
POLICY TRANSMITTAL NO. 06-21	DATE: JUNE 8, 2006
DEVELOPMENTAL DISABILITIES SERVICES DIVISION	DEPARTMENT OF HUMAN SERVICES OFFICE OF PLANNING, POLICY & RESEARCH

TO: ALL OFFICES

SUBJECT: MANUAL MATERIAL

OAC 340:100-3, Table of Contents; 100-3-36; 100-3-38; 340:100-5, Table of Contents; 100-5-22.6; and 100-6-76.

EXPLANATION: **Policy revisions were approved by the Commission and the Governor as required by the Administrative Procedures Act.**

340:100-3-36 is established to provide guidance for Developmental Disabilities Services Division (DDSD) medical staff regarding illness or injury of a visitor or guest at the facility or office.

340:100-3-38 is revised to add respite, homemaker, respite homemaker, and alternative group homes to the list of specialized training requirements.

340:100-5-22.6 is a new Section that establishes rules regarding the provision of alternative group home services.

340:100-6-76 is revised to incorporate rules regarding residents' funds into other Sections.

Original signed on 4-12-06

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WF # 05-21 (DT)

INSTRUCTIONS FOR FILING MANUAL MATERIAL

OAC is the acronym for Oklahoma Administrative Code. If OAC appears before a number on an Appendix or before a Section in text, it means the Appendix or text contains rules or administrative law. Lengthy internal policies and procedures have the same Chapter number as the OAC Chapter to which they pertain following a “DHS” number, such as personnel policy at DHS:2-1 and personnel rules at OAC 340:2-1. The “340” is the Title number that designates DHS as the rulemaking agency; the “2” specifies the Chapter number; and the “1” specifies the Subchapter number.

The chronological order for filing manual material is: (1) OAC 340 by designated Chapter and Subchapter number; (2) if applicable, DHS numbered text for the designated Chapter and Subchapter; and (3) all OAC Appendices with the designated Chapter number. For example, the order for filing personnel policy is OAC 340:2-1, DHS:2-1, and OAC 340:2 Appendices behind all Chapter 2 manual material. Any questions or assistance with filing manual material will be addressed by contacting Policy Management Unit staff at (405) 521-3611.

REMOVE

340:100-3, Table of Contents

340:100-3-36

340:100-3-38

340:100-5, Table of Contents

340:100-5-22.6

340:100-6-76

INSERT

340:100-3, Table of Contents, pages 1-2,
revised 6-11-06

340:100-3-36. 1 page only, issued 6-11-06

340:100-3-38, pages 1-11, revised 6-11-06

340:100-5, Table of Contents, pages 1-2,
revised 6-11-06

340:100-5-22.6, pages 1-9, issued 6-11-06

340:100-6-76, 1 page only, revised 6-11-06

SUBCHAPTER 3. ADMINISTRATION**PART 1. GENERAL ADMINISTRATION**

- 340:100-3-1. Eligibility determination for DDSD state-funded services
- 340:100-3-1.1. Competency
- 340:100-3-1.2. Rights
- 340:100-3-2. Client records, confidentiality and security
- 340:100-3-3. Communicable diseases
- 340:100-3-4. Service recipients' personal funds
- 340:100-3-4.1. Consumers' personal funds managed by contract residential providers **[REVOKED]**
- 340:100-3-5. Advocacy and guardianship
- 340:100-3-5.1. Volunteer Guardianship Program
- 340:100-3-5.2. Guardianship voucher program
- 340:100-3-6. Human Rights Committee (HRC)
- 340:100-3-7. Behavior management **[REVOKED]**
- 340:100-3-8. Client work
- 340:100-3-9. Unscheduled client absence
- 340:100-3-10. Research initiatives
- 340:100-3-11. Right to refuse services
- 340:100-3-12. Prohibition of client abuse
- 340:100-3-13. Fair hearings
- 340:100-3-14. Statewide Behavior Review Committee (SBRC)
- 340:100-3-15. SoonerStart

PART 3. OPERATIONS

- 340:100-3-25. Advisory Committee on Services to Persons with Developmental Disabilities
- 340:100-3-26. Contracting and purchasing
- 340:100-3-27. Quality assurance
- 340:100-3-27.1. Contract performance surveys and administrative inquiries
- 340:100-3-27.2. Performance Review Committee (PRC), sanctions, and emergency determinations
- 340:100-3-27.3. Person-centered evaluations (PCE)
- 340:100-3-27.4. Developmental Disabilities Services Division (DDSD) Quality Assurance reports
- 340:100-3-27.5. Provider agency quality assurance and fiscal controls
- 340:100-3-28. Volunteer services
- 340:100-3-29. Foster Grandparent Program
- 340:100-3-30. News media relations

