Title 9—DEPARTMENT OF MENTAL HEALTH
Division 40—Licensing Rules
Chapter 9—Day Programs [Serving People Who Are Mentally Retarded and Developmentally Disabled] Serving Individuals with Mental Illness and Intellectual or Developmental Disabilities

PROPOSED AMENDMENT

NO COMMENTS WERE RECEIVED

9 CSR 40-9.075 [Adequate Staff.] Program and Staffing Requirements. The department is amending the chapter title, rule title, purpose, adding new sections (1)-(3), and deleting old sections (1)-(16).

PURPOSE: This amendment combines day program requirements for individuals with mental illness and intellectual or developmental disabilities (IDD) into one rule. The amendment also updates general program requirements and staffing requirements for day programs licensed by the department.

PURPOSE: This rule [prescribes requirements for personnel employed in a day program as required by section 630.710, RSMo.] specifies the requirements for day programs serving individuals with mental illness and intellectual or developmental disabilities (IDD).

(1) Each day program shall have a chief administrative officer referred to as the head of the day program in these rules.

(2) The head of the day program shall report any change in location, ownership, management or administration to the department within five (5) days.

(3) All personnel, including physical therapists, occupational therapists and volunteers, who have frequent (regularly scheduled at least once per week) and direct contact with clients, shall have a tuberculin skin test or chest X-ray and a statement from their physician stating they have been screened for contagious diseases, at the time of employment and annually after that. The physician’s statement shall indicate the specific communicable diseases for which the person has been tested.

(4) Any employee or volunteer diagnosed or suspected of having a contagious or infectious disease shall not work or be in the day program until the time a written statement is obtained from a physician that the disease is no longer contagious or is found to be noninfectious.

(5) The program shall give each employee a written job description.

(6) The program shall keep job descriptions for all positions on file.

(7) Each day program shall have, as a minimum, a daily direct care staff-to-client ratio as follows, unless program needs or client mix, require otherwise:
(A) Level 1. A staff-to-client ratio of one to twelve (1:12) for clients who have advanced daily living skills and are independent in self-care, who participate in many activities and whose problems do not get out of hand;

(B) Level 2. A staff-to-client ratio of one to eight (1:8) for clients who have some advanced daily living skills but may require minimal supervision in self-care skills, who may have a physical handicap requiring some physical assistance and who may have intermittent socially inappropriate behaviors which require some intervention;

(C) Level 3. A staff-to-client ratio of one to six (1:6) for clients who require some verbal or physical assistance in self-care skills or who have intermittent serious behavior problems (assaultive or self-abusive);

(D) Level 4. A staff-to-client ratio of one to four (1:4) for clients who require nearly total physical care, frequent intervention, or both, due to serious behaviors (assaultive or self-abusive). All clients under age six (6) are considered level 4; and

(E) Level 5. A staff-to-client ratio of one to one (1:1) for clients who require individualized intervention due to serious behaviors (assaultive or self-injurious), in-home service setting or other unique circumstance noted in the individual habilitation plan. Services at level 5 are developmental or habilitative in nature and do not substantially duplicate parent/infant intervention or other services outlined in this section under levels 1, 2, 3 and 4.

(8) The head of the program shall designate a person capable to act for him/her when unavailable.

(9) The program shall have sufficient backup staff to provide services to clients and to meet licensing staffing requirements at all times.

(10) No clients shall be present at the day program unless at least one (1) staff person is also present.

(11) The day program shall provide for orientation and training as follows:

(A) New employees and volunteers shall receive orientation to acquaint them with the philosophy, organization, program, practices and goals of the program;

(B) Each employee shall receive a minimum of six (6) hours of training annually. The training shall include the use of physical restraint and training in cardiopulmonary resuscitation (CPR) and first aid. The training and periodic reviews, shall be in accordance with the guidelines of the American Red Cross, the American Heart Association, the National Safety Council, or other nationally recognized training organization. Training review must be consistent with the guidelines of the certifying authority. At least one (1) staff person with these skills will be on duty at all times and in close proximity to the clients. Based on the configuration of the building and the number of clients, more than one (1) trained staff may be required in the program; and

(C) The day program shall provide documentation of this training.

(12) All day program staff shall be knowledgeable about the program’s policies and procedures.

(13) The day program staff, or other personnel, shall not be under the influence of alcohol or illegal drugs while on the premises. The day program staff, or other personnel, shall not be in a state of impaired ability because of medication use.
(14) All staff and volunteers responsible for direct care of clients shall be eighteen (18) years of age or older. Volunteers as young as sixteen (16) years of age may assist staff but shall work under staff supervision and shall not be responsible for direct care.

