relating to annual training plan; orientation program; and annual training) do not apply to natural supports.

**§ 6400.161. – 6400.169. Medications**

**Comment and Suggestion § 6400.161. – 6400.169. Medications**

See Comment and Suggestion under Chapter 6100 MEDICATION ADMINISTRATION (6100.461 – 6100.469). Comment is identical unless noted otherwise.

**PROGRAM**

**§ 6400.181. Assessment.**

**Discussion 6400.181.**

The recommended language in 6400.181 (b) is intended to distinguish between the need for a full assessment and a partial assessment.

6400.181 (f) has been amended to provide additional time to enable a program specialist to better prepare an informed assessment.

\* \* \* \* \*

(b) If the program specialist is making a recommendation to revise a service or outcome in the [ISP as provided under § 6400.186(c)(4) (relating to ISP review and revision)] PSP, the individual shall have an assessment specific to that recommendation completed as required under this section.

\* \* \* \* \*

(f) The program specialist shall provide the assessment to the SC, as applicable, and [plan] PSP team members at least 30 15 calendar days prior to [an ISP meeting for the development, annual update and revision of the ISP under §§ 2380.182, 2390.152, 6400.182 and 6500.152 (relating to development, annual update and revision of the ISP)] a PSP meeting.

**§6400.181 – 6400.186. Person-Centered Support Plan.**

**Comment and Suggestion §6400.181 – 6400.186. Person-centered Support Plan.**  
See Comment and Suggestion under Chapter 6100.221 – 6100.224. Comment is identical unless noted otherwise.

§ 6400.187. [~~Copies.~~] (Reserved).

**Discussion 6400.187.**

~~[A copy of the ISP, including the signature sheet, shall be provided to plan team members within 30 calendar days after the ISP, annual update and ISP revision meetings.]~~

§ 6400.188. [~~Provider services.~~] (Reserved).

**Discussion 6400.188.**

~~[(a) The residential home shall provide services including assistance, training and support for the acquisition, maintenance or improvement of functional skills, personal needs, communication and personal adjustment.~~

~~—(b) The residential home shall provide opportunities and support to the individual for participation in community life, including volunteer or civic-minded opportunities and membership in National or local organizations.~~

~~—(c) The residential home shall provide services to the individual as specified in the individual's ISP.~~

~~—(d) The residential home shall provide services that are age and functionally appropriate to the individual.]~~

**§ 6400.191. – 6400.195. Positive Intervention**

**[RESTRUCTIVE PROCEDURES] POSITIVE INTERVENTION**

**Comment and Suggestion §6400.191. – 6400.195. Positive Intervention:**  
See Comment and Suggestion under Chapter 6100 POSITIVE INTERVENTION (6100.341 – 6100.345). Comment is identical unless noted otherwise.

§ 6400.196. ~~[Staff training.]~~ **Rights team.**

**Comment and Suggestion 6400.196.**  
See Comment and Suggestion under Chapter 6100 Rights Team. (6100.52.). Comment is identical unless noted otherwise.

§§ 6400.197—6400.206. (Reserved).

## INDIVIDUAL RECORDS

§ 6400.213. **Content of records.**

Each individual's record must include the following information:

(1) Personal information including:

(i) The name, sex, admission date, birthdate and ~~[social security]~~ **Social Security** number.

(ii) The race, height, weight, color of hair, color of eyes and identifying marks.

(iii) The language or means of communication spoken or understood by the individual and the primary language used in the individual's natural home, if other than English.

(iv) The religious affiliation.

(v) The next of kin.

(vi) A current, dated photograph.

(2) ~~[Unusual incident]~~ **Incident** reports relating to the individual.

(3) Physical examinations.

(4) Dental examinations.

(5) Dental hygiene plans.

(6) Assessments as required under § 6400.181 (relating to assessment).