- 340:100-3-31. Student placements
- 340:100-3-32. Fire/disaster/emergency plan
- 340:100-3-33. Service authorization
- 340:100-3-33.1. Criteria to establish service necessity
- 340:100-3-34. Incident reporting
- 340:100-3-35. Death of a person receiving DDS services
- 340:100-3-36. Emergency first aid for employees and visitors
- 340:100-3-37. Employee and provider rights and responsibilities
- 340:100-3-38. Community staff training
- 340:100-3-38.1. Training requirements for staff providing residential supports
- 340:100-3-38.2. Training requirements for staff providing employment or vocational services
- 340:100-3-38.3. Training for direct support staff providing supports in the person's home through the Community Waiver, other than residential supports
- 340:100-3-38.4. Training for persons providing specialized foster care
- 340:100-3-38.5. Staff providing supports through the In-home Supports Waiver
- 340:100-3-38.6. Training for Developmental Disabilities Services Division (DDSD) case managers
- 340:100-3-38.7. Program coordinator training
- 340:100-3-38.8. Employment services program manager
- 340:100-3-38.9. Training requirements for all Developmental Disabilities Services Division (DDSD) and provider agency supervisory staff
- 340:100-3-38.10. Medication administration training
- 340:100-3-38.11. Training tracking system
- 340:100-3-38.12. Training for direct support staff providing respite, homemaker, and respite homemaker services
- 340:100-3-39. Pre-employment screening for community service workers
- 340:100-3-40. Community records system
- 340:100-3-40.1. Continuous medical record

340:100-3-36. Emergency first aid for employees and visitors

Emergency first aid procedures are employed to assist employees or visitors involved in an accident or injury on the grounds of a Developmental Disabilities Services Division (DDSD) program or office. ■ 1

(1) The employee or visitor seeks treatment at a community health facility for an injury of a non-serious nature.

(2) For a serious but non-life threatening injury, the employee or visitor is made comfortable at the site of the incident, and an ambulance called immediately.

(3) For an emergency medical situation in which it is judged that the employee or visitor's life is endangered, an ambulance is called immediately, and the facility's medical or first aid personnel are called as a source of volunteer medical emergency help until the person can be transported to a community health facility.

(4) The injured employee's or visitor's immediate family is notified in the case of a serious or life threatening situation.

(5) When an injury occurs on OKDHS property, an incident report is completed and the injury is reported in accordance with OAC 340:2-15-5.

INSTRUCTIONS TO STAFF

1. When an employee sustains a work related injury, refer to DHS:2-15-1.1.

340:100-3-38. Community staff training

(a) **Application.** The rules in this Section apply to Developmental Disabilities Services Division (DDSD) staff, to foster care providers, and to agencies contracting for the delivery of residential supports as defined in OAC 340:100-5-22.1, habilitation training services, group home services, assisted living services, employment or vocational services, or in-home supports, through DDSD state funds or a Home and Community-Based Waiver as described in OAC 317:40-1-1.

(1) Training requirements for staff of public facilities operated by DDSD are outlined in OAC 340:100-3-37.

(2) DDSD community staff, provider agency employees, and foster care providers complete a course of instruction specific to their job duties. Training requirements are found for staff providing:

(A) residential supports and group home services in OAC 340:100-3-38.1;

(B) employment or vocational services in OAC 340:100-3-38.2;

(C) supports in the family's home or the individual's own home, other than residential supports, in OAC 340:100-3-38.3;

(D) specialized foster care in OAC 340:100-3-38.4;

(E) DDSD case management services in OAC 340:100-3-38.6;

(F) program coordination services in OAC 340:100-3-38.7;

(G) employment program manager services in OAC 340:100-3-38.8;

(H) DDSD or provider agency supervisory or management support in OAC 340:100-3-38.9; and

(I) respite, homemaker, or respite homemaker services in OAC 340:100-3-38.12.

(3) Staff providing services through the In-Home Supports Waiver complete training requirements that are given at OAC 340:100-3-38.5.

