

Dear Stakeholders:

The Division is proposing amendments to the following rules. The changes are highlighted in yellow below. Any questions or written comments regarding these amendments should be made by June 11, 2014 and directed to Laurie Schoder at laurie.schoder@state.co.us.

1 **DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT**

2 **Health Facilities and Emergency Medical Services Division**

3 **STANDARDS FOR HOSPITALS AND HEALTH FACILITIES**

4 **CHAPTER VIII - FACILITIES FOR PERSONS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES**

5 **6 CCR 1011-1 Chap 08**

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7 **Section 2 – Definitions**

8 2.1 Administrator – A person who is responsible for the overall operation and daily administration,
9 management and maintenance of the facility.

10 2.2 Community Residential Home ~~for Persons Developmental Disabilities~~ – a group living facility
11 accommodating at least four but no more than eight ~~adults~~ **PERSONS**, **WHICH IS** licensed by the state,
12 ~~where~~ **AND IN WHICH** services and supports are provided to persons with **INTELLECTUAL AND**
13 developmental disabilities.

14 2.3 Department – the Colorado Department of Public Health and Environment or its designee.

15 2.4 Developmental Disability – a disability that is manifested before the person reaches twenty-two years of
16 age, which constitutes a substantial disability to the affected individual, and is attributable to mental
17 retardation or related conditions which include cerebral palsy, epilepsy, autism, or other neurological
18 conditions when such conditions result in impairment of general intellectual functioning or adaptive
19 behavior similar to that of a person with mental retardation.

20 2.5 Facility for Persons with **INTELLECTUAL AND** Developmental Disabilities – a facility specially designed for
21 the active treatment and habilitation of persons with developmental disabilities **OR A COMMUNITY**
22 **RESIDENTIAL HOME WHICH IS LICENSED AND CERTIFIED PURSUANT TO SECTION 25.5-10-214, C.R.S.**

23 2.6 Governing Body – the individuals, service agency or community centered board when acting as a
24 service agency that has the ultimate authority and legal responsibility for the management and
25 operation of the facility.

26 2.7 Intermediate Care Facility for ~~Persons with Developmental~~ **INDIVIDUALS WITH INTELLECTUAL** Disabilities –
27 a residential facility that is certified by the Centers for Medicare and Medicaid (CMS) to provide
28 habilitative, therapeutic and specialized support services to adults with **INTELLECTUAL AND** developmental
29 disabilities.

30 2.8 Resident – an individual admitted to and receiving services from a facility for persons with
31 developmental disabilities.

32 **Section 3 – Licensing Requirements**

1 3.1 License Types

2 (A) A facility for persons with developmental disabilities shall be licensed as either an Intermediate
3 Care Facility for ~~Persons with Developmental~~ INDIVIDUALS WITH INTELLECTUAL Disabilities or a
4 Community Residential Home ~~for Persons with Developmental Disabilities~~, depending upon the
5 size of the facility and the services offered.

6 3.2 General License Requirements

7 (A) A facility for persons with INTELLECTUAL AND developmental disabilities shall demonstrate
8 compliance with local building and zoning codes prior to initial licensure and license renewal.

9 ~~(B) In addition to local requirements, there shall be a minimum distance between such homes of seven
10 hundred and fifty (750) feet. Evidence of such local compliance shall be submitted to the
11 Department in the manner requested.~~

12 ~~(C)~~ A facility for persons with INTELLECTUAL AND developmental disabilities shall comply with the
13 requirements of 6 CCR 1011-1, Chapter II, regarding license application procedures, the
14 process for change of ownership and the continuing obligations of a licensee.

15 ~~(D) Prior to licensure, a Community Residential Home for Persons with Developmental Disabilities shall
16 provide the Department with verification that it has obtained program approval from the
17 Colorado Department of Human Services, Division of Developmental Disabilities to provide the
18 relevant services.~~

19 3.3 License Term

20 (A) The license for an Intermediate Care Facility for ~~Persons with Developmental~~ INDIVIDUALS WITH
21 INTELLECTUAL Disabilities shall be valid for twelve (12) months unless otherwise suspended or
22 revoked.

23 (B) The license for a Community Residential Home ~~for Persons with Developmental Disabilities~~
24 shall be valid for twenty-four months unless otherwise suspended or revoked.