~~[(7) A copy of the invitation to:~~

~~(i) The initial ISP meeting.~~

~~(ii) The annual update meeting.~~

- ~~—(iii) The ISP revision meeting.~~
- ~~—(8) A copy of the signature sheets for:~~
  - ~~—(i) The initial ISP meeting.~~
  - ~~—(ii) The annual update meeting.~~
  - ~~—(iii) The ISP revision meeting.~~
- ~~—(9) A copy of the current ISP.~~
- ~~—(10) Documentation of ISP reviews and revisions under § 6400.186 (relating to ISP review and revision), including the following:~~
  - ~~—(i) ISP review signature sheets.~~
  - ~~—(ii) Recommendations to revise the ISP.~~
  - ~~—(iii) ISP revisions.~~
  - ~~—(iv) Notices that the plan team member may decline the ISP review documentation.~~
  - ~~—(v) Requests from plan team members to not receive the ISP review documentation.~~
- ~~—(11) Content discrepancy in the ISP, The annual update or revision under § 6400.186.]~~
- (7) PSP documents as required by this chapter.
- ~~—[(12) Restrictive procedure protocols and]~~ (8) Positive intervention records related to the individual.
- [(13)] (9) Copies of psychological evaluations, if applicable.
- [(14)] (10) Recreational and social activities provided to the individual.



December 19, 2016

Julie Mochon  
Human Service Program Specialist Supervisor  
Office of Developmental Programs  
Room 502, Health and Welfare Building  
625 Forster Street  
Harrisburg, PA 17120

**Re: Community Living Care Comments on Chapter 2380**

KEY for reviewing Comments on Chapter 2380:

Strikethrough = text suggested to be deleted. (Text that the Department proposes to delete has also been stricken for consistency and ease of reading).

Blue text = text suggested to be added.

**CHAPTER 2380. ADULT TRAINING FACILITIES**

**GENERAL PROVISIONS**

**§ 2380.3. Definitions.**

**Comment and Suggestion 2380.3.**

See comment and suggestion under Chapter 6100.3. Comment is identical unless otherwise noted. All modifications, deletions, and additions of definitions should match those in Chapter 6100.

In the definition for *adult training facility*, what is the Department's rationale for excluding persons who are 60 years of age or older? Likewise, it does not specify 18 years or older.

"Provider" should replace use of the term "facility" where applicable.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Adult—A person 18 years of age or older.

Adult training facility or facility—A building or portion of a building in which services are provided to four or more individuals, ~~who are 59 years of age or younger and~~ who do not have a dementia-related disease as a primary diagnosis, for part of a 24-hour day, excluding care provided by relatives. Services include the provision of functional activities, assistance in meeting personal needs and assistance in performing basic daily activities.

~~[Content discrepancy—A difference between what was determined at the ISP meeting by the plan team and what is documented in the written ISP.]~~

~~[Documentation—Written statements that accurately record details, substantiate a claim or provide evidence of an event.]~~

Fire safety expert—A local fire department, fire protection engineer, State certified fire protection instructor, college instructor in fire science, county or State fire school, volunteer fire person trained by a county or State fire school or an insurance company loss control representative.

~~[ISP—Individual Support Plan—The comprehensive document that identifies services and expected outcomes for an individual.]~~

~~—Individual—An adult with disabilities who receives care in an adult training facility and who has developmental needs that require assistance to meet personal needs and to perform basic daily activities. Examples of adults with disabilities include adults who exhibit one or more of the following:~~

~~—(i) A physical disability such as blindness, visual impairment, deafness, hearing impairment, speech or language impairment, or a physical handicap.~~

~~—(ii) A mental illness.~~

~~—(iii) A neurological disability such as cerebral palsy, autism or epilepsy.~~

~~—(iv) An intellectual disability.~~

~~—(v) A traumatic brain injury.~~

~~[Outcomes—Goals the individual and individual's plan team choose for the individual to acquire, maintain or improve.~~

~~—Plan lead—The program specialist or family living specialist, as applicable, when the individual is not receiving services through an SCO.~~

~~—Plan team—The group that develops the ISP.]~~

## GENERAL REQUIREMENTS

§ 2380.17. – 2380.19. Incident Management.