(b) **Mission.** The mission of training within DDSD is to support the values and philosophies of DDSD and to enhance the competencies of DDSD staff, provider agency employees, and specialized foster care providers. The mission is accomplished by:

- (1) providing pertinent training in a timely and cost effective manner;
- (2) continuously evaluating the relevancy of the training curricula based upon the expressed needs of people served, their families, training participants, trainers, and providers of service;
- (3) maintaining a network with other agencies who provide training to ensure consistency and availability;
- (4) using state-of-the-art technology and techniques to make training as effective as possible; and
- (5) establishing and maintaining a monitoring system which ensures statewide consistency and quality of all training.

(c) **Training advisory committee.** The DDS director appoints a committee to advise DDS in the development, revision, and delivery of training to DDS staff, provider agency employees, and specialized foster care providers.

- (1) The committee meets quarterly and is composed of representatives from each area to include:
 - (A) DDS training staff;
 - (B) service providers, including direct support staff;
 - (C) service recipients or their family members; and
 - (D) case management staff.
- (2) The committee members:
 - (A) communicate training-related information to their peers and solicit participation in training projects;
 - (B) assist in determining training needs;
 - (C) assist in developing and implementing policies for the DDS statewide training system;
 - (D) participate in evaluating training proposals and contracts;

(E) review training curricula; and

(F) monitor, as requested, the delivery of training, including observation of instructors and solicitation of external reviewers.

(d) **Training curricula.** Training courses and curricula used to fulfill DDSD training requirements must meet the criteria given in this subsection.

(1) To fulfill the training requirements of this Section, any training course, curriculum, or method must be approved by the DDSD director of human resource development unless the course is:

(A) designed and offered by a professional training or education organization to enhance the management skills of supervisors; or

(B) offered by a regional, state, or national professional organization such as:

(i) The Association for the Severely Handicapped (TASH);

(ii) The Council on Quality and Leadership in Supports for People with Disabilities (Council); or

(iii) the American Association on Mental Retardation (AAMR).

(2) Trainers of approved courses must be licensed, certified, or otherwise qualified based on the requirements of the course or by approval of the DDSD director of human resource development.

(3) Competency-based courses require a specified level of proficiency to receive credit for satisfactory completion. Competencies are based upon specific identified outcomes. The trainer of each course communicates the required level of proficiency to participants at the beginning of each course.

(4) Each curriculum developed or sponsored by DDSD is reviewed at least every two years to ensure that the curriculum is:

(A) reflective of current best practice;

(B) in line with Oklahoma Department of Human Services (OKDHS) rules; and

(C) reflective of changes in the service delivery system.

(e) **New employee training requirements.** No later than 30 days following the date of hire, foster care providers, provider agency staff providing direct supports or supervising, at any level, the delivery of direct supports, and all DDSD employees must complete the first available DDSD-approved foundation training course and the approved effective teaching course. The first available class is the first unfilled class held within 60 miles of the staff person's work location following the person's date of hire.

(f) **Classroom expectations.** DDSD training staff and contract training staff are authorized to dismiss a participant(s) or observer(s) from a class for the reasons explained in this subsection.

(1) Dismissal from a training class may occur for:

(A) sleeping in class, defined as an inability to remain awake, alert, and participate actively in the training; ■ 1

(B) disruptive behavior, defined as:

(i) inappropriate comments during class which would be considered rude, insensitive, or derogatory;

(ii) whispering or talking to other participants during class;

(iii) conducting activities unrelated to the class topic;

(iv) being called out of class frequently; or

(v) leaving class frequently other than at designated break times; ■ 2

(C) tardiness or absence. ■ 3

(i) Tardiness is defined as:

(I) arriving at class more than 30 minutes late on the first day of class;

(II) arriving at class more than 15 minutes late on subsequent days of the same class from the time the class actually starts; or

(III) missing a total of more than 30 minutes of any day's presentation.

