

CHAPTER	RULE	ADDITIONAL GUIDANCE
1240-07-10-.03 Definitions	(27) Licensed Capacity. The designated maximum number of participants permitted in the care and supervision of a licensed adult day services center as determined by the Department based upon available indoor space and staff: participant ratios. Licensed capacity shall be designated on the license.	The available indoor space is used to determine the maximum number of participants that a program can serve at any one time. The staff to participant ratios are based on the actual number of participants present at any one time rather than the overall agency capacity. An agency's enrollment may exceed licensed capacity; however, an adult day services facility may never exceed licensed capacity.
1240-07-10-.07 Program	(4) Participants shall take part in program development and activity planning to the extent possible.	Compliance requires participant involvement in the planning of their own activities. Depending on the cognitive ability of the participant, some may be unable to actively participate in the planning of their own activities. Quarterly or semi-annual participant council meetings are an example of an activity that fulfills the requirement for participants to take part in program development and activity planning.
1240-07-10-.07 Program	(7) Contents of the Adult Day Services Program. (d)The following activities shall be offered daily: physical exercise, rest, social interaction, learning opportunities, mental stimulation, and, if needed, personal care. (e) Although leisure activities comprise an integral part of the adult day services program, activities which are limited to passive participation, including watching television, reading, etc. shall comprise no more than 20% of the center's planned activity schedule.	Compliance requires a routine schedule for participants that allows for a variety of physically and mentally stimulating activities. Daily schedules should allow for rest periods as needed. Participants are allowed to choose whether or not they participate in the activities. Rest shall be allowed throughout the day as needed for each participant. Allowing rest periods in recliners/easy chairs at any time a participant wants to rest is an example that meets the activity rest requirement. In addition, note that the unstructured passive leisure activities mentioned in item (e) would also qualify as rest periods.
1240-07-10-.08 Participants' Records	(2) Each record shall contain, at a minimum, the following information regarding the participant <i>or their primary caregiver in the event the participant is unable to make their own decisions:</i>	This was added to the wrong section and should have been added here:(a) Acknowledgment of receipt of participant bill of rights; (2)(a)1. The following list of rights shall be given to any prospective participant in the adult day service <i>or their primary caregiver in the event the participant is unable to make their own decisions:</i>
1240-07-10-.08 Participants' Records	(2) Each record shall contain, at a minimum, the following information regarding the participant: (a) Acknowledgment of receipt of participant bill of rights; 1. The following list of rights shall be given to any prospective participant in the adult day service:	Compliance requires each participant receive a bill of rights. The bill of rights shall include all items listed within this section of the rules. The format and any additional items the agency includes above licensing requirements is decided by the agency. Agencies are free to develop a participant bill of rights in their own wording utilizing the principals within this section. The participant bill of rights shall be shared with the responsible party/primary family caregiver in instances where the participant is unable to make their own decisions.
1240-07-10-.08 Participants' Records	(3) The record for each participant shall also include the participant's individualized plan. (b) Participant records shall show evidence of regular communication with the participant and/or responsible party about the individualized plan including changes to the plan and other pertinent information.	Compliance requires the agency have regular communication with the participant and/or responsible party. Some possible times for communication include any time the plan changes or anytime a change is made to pertinent information that may change the participant's plan. In addition, communication may happen on a schedule based on the agency's policy (i.e. monthly, quarterly, biannually); written communication is acceptable. The specific frequency for regular communication is not stated within the rule.
1240-07-10-.09 Criminal Background and State Registry Review Procedures	(8) Requests for waivers from exclusion from access to an adult day services center.	This section includes provisions for allowing an individual to request a waiver from exclusion from access to an adult day services center. Generally, waiver hearings are scheduled approximately once per month and sometimes more frequently if volume requires. The exclusion letter issued to an applicant includes detailed instructions about how to submit a request for a waiver. All requests for a waiver must be submitted in writing to the Director of Child and Adult Care Licensing and must include a letter explaining why the applicant is requesting a waiver and the completed Adult Day Care Services Criminal/Juvenile History & State Registry Review Disclosure Form. The applicant may also submit letters of reference; however, it is not required. An advisory committee reviews the request and makes a recommendation to the Director of Child and Adult Care Licensing. The Director of Child and Adult Care Licensing makes the final determination.