25 (C) In the event of a denial, suspension, or revocation of a facility's license or the facility's program
26 approval, the Department shall assist ~~the Department of Human Services or~~ the Department of
27 Health Care Policy and Financing in overseeing the relocation of the residents.

28 3.4 License Fees

29 All license fees are non-refundable. More than one fee may apply depending upon the circumstances.
30 The total fee shall be submitted with the appropriate license application.

31 (A) Initial License

32 Community Residential Home ~~for Persons with Developmental Disabilities~~: \$2,500.

33 Intermediate Care Facility for ~~Persons with Developmental~~ INDIVIDUALS WITH INTELLECTUAL
34 Disabilities: \$6,000.

35 (B) License Renewal

36 Effective July 1, 2011, the renewal fee shall be:

37 Community Residential Home ~~for Persons with Developmental Disabilities~~: \$ 750.

1 Intermediate Care Facility for ~~Persons with Developmental~~ INDIVIDUALS WITH INTELLECTUAL
2 Disabilities: \$1,600.

3 (C) Change of ownership

4 Change of ownership shall be determined in accordance with the criteria set forth in 6 CCR
5 1011-1, Chapter II, Part 2. The change of ownership fee shall be:

6 Community Residential Home ~~for Persons with Developmental Disabilities~~: \$2,500.

7 Intermediate Care Facility for ~~Persons with Developmental~~ INDIVIDUALS WITH INTELLECTUAL
8 Disabilities: \$6,000.

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10 **Section 4 – Governing Body**

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12 4.4 The governing body shall appoint an administrator who shall have the authority to implement the
13 policies and procedures and be responsible for the day to day management of the facility.

14 (A) An administrator appointed to manage an intermediate care facility for ~~persons with~~
15 ~~developmental~~ INDIVIDUALS WITH INTELLECTUAL disabilities shall have an active, unrestricted
16 Colorado nursing home administrator license.

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18 **Section 6 – Personnel and Staffing**

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20 6.6 The administrator shall ensure that there is sufficient trained staff on duty to meet the needs of all
21 residents at all times. A resident may be allowed to remain unsupervised in the facility only when all of
22 the following criteria are met:

23 (A) The resident's individual plan or safety plan allows for the unsupervised time;

24 (B) The resident has telephone access to a staff member who shall be immediately available by
25 telephone and able to arrive at the facility within 15 minutes, if necessary;

26 (C) The unsupervised period does not exceed four (4) hours at a time ~~UNLESS A LONGER~~
27 ~~UNSUPERVISED PERIOD IS SPECIFIED IN THE RESIDENT'S INDIVIDUAL PLAN;~~

28 (D) No more than one resident at a time shall be left unsupervised ~~UNLESS THERE HAS BEEN AN~~
29 ~~EVALUATION THAT TWO OR MORE RESIDENTS MAY BE UNSUPERVISED AT THE SAME TIME;~~ and

30 (E) Any unsupervised time is not merely for the convenience of the staff.

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32 **Section 7 – Training**

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- 7.2 The administrator shall develop and implement a process for staff monitoring including an annual written evaluation of staff competency specific to the duties required at the facility and resident needs.
- (A) If a staff member fails the annual competency evaluation, the administrator shall, **AT A MINIMUM**, provide retraining and reevaluate to demonstrate competency is achieved.

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Section 9 – Resident Rights

- 9.1 Each facility shall have written policies and procedures for residents' rights. Those policies and procedures shall address the patient rights set forth in 6 CCR, Chapter II, Part 6, and **the standards listed in Section 27-10.5-112 through 128, C.R.S. and 2 CCR 503-1, Section 16, Developmental Disabilities Services Section SECTION 25.5-10-218 THROUGH 225, C.R.S.** Such policies and procedures shall also include specific provisions regarding the following:

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Section 13 – Dietary Services

- 13.1 All food shall be procured, stored and prepared safely. At least a three-day supply of food shall be available in the facility in case of emergency.
- 13.2 Meals shall be planned **seven (7) days in advance and** in a manner that incorporates resident involvement.

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Section 15 – Medical Services and Supplies

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- 15.8 Residents who use wheelchairs or other assistive technology services shall receive professional reviews, at a prescribed or recommended frequency, to ensure the continued applicability and fitness of such devices.
- 15.9 Wheelchairs and other assistive technology devices shall be maintained in good repair **ACCORDING TO THE MANUFACTURER'S GUIDELINES.**

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