(ii) Participants may be granted no more than 30 minutes the first day of class

- to allow for difficulty in locating the building or parking, except in courses that require a specific number of training hours to meet certification requirements;
- (D) incomplete preparation. Dismissal from the class occurs for any participant who has not completed required prerequisite courses or preparatory materials prior to attending. Some courses require that:
- (i) other courses be completed before attending. For example, new employee training must be completed before the job-specific training can be taken; or
 - (ii) specific pre-course activities be completed before attending. For example, a pre-course competencies checklist is required to be completed before taking the Employment Training Specialist Orientation course; or
- (E) violating confidentiality requirements, as stated in OAC 340:100-3-2 and other applicable rules.
- (2) If dismissal from the class occurs, the trainer notifies the participant's agency and the trainer's supervisor as soon as possible and maintains a brief written summary of the incident.
- (A) Dismissed participants do not receive credit for the class and are required to re-enroll and satisfactorily complete the entire course or module to receive credit.
 - (B) The trainer must give approval before re-enrollment is allowed. Appeals of the trainer's decision are made to the DDSD director of human resource development.
- (3) No children, friends, or family members of participants may attend class unless also enrolled as participants.
- (4) Persons receiving services from DDSD, family members, advocates, DDSD staff, and provider agency staff may observe training classes unless they engage in activities considered to be disruptive to the class. Persons receiving services from DDSD who wish to participate in the training and who need staff support must be accompanied by a staff member(s) who is not enrolled in the training.
- (5) When other people come to class in place of enrolled participants, or in addition to enrolled participants, they are allowed to remain, if the trainer determines there are adequate materials and space. ■ 4

(g) **Course availability.** The DDSD Human Resource Development Unit and contract training providers work to ensure the availability of all courses by taking into account:

- (1) location;
- (2) time of day; and
- (3) day of the week.

(h) **Class closings due to inclement weather.** The rules in this subsection apply to all classes provided by DDSD training staff or contract training providers.

(1) If the public schools in the town where the class is to be held are closed due to bad weather, class will not be held. The provider agency is responsible to enroll the staff member in the next available class.

(2) If provider agency staff plan to attend an out-of-town class, but the schools are closed at the staff person's work location, the agency may determine that it is not safe for the staff person to travel. The agency is responsible to call the enrollment number for the class on the next work day to notify the training provider of this decision. The trainer enrolls the staff person in the next available class, and the staff person is not penalized for not attending. The letter confirming re-enrollment serves as notification of the next available class.

(3) If a class is cancelled due to bad weather, the enrolled staff person is expected to notify the provider agency of his or her potential availability to work.

(4) If a provider agency or staff person is uncertain about weather conditions or cancellations, they must call the enrollment telephone number for the particular class.

(i) **Quality assurance.** To ensure consistency with state laws and regulations and current best practices, training provided by DDSD staff, service providers, or contract agents, and other classes required by DDSD are observed and monitored on a regular basis.

(1) The components of the monitoring system are listed in (A) through (E) of this paragraph.

(A) The DDSD director of human resource development attends and monitors training classes on a random basis throughout the year. ■ 5

(B) DDSD training supervisors and contract training coordinators observe each trainer directly under their supervision at least twice a year. ■ 6

- (i) At least one review must include foundation training, if applicable.
- (ii) Each review is at least one half training day, which is three hours in length.
- (iii) The reviews:
 - (I) cover the range of primary training topics offered by each trainer;
 - (II) are conducted in both metropolitan and rural areas of Oklahoma, when applicable; and
 - (III) include announced and unannounced observations.
- (iv) The supervisor or coordinator reviews the training classes as a participant rather than as an observer, whenever possible.
- (v) Direct feedback is given to the trainer following the class in both written and verbal form. ■ 6
- (vi) A copy of the written review is also sent to the DDSD director of human resource development.
- (vii) If significant areas of concern are noted, the trainer and immediate supervisor develop a specific plan of correction that may include such measures as retraining, increased supervision of classes, or co-training. A copy of the plan of correction is sent to the DDSD director of human resource development.
- (viii) The supervisor or coordinator may request an unannounced review by another supervisor, coordinator, or trainer.
- (ix) Exceptional performance is noted in writing with a copy to the trainer's personnel file and a copy to the director of human resource development.

(C) Provider agencies notify the DDSD area training staff at least the day before the class of the location and time when offering in-house training required in accordance with this Section. DDSD may provide unannounced monitoring at any time.

(D) To ensure that contract trainers support the DDS mission, values, and philosophies, as well as demonstrate mastery of the subject matter and good training skills, each DDS trainer is assigned to monitor a specific number of contract trainers per year.

(i) Each DDS trainer is assigned to monitor contract trainers based upon the DDS trainer's particular areas of expertise and interest.

(ii) The DDS trainer reviews each assigned contract trainer at least one time per year for a minimum of one half training day, which is three hours. ■ 6

(iii) The review is unannounced.