**Comment and Suggestion for 2380.17 – 2380.19 Incident Management:**

See Comment and Suggestion under Chapter 6100 Incident Management; 6100.401 – 6100.405. Comment is identical unless noted otherwise.

§ 2380.21. ~~[Civil]~~ Individual rights.

**Comment and Suggestion 2380.21.**

See Comment and Suggestion under Chapter 6100 Individual Rights (6100.181 – 6100.185). Comment is identical unless noted otherwise.

§ 2380.26. Applicable laws and regulations.

The facility provider shall comply with applicable Federal, State and local laws, regulations and ordinances.

## STAFFING

### § 2380.33. Program specialist.

**Comment and Suggestion 2380.33.**  
Text is suggested for purpose of clarity.

(a) At least ~~[one]~~ 1 program specialist shall be assigned for every 30 individuals, regardless of whether they meet the definition of individual in § 2380.3 (relating to definitions).

(b) The program specialist shall be responsible for the following:

~~[(1) Coordinating and completing assessments.~~

~~—(2) Providing the assessment as required under § 2380.181(f) (relating to assessment).~~

~~—(3) Participating in the development of the ISP, including annual updates and revisions of the ISP.~~

~~—(4) Attending the ISP meetings.~~

~~—(5) Fulfilling the role of plan lead, as applicable, under §§ 2380.182 and 2380.186(f) and (g) (relating to development, annual update and revision of the ISP; and ISP review and revision).~~

~~—(6) Reviewing the ISP, annual updates and revisions under § 2380.186 for content accuracy.~~

~~—(7) Reporting content discrepancy to the SC or plan lead, as applicable, and plan team members.~~

~~—(8) Implementing the ISP as written.~~

~~—(9) Supervising, monitoring and evaluating services provided to the individual.~~

~~—(10) Reviewing, signing and dating the monthly documentation of an individual's participation and progress toward outcomes.~~

~~—(11) Reporting a change related to the individual's needs to the SC or plan lead, as applicable, and plan team members.~~

~~—(12) Reviewing the ISP with the individual as required under § 2380.186.~~

~~—(13) Documenting the review of the ISP as required under § 2380.186.~~

~~—(14) Providing the documentation of the ISP review to the SC or plan lead, as applicable, and plan team members as required under § 2380.186(d).~~

~~—(15) Informing plan team members of the option to decline the ISP Review documentation as required under § 2380.186(e).~~

~~—(16) Recommending a revision to a service or outcome in the ISP as provided under § 2380.186(e)(4).~~

~~—(17) Coordinating the services provided to an individual.~~

~~—(18) Coordinating the training of direct service workers in the content of health and safety needs relevant to each individual.~~

~~—(19) Developing and implementing provider services as required under § 2380.188 (relating to provider services).]~~

(1) Coordinating the completion of assessments.

(2) Participating in the PSP process, PSP development, PSP team reviews and the implementation of the PSP in accordance with this chapter.

(3) ~~Providing and supervising~~ Coordinating and facilitating activities for the individuals in accordance with the PSPs.

(4) Supporting the integration of individuals in the community.

(5) Supporting individual communication and ~~involvement~~ relationships with families and friends.

(c) A program specialist shall have one of the following groups of qualifications:

(1) A master's degree or above from an accredited college or university and 1 year of work experience working directly with persons with disabilities.

(2) A bachelor's degree from an accredited college or university and 2 years of work experience working directly with persons with disabilities.

(3) An associate's degree or 60 credit hours from an accredited college or university and 4 years of work experience working directly with persons with disabilities.

(4) A minimum of 8 years of direct work experience with individuals who have an intellectual disability or autism and has supervisory experience.

### § 2380.35. Staffing.

(a) A minimum of one direct service worker support professional for every six individuals shall be physically present with the individuals at all times individuals are present at the facility, except while staff persons are attending meetings or training at the facility.