1240-07-10-.11 Food Service	(5) Nutritional needs shall be met in accordance with the Dietary Guidelines for Americans published by the U.S. Department of Health and Human Services and the Department of Agriculture and in accordance with each caregiver's instructions and physician's orders, if applicable.	The 2020-2025 Dietary Guidelines for Americans are available at: Current Dietary Guidelines health.gov . The ADS Child and Adult Care Food Program Handbook is available at: https://www.fns.usda.gov/cacfp/adult-day-care-centers
1240-07-10-.12 Staffing and Supervision	(1) General Staff Requirements. (f) In the absence of the director, an assistant director or other staff member shall act in the place of the director, and all staff shall be notified of this designation.	Compliance requires a designated person to be in charge in the absence of the director. Whoever is designated by the agency shall be communicated to all agency staff. The main intent is to ensure that someone is placed in charge in the absence of the director and that staff know about the designated person. The agency can determine the criteria for selecting the individual(s).
1240-07-10-.12 Staffing and Supervision	(3) Training. (c) Within thirty (30) days of beginning his/her duties, each staff person shall complete department-recognized training on the signs and symptoms of abuse, neglect or exploitation of an adult as specified by T.C.A. §§ 71-6-102 et seq., as well as the duty to report to the Department any abuse, neglect or exploitation of an adult as required by T.C.A. § 71-6-103.	Paragraph (3)(c) which refers to training within thirty (30) days of beginning duties was inadvertently left in the rules; however, taking the training prior to assuming duties as outlined in Paragraph (3)(a) will satisfy this requirement.
1240-07-10-.12 Staffing and Supervision	(6) Responsibility of Center for Supervision of Participants. (e) Required Staff:Participant Ratios. 1. The center shall have a plan that enables staff, in an emergency situation, to access additional staff who can respond quickly in order to maintain the required staff:participant ratio. 2. The minimum required staff:participant ratio must be met during special activities such as outings in order to provide adequate supervision for the participants during these activities.	The available indoor space is used to determine the maximum number of participants that a program can serve at any one time. The required staff to participant ratios are based on the actual number of participants present at any one time rather than the overall agency capacity.
1240 - 07-10-.13 Medication	(5) All medications shall be stored in a container, labeled with the participant's name, the name of the medication, dosage strength, frequency, method of administration, prescribing physician, and special instructions.	Compliance requires the container medications are stored in to be labeled with the above mentioned information. The type of the container used is the decision of the agency. The container does not have to be a pill bottle. It is acceptable to add the required information to whatever container is being provided by the responsible party.
1240-07-10-.15 Health and Safety	(2) The adult day services center shall have written emergency procedures and have a posted plan for evacuation of participants, staff, volunteers, and visitors in case of fire or other emergencies such as storms, flooding, and chemical emergencies. (c)The center shall develop a written protocol for when a participant fails to exit timely or respond appropriately to the drill. The protocol shall include notification to family/responsible party.	Compliance requires the agency to have a written protocol for participants to exit timely. If a participant needs additional assistance to exit timely, the type of assistance and the manner in which the client will be assisted should be in written form in the participants file or other location as designated by the agency. Using a wheelchair to evacuate a participant that lacks mobility or fails to respond appropriately to a drill is an example of an acceptable protocol.
1240-07-10-.15 Health and Safety	(6) The center shall notify the Department of all serious incidents the same day of the incident by contacting the Child and Adult Care Complaint Hotline. The failure to report may be a basis for the summary suspension, revocation or denial of the center's license to operate.	Compliance requires serious incidents be reported by calling the Child and Adult Care Complaint hotline number; the preferred method of reporting serious incidents is by making the submission through the provider portal. Emailing a report will also satisfy this requirement: ChildCareHotline.DHS@tn.gov or AdultDayServices.DHS@tn.gov