(iv) The DDS trainer provides written and oral feedback to the contract trainer following the class.

(v) A copy of the written report is provided to the contract trainer, contract trainer's supervisor, and DDS director of human resource development.

(vi) If significant areas of concern are noted, the contract trainer and immediate supervisor develop a specific plan of correction which may include such measures as retraining, increased supervision of classes, or co-training. A copy is sent to the DDS director of human resource development.

(vii) Exceptional performance is noted in writing with a copy to the trainer's personnel file and a copy to the director of human resource development.

(viii) DDS training staff review the primary training programs and other sensitive training programs provided by contract training staff.

(E) Service recipients, family members, and advocates, as well as organizations with expertise in disability issues or training may be invited to review training classes or portions of classes.

(i) These reviews may be announced or unannounced.

(ii) Service recipients, family members, friends, advocates and guardians, or organizations provide feedback to the trainer, the trainer's supervisor, and the DDS director of human resource development.

(2) Classes found to violate the requirements given in this Section including material covered, testing procedures, or DDS rule requirements may result in:

(A) corrective discipline for OKDHS employees;

(B) revocation of approval to provide training; or

(C) sanctions against the provider in accordance with OAC 340:100-3-27.

(3) Any participant or agency with concerns about course content, a course instructor, or availability of a course immediately notifies the supervisor of the course or instructor. If resolution of the issue does not occur, the participant or agency notifies the DDSD director of human resource development.

(4) Each class used to fulfill the training requirements in this Section that is offered by DDSD, contract training agents, or provider agencies offers participants the opportunity to provide feedback. Feedback options include:

(A) end-of-class evaluation forms;

(B) periodic surveys; or

(C) focus group discussions.

(5) DDSD case management staff access the training data system described in OAC 340:100-3-38.11 as a mechanism to ensure that staff in the homes and day program sites of people they serve have completed the new employee and annual training requirements. When staff are not trained as required by this Section, the case manager initiates the problem resolution process specified in OAC 340:100-3-27.

(6) Case managers and providers report to the DDSD director of human resource development any training system issues inhibiting fulfillment of the requirements of this Section.

INSTRUCTIONS TO STAFF

- 1. Participants who become drowsy are free to stand or get refreshments, as long as this is not disruptive to the class. If drowsiness continues, the trainer talks to the person at the first available break to determine the cause, such as working a double shift or health reasons, and to encourage the person to move around or get refreshments. The trainer tells the participant that the trainer wants the participant to be successful in the class, but that sleeping is not tolerated and further occurrence results in dismissal from the class.**

2. The trainer talks to the person on the first available break to determine the reason(s) for the disruption. The trainer informs the person that further disruptions will not be tolerated and will result in dismissal from class.
3. The trainer reminds participants to be on time the next day if the class is a two-day class, tells participants that they need to return from breaks and lunch on time and that class resumes as scheduled, and counsels tardy participants after the first offense on the guidelines for dismissal from the class.
4. The trainer obtains the name, agency name, hire date, and Social Security number of the person(s) who is not enrolled and calls the appropriate training coordinator for the course at the first available moment to enroll the person and ensure that the person has completed any prerequisite courses or pre-course activities.
5. The DDSD director of human resource development monitors classes in accordance with the guidelines in (1) through (7) of this Instruction.
 - (1) Each review is at least one half training day, which is three hours in length.
 - (2) The reviews cover the range of primary training topics offered through DDSD, such as Foundation Training, Leadership and Administration, and Health and Safety.
 - (3) The DDSD director of human resource development reviews the training classes as a participant rather than as an observer, whenever possible.
 - (4) The reviews include announced and unannounced observations.
 - (5) Direct feedback is given to the trainer following the class, in both written and verbal form. A copy of the written review is also given to the trainer's immediate supervisor.
 - (6) If significant areas of concern are noted, the trainer and immediate supervisor are asked to develop a plan of correction, which may include such measures as retraining, increased supervision of classes, or co-training.
 - (7) Exceptional performance is noted in writing with a copy to the trainer's

personnel file.