(b) While staff persons are attending meetings or training at the facility, a minimum of one staff person for every ten individuals shall be physically present with the individuals at all times individuals are present at the facility.

(c) A minimum of two staff persons shall be present with the individuals at all times.

(d) An individual may be left unsupervised for specified periods of time if the absence of direct supervision is consistent with the individual's assessment and is part of the individual's [ISP] PSP, as an outcome which requires the achievement of a higher level of independence.

(e) The staff qualifications and staff ratio as specified in the [ISP] PSP shall be implemented as written, including when the staff ratio is greater than required under subsections (a), (b) and (c).

(f) An individual may not be left unsupervised solely for the convenience of the facility provider or the ~~direct service~~ direct support worker.

§ 2380.36. ~~[Staff]~~ Emergency training.

~~a) The facility shall provide orientation for staff persons relevant to their responsibilities, the daily operation of the facility and policies and procedures of the facility before working with individuals or in their appointed positions.~~

~~(b) The chief executive officer shall have at least 24 hours of training relevant to human services or administration annually.~~

~~(c) Program specialists and direct service workers who are employed for more than 40 hours per month shall have at least 24 hours of training relevant to human services annually.~~

~~(d) Program specialists and direct service workers shall have training in the areas of services for people with disabilities and program planning and implementation, within 30 calendar days after the day of initial employment or within 12 months prior to initial employment.~~

~~(e)~~ (a) Program specialists and ~~direct service~~ direct support workers shall be trained before working with individuals in general firesafety, evacuation procedures, responsibilities during fire drills, the designated meeting place outside the building or within the fire safe area in the event of an actual fire, smoking safety procedures if individuals or staff persons smoke at the facility, the use of fire extinguishers, smoke detectors and fire alarms, and notification of the local fire department as soon as possible after a fire is discovered.

~~[(f)]~~ (b) Program specialists and ~~direct service~~ direct support workers shall be trained annually by a firesafety expert in the training areas specified in subsection ~~[(f)]~~ (a).

~~[(g)]~~ (c) There shall be at least ~~[one]~~ 1 staff person for every 18 individuals, with a minimum of ~~[two]~~ 2 staff persons present at the facility at all times who have been trained by an individual certified as a trainer by a hospital or other recognized health care organization, in first aid, Heimlich techniques and cardio-pulmonary resuscitation within the past year. If a staff person has formal certification from a hospital or other recognized health care organization that is valid for more than 1 year, the training is acceptable for the length of time on the certification.

~~[(h) Records of orientation and training, including the training source, content, dates, length of training, copies of certificates received and staff persons attending, shall be kept.]~~

(Editor's Note: Sections 2380.37—2380.39 are new and printed in regular type to enhance readability.)

**§ 2380.37. - 2380.39. Training.**

**Comment and Suggestion 2380.37 – 2380.39 Training.**

See Comment and Suggestion under Chapter 6100 TRAINING (6100.141 – 6100.143).

Comment is identical unless noted otherwise.

2380.40 is suggested to be added, as noted below, consistent with Chapter 6100.

**§ 2380.40. Natural supports.**

Sections 2380.37—2380.39 (relating to annual training plan; orientation program; and annual training) do not apply to natural supports.

**§ 2380.121. – 2380.129. Medications**

**MEDICATIONS**

**Comment and Suggestion § 2380.121. - 2380.129. Medications**

See Comment and Suggestion under Chapter 6100 MEDICATION ADMINISTRATION (6100.461 – 6100.469). Comment is identical unless noted otherwise.

**§ 2380.151. – 2380.155. Positive Intervention**

**~~[RESTRICTIVE PROCEDURES]~~ POSITIVE INTERVENTION**

**Comment and Suggestion § 2380.151. - § 2380.155. Positive Intervention:**

See Comment and Suggestion under Chapter 6100 POSITIVE INTERVENTION (6100.341 – 6100.345). Comment is identical unless noted otherwise.