(15) All staff administering medications shall have successfully completed a course on medication administration. This training shall be updated every two (2) years. The initial training and biennial update shall—
—(A) Be approved by the regional center;
—(B) Be offered by an instructor who is a licensed practical nurse (LPN) certified by the Division of Aging as an instructor, a registered nurse (RN), a pharmacist or a physician;
—(C) Not apply to LPNs, RNs or certified medication technicians with lifetime certificates; and
—(D) Be documented in the recipient’s personnel file.

(16) The course to update training in medication administration shall address at least the following:
—(A) Review of Basics.
—1. Medication ordering and storage.
—  A. Use of generic drugs.
—  B. How to pour, chart, administer and document.
—  C. Information and techniques specific to the following: inhalers, eye drops, topical medications, insulin injections and suppositories.
—  D. Infection control.
—3. Individual rights and refusal of medications and treatment;
—(B) Issues specific to the facility/program as indicated by the needs of the clients, and the medications and treatments currently being administered.
—1. Emergency response.
—3. Corrective actions based on problems identified by the staff, the trainees or issues identified by regulatory and accrediting bodies, professional consultants or by any other authoritative source; and
—(C) Updates on new medications or new procedures.

(1) Licensed day programs shall comply with the following department licensure regulations without modification:
(A) 9 CSR 40-1.015 Definitions;
(B) 9 CSR 40-1.055 Licensing Procedures;
(C) 9 CSR 40-1.060 Program Administration;
(D) 9 CSR 40-1.065 Individual Rights and Responsibilities;
(E) 9 CSR 40-1.070 Organized Record System;
(F) 9 CSR 40-1.075 Person-Centered Services;
(G) 9 CSR 40-1.080 Dietary Services;
(H) 9 CSR 40-1.085 Environment; and
(I) 9 CSR 40-1.090 Fire Safety and Emergency Preparedness.
(2) Day programs shall provide structured activities, services, and supports to assist individuals in developing personal support systems, social skills, community living skills, basic self-care skills, and pre-vocational skills that promote community inclusion, integration, and independence.

(A) Activities and services/supports shall be based on the individual support plan (ISP), individual treatment plan (ITP), or care plan of each individual being served as specified in 9 CSR 40-1.075, Section (1).

(B) Activities and services/supports may take place during the day, evening, weekend, or a combination of these, to effectively address the needs of individuals served. Activities and services/supports are not limited to the program site to provide individuals with opportunities for off-site training and rehabilitation in realistic community settings.

(C) Transportation to/from the program site to various locations in the community shall be provided for individuals served to promote participation and involvement in outside activities and services/supports. Permission forms for off-site activities, signed by the individual served or their parent/guardian, as applicable, shall be maintained on site.

1. Program staff are responsible for the care, safety, and supervision of individuals served when they are transported from the operating site to other locations in the community, and staff ratios shall be maintained at these locations.

(3) All direct care staff must be eighteen (18) years of age or older and have a high school diploma or equivalent certificate.

(A) Staffing requirements for day programs serving adults with mental illness—

1. The director must be a Qualified Mental Health Professional (QMHP) with two (2) years of relevant work experience;

2. At a minimum, a daily direct care staff ratio of one (1) staff person for each sixteen (16) individuals served (1:16) shall be maintained, unless program needs or the needs of individuals being served require otherwise; and

3. At least one (1) staff person must be on duty at all times when individuals served are present at the program.

(B) Staffing requirements for day programs serving children and youth with serious emotional disturbances—

1. The director must be a QMHP with two (2) years of experience working with children and youth;

2. One (1) full-time mental health professional must be available during the provision of services; and

3. Direct care staffing ratios shall be based on the ages and needs of the children/youth being served.

   A. At a minimum, a daily staffing ratio of one (1) staff to four (4) individuals (1:4) shall be maintained for children/youth between the ages of three (3) and eleven (11). A daily staffing ratio of one (1) staff to six (6) individuals (1:6) shall be maintained for children/youth between the ages of twelve (12) and seventeen (17).

4. Based on the needs of children/youth being served, other staff shall include:

   A. Registered nurse;
   B. Occupational therapist;
   C. Recreational therapist;
   D. Rehabilitation therapist;
E. Community support specialist; and
F. Family assistance worker.

5. At least one (1) staff person must be on duty at all times when individuals served are present at the program.

(C) Staffing requirements for day programs serving individuals with IDD shall be as follows, unless program needs or the needs of individuals being served require otherwise:

1. For children and youth between the ages of three (3) and eleven (11), the daily staffing ratio shall be one (1) staff to four (4) individuals (1:4);

2. For children/youth between the ages of twelve (12) and seventeen (17), the daily staffing ratio shall be one (1) staff to six (6) individuals (1:6); and

3. For adults, the daily staffing ratio shall be one (1) staff for each sixteen (16) individuals served.