- 6. Documents to assist in the review process are available from the Developmental Disabilities Services Division (DDSD) director of human resource development.**

SUBCHAPTER 5. CLIENT SERVICES**PART 1. ADMISSION AND SAFEGUARDS**

Sections

- 340:100-5-1. Admission **[REVOKED]**
- 340:100-5-2. Service safeguards
- 340:100-5-3. Emergency Services

PART 3. SERVICE PROVISIONS

- 340:100-5-15. Developmental Disabilities Services Division (DDSD) case manager activities
- 340:100-5-16. Individual Habilitation Plan **[REVOKED]**
- 340:100-5-17. Habilitation services - professional and paraprofessional
- 340:100-5-18. Employment services **[REVOKED]**
- 340:100-5-19. Support services
- 340:100-5-20. Respite care
- 340:100-5-21. Family training and counseling
- 340:100-5-22. Residential services
- 340:100-5-22.1. Community residential supports
- 340:100-5-22.2. Assisted Living without Waiver supports
- 340:100-5-22.3. Authorization for community residential supports **[REVOKED]**
- 340:100-5-22.4. Residential options for Homeward Bound class members
- 340:100-5-22.5. Supported living services
- 340:100-5-22.6. Alternative group homes
- 340:100-5-23. Specialized foster care contracted by individuals **[REVOKED]**
- 340:100-5-24. Adult Companion Services contracted by individuals **[REVOKED]**
- 340:100-5-24.1. Companion Services/Adult Foster Care contracted by agency **[REVOKED]**
- 340:100-5-24.2. Guidelines for Department staff for Agency Companion/Adult Foster Care Programs **[REVOKED]**
- 340:100-5-25. Service authorization/client services/service provisions/residential services
- 340:100-5-26. Health services
- 340:100-5-26.1. Psychotropic medication
- 340:100-5-26.2. End-of-life issues
- 340:100-5-26.3. Health-related services
- 340:100-5-27. Skilled nursing services
- 340:100-5-28. Community health services **[REVOKED]**
- 340:100-5-29. Monitoring for dyskinesia
- 340:100-5-30. Adult day care
- 340:100-5-32. Medication administration

340:100-5-33. Medication events

PART 5. INDIVIDUAL PLANNING

340:100-5-50. Principles of individual planning

340:100-5-51. Individual assessment

340:100-5-52. The Personal Support Team (Team)

340:100-5-53. The Individual Plan (Plan)

340:100-5-54. Planning for obstacles

340:100-5-55. Person-centered assessment **[REVOKED]**

340:100-5-56. Risk assessment

340:100-5-57. Protective intervention plan

340:100-5-57.1. Reporting and monitoring the use of restrictive or intrusive procedures or emergency interventions

340:100-5-58. Prohibited procedures

340:100-5-22.6. Alternative group homes

(a) **Legal basis.** Authority to operate alternative group homes is found in Section 1020 of Title 56 and Section 1175.6b of Title 22 of the Oklahoma Statutes (O.S.). Administrative and program requirements for alternative group homes, in addition to those described in OAC 317:40-5-152 and OAC 340:100-6 are given in this Section.

(b) **General information.** Alternative group homes serve up to four individuals.

(1) Service recipients have:

(A) serious behavioral or emotional challenges or community protection issues in addition to mental retardation and require continuous supervision and assistance in order to remain in the community; or

(B) been charged with a felony crime, determined by the district court to be dangerous, and placed by the district court in the custody of the public guardian.

(2) To ensure the safety of the service recipient and others, alternative group homes provide more restrictive measures than other community residential settings.

(c) **Provider approval criteria.** Providers of alternative group home services must demonstrate a history of effective services and supports to persons with serious behavioral or emotional challenges or community protection issues. Provider approval requires review of historical information, if available, from Developmental Disabilities Services Division (DDSD) Quality Assurance Unit and area office(s). Each prospective provider submits written documentation of:

(1) history of services to people who present serious behavioral or emotional challenges or community protection issues, including:

(A) past experience;

(B) number of persons served;

(C) the provider's perspective on the greatest challenges in serving persons eligible for alternative home services; and

(D) the provider's philosophy for service provision;

(2) fiscal information as requested to determine financial viability, including the anticipated budget related to the rate for alternative group home services;

(3) service provision plans, including:

(A) anticipated number of homes;

(B) location;

(C) floor plans;

(D) gender to be served;

(E) population to be served; and

(F) availability of psychological services, psychiatric services, and vocational services in the proposed location;

(4) plans for staffing and program coordination; and

(5) staff qualifications, including any additional training to be provided.