**§ 2380.156. ~~[Staff training.]~~ Rights team.**

**Comment and Suggestion 2380.156.**

See Comment and Suggestion under Chapter 6100 Rights Team. (6100.52.). Comment is identical unless noted otherwise.

**§§ 2380.157—2380.165. (Reserved).**

**RECORDS**

**§ 2380.173. Content of records.**

Each individual's record must include the following information:

(1) Personal information including:

(i) The name, sex, admission date, birthdate and **[social security] Social Security** number.

(ii) The race, height, weight, color of hair, color of eyes and identifying marks.

(iii) The language or means of communication spoken or understood by the individual and the primary language used in the individual's natural home, if other than English.

(iv) Religious affiliation.

(v) A current, dated photograph.

(2) **[Unusual incident] Incident** reports related to the individual.

(3) Physical examinations.

(4) Assessments as required under § 2380.181 (relating to assessment).

~~[(5) A copy of the invitation to:~~

~~—(i) The initial ISP meeting.~~

~~—(ii) The annual update meeting.~~

~~—(iii) The ISP revision meeting.~~

~~—(6) A copy of the signature sheet for:~~

~~—(i) The initial ISP meeting.~~

~~—(ii) The annual update meeting.~~

~~—(iii) The ISP revision meeting.~~

~~—(7) A copy of the current ISP.~~

~~—(8) Documentation of ISP reviews and revisions under § 2380.186 (relating to ISP review and revision), including the following:~~

~~—(i) ISP review signature sheets.~~

~~—(ii) Recommendations to revise the ISP.~~

~~—(iii) ISP revisions.~~

~~—(iv) Notices that the plan team member may decline the ISP review documentation.~~

~~—(v) Requests from plan team members to not receive the ISP review documentation.~~

~~—(9) Content discrepancies in the ISP, the annual update or revision under § 2380.186.]~~

(5) PSP documents as required by this chapter.

~~[(10) Restrictive procedure protocols and]~~ (6) Positive intervention records related to the individual.

~~[(14)]~~ (7) Copies of psychological evaluations, if applicable.

### PROGRAM

#### § 2380.181. Assessment.

**Comment and Suggestion 2380.181.**

The recommended language in 2380.181 (b) is intended to distinguish between the need for a full assessment and a partial assessment.

2390.181 (f) has been amended to provide additional time to enable a program specialist to better prepare an informed assessment.

\* \* \* \* \*

(b) If the program specialist ~~is making~~ makes a recommendation to revise a service or outcome in the ~~[ISP as provided under § 2380.186(e)(4) (relating to ISP review and revision)]~~ PSP, the individual shall have an assessment specific to that recommendation completed as required under this section.

\* \* \* \* \*

(f) The program specialist shall provide the assessment to the SC ~~[or plan lead]~~, as applicable, and ~~[plan]~~ PSP team members at least 30-15 calendar days prior to ~~[an ISP meeting for the development, annual update and revision of the ISP under §§ 2380.182, 2390.152, 6400.182 and 6500.152 (relating to development, annual update and revision of the ISP)]~~ a PSP meeting.

§2380.182 – 2380.186. Person-Centered Support Plan.

**Comment and Suggestion 2380.182 – 2380.186. Person-centered Support Plan.**

See Comment and Suggestion under Chapter 6100.221 – 6100.224. Comment is identical unless noted otherwise.

§ 2380.187. ~~[Copies.]~~ (Reserved).

~~[A copy of the ISP, including the signature sheet, shall be provided to plan team members within 30 calendar days after the ISP annual update and ISP revision meetings.]~~

§ 2380.188. ~~[Provider services.]~~ (Reserved).

~~[(a) The facility shall provide services including assistance, training and support for the acquisition, maintenance or improvement of functional skills, personal needs, communication and personal adjustment.~~

~~—(b) The facility shall provide opportunities and support to the individual for participation in community life, including work opportunities.~~

~~—(c) The facility shall provide services to the individual as specified in the individual's ISP.~~

~~—(d) The facility shall provide services that are age and functionally appropriate to the individual.]~~