(d) **Eligibility to receive services.** To be eligible for services in an alternative group home, the person must:

(1) have been placed in the custody of the public guardian as provided in Section 1175.6b or Section 1175.6c of Title 22 of the O.S.; or

(2) meet the criteria for intermediate care facility for the mentally retarded (ICF/MR) level of care; and

(A) require 24-hour, on-site, awake staff supervision to ensure safety; and

(B) be found by the DDSD programs administrator of community services or designee to have serious behavioral or emotional challenges or community protection issues such as:

(i) evidence of commitment of a sexually violent offense or predatory act or a crime of sexual violence including, but not limited to:

(I) rape;

(II) lewd or indecent acts or proposals made to a child, as defined in Section 1123 of Title 21 of the O.S.; or

(III) forcible sodomy, as defined in Section 888 of Title 21 of the O.S.;

(ii) a history of stalking or opportunistic behavior which demonstrates a likelihood to commit a sexually violent or predatory act;

(iii) a documented pattern of acts of violence toward others;

(iv) experience ongoing, highly disruptive behavioral episodes that:

(I) are dangerous as defined by Section 1175 of Title 22 of the O.S.; and

(II) require close supervision and frequent intervention by staff;

(v) evidence of commitment of one or more violent offenses, such as:

(I) murder or manslaughter;

(II) attempted murder;

(III) arson;

(IV) assault;

(V) kidnapping; or

(VI) use of a weapon to commit a crime; or

(vi) severe ongoing self-injurious behavior.

(e) **Services provided.** Services are designed to assist service recipients in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in a home and community-based setting.

(1) Services include supports to meet the needs of each service recipient including, but not limited to:

(A) residential habilitation such as assistance with the acquisition, retention, or improvement in skills related to activities of daily living, such as:

(i) personal grooming and cleanliness;

(ii) bed making and household chores;

(iii) eating and the preparation of food; and

(iv) social and adaptive skills necessary to enable the service recipient to reside in a shared home;

(B) program supervision and oversight including 24-hour availability of response staff to meet schedules or unpredictable needs in a way that promotes maximum dignity and independence, while providing for supervision and safety;

(C) implementation of community protection precautions and individual program plans as outlined in subsection (f) of this Section;

(D) recreational and leisure activities, including individual and group activities;

(E) assistance in money management;

(F) health care services provided in accordance with OAC 340:100-5-26 and 340:100-5-26.3; and

(G) medication administration performed in accordance with OAC 340:100-5-32.

(2) In addition to the services listed in paragraph (1) of this subsection, services for wards of the public guardian are designed to ensure the service recipient is not dangerous to self or others.

(f) **Alternative group home program requirements.** In addition to compliance with applicable rules of the Oklahoma Health Care Authority (OHCA) and DDSD, alternative group homes meet the requirements in this subsection. The provider agency ensures that:

(1) staff implement security precautions protecting the service recipient and neighbors, children, vulnerable adults, animals, and others;

(2) staff implement outcomes and action steps detailed in the Plan to assist service recipients to function safely in the community and avoid criminal activity;

(3) collaboration and coordination occur with DDSD staff, employment providers, therapists, and other agencies and individuals such as law enforcement, corrections officers, schools, employers, mental health workers, and the public guardian if the individual has been placed in the custody of the public guardian;

(4) program designs and behavior support practices beyond those contained in this Section comply with OAC 340:100-5-50 through 340:100-5-58;

(5) written agency policies comply with DDSD rules;

(6) effective security and supervision of service recipients in the residence and in the community is provided;

(7) contingency plans are developed and implemented for:

(A) emergency relocation of a service recipient who has created a danger or who is in danger;

(B) emergency staffing in the event changes are required to protect staff or others;

(C) general emergencies requiring evacuation of the whole home, such as fire or weather emergencies, as addressed in OAC 340:100-5-22.1; and

(D) elopement;

(8) legal and court requirements are followed, including adherence to state laws governing registered sexual offenders;

(9) the health care coordinator or other knowledgeable staff member accompanies each service recipient to a medical or psychiatric appointment, taking current data summaries that indicate the rate of occurrence of medication-responsive symptoms or behaviors over the last one to three months. For visits to the physician prescribing psychotropic medication(s), the summary covers symptoms or behaviors listed on OKDHS Form DDS-67, Semi-annual Psychotropic Medication Review;

(10) staff meet training requirements of OAC 340:100-3-38;

(11) specific offense patterns are considered and addressed when determining appropriate program locations. In addition to the requirements of OAC 340:100-6-12 and OAC 340:100-6-30, the location of the home must be approved in writing by the DDSD director or designee prior to implementation of services;

(12) cabinets are kept locked if they contain any knives or other sharp objects that could be used as weapons or any items specifically identified by the Team as dangerous;

(13) staff provide arm's-length supervision to each service recipient when outside the home unless another supervision pattern is specifically described in the Plan and approved by designated DDSD State Office staff;

(14) door and window alarms are used;

(15) a fenced yard with a locked gate, unless the requirement for a locked gate is waived in writing by the DDSD director or designee; and

(16) other necessary restrictive procedures as detailed in the Plan are implemented, that may include:

(A) restricted views from, or into, windows, doors, and other openings;

(B) restricted access to certain areas; and

(C) in the case of wards of the public guardian, restrictions deemed necessary to keep the service recipient and public safe.

(g) **Weapons.** Dangerous or deadly weapons are not permitted in the home or on the premises. Provider agency staff are prohibited from assisting any service recipient to obtain or possess dangerous or deadly weapons. Dangerous or deadly weapons include, but are not limited to:

(1) guns, BB guns, air rifles, or other firearms;

(2) crossbows;

(3) paint guns;

(4) arrows;

(5) explosives;

(6) stun guns; and

(7) knives, except cooking and eating utensils.

(h) **Prohibited substances.** Illegal substances and alcohol are not permitted in the home.

(i) **Medicaid eligibility.** The service recipient and guardian, with necessary support from the provider agency, establish and maintain Medicaid eligibility, if possible.

(j) **Natural supports.** Individuals who agree to provide natural supports to a service recipient living in an alternative group home are responsible to:

(1) work with the Team to develop a schedule, support strategies, or other agreement(s) for support. Each Plan contains a description of any natural support to be provided which ensures the safety and welfare of the service recipient and the community. No arrangement can be made for natural supports that would violate existing court orders, security agreements, or individual planning for community protection;

(2) keep commitments made regarding supports; and

(3) document or report to the program coordinator or case manager regarding the supports provided.

(k) **Refusal to participate.** If a service recipient or legal guardian refuses to participate in service delivery as described in the Plan:

(1) the provider continues to implement the Plan as written;

(2) the provider immediately notifies the DDSD case manager of the need for a Team meeting;

(3) the case manager takes immediate action to convene the Team to address the situation; and

(4) steps given in OAC 340:100-3-11 are followed.

(l) **Record keeping.** In addition to the requirements of OAC 340:100-3-40, records of service recipients must include:

(1) documentation of the registration of the service recipient with appropriate law enforcement authorities, if required, as well as documentation of subsequent notification to DDSD of registration;

(2) documentation of all agreements or plans with other agencies or individuals who support the service recipient, including guardian and family members, which must include requirements for supervision of the service recipient when staff is not present;

(3) documentation of any refusal by the service recipient to follow conditions of the Plan, Protective Intervention Plan, or treatment recommendations of treatment professionals; and

(4) Form DDS-55, Monthly Summary of Physical Management Procedures, as required by OAC 340:100-5-57.1 which is submitted for each home to the DDSD area positive support field specialist by the 10th day of the following month.

(m) **Transportation.** Providers of alternative group home services ensure that transportation is:

(1) available as needed for medical emergencies, appointments, day programs, and community activities in accordance with OAC 317:40-5-103; and

(2) supervised as described in this Section in accordance with the needs of each service recipient.

(n) **DDSD-initiated transition.** The DDSD programs administrator for community services or designee may initiate the transition process for a person receiving alternative group home services who can be effectively served in another residential environment.

(o) **Transition.** All transitions from alternative group homes must be approved by designated DDSD State Office staff. State Office residential staff may adjust the transition date if necessary. ■ 1

INSTRUCTIONS TO STAFF

1. (a) **The case manager immediately notifies the Developmental Disabilities Services Division (DDSD) State Office Residential Unit of any transition plans being considered by the Team and when a transition must occur for any reason.**

(b) **DDSD State Office residential staff reviews any existing court limitations or placement and notifies the case manager of approval or denial of the transition.**

(c) **DDSD area office staff complete tasks necessary for approved transition. State Office residential staff is given six-week advance notice of planned transition date.**

(d) The case manager reports any alternative group home vacancy immediately to the DDSD State Office Residential Unit.

340:100-6-76. Protection of resident's funds

To protect each resident's funds, the group home follows requirements of OAC 340:100-3-4.