

**State of Connecticut**  
**REGULATION**  
of the

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**DEPARTMENT OF DEVELOPMENTAL SERVICES**

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Concerning

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**Licensing of Community Living [Arrangements,  
Residential Schools and Habilitative Nursing  
Facilities] Arrangements**

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**Section 1. Sections 17a-227-1 to 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies are amended to read as follows:**

**Sec. 17a-227-1. Definitions**

[For the purpose of Sections 17a-227-1 through 17a-227-22, inclusive. the following definitions shall apply:

- (a) "Administrator" means the person responsible for the overall management, operation and provision of services within the licensed residence.
- (b) "Admission" means the formal acceptance and entrance of an individual into the residence under the auspices of the interdisciplinary team responsible for the individual's service planning.
- (c) "Aversive procedure" means the planned use of an event which may be unpleasant, noxious, or otherwise cause discomfort, to alter the occurrence of a specific behavior or to protect an individual from injuring himself or others. These procedures include the use of physical isolation and mechanical and physical restraint.
- (d) "Behavior modifying medications" means any chemical agent used for the direct effect it exerts upon the central nervous system to modify thoughts, feelings, mental activities, mood or performance. These chemical agents or psychotropic medications are often broken down into the following categories: antipsychotics, antidepressants, antimanic, antianxiety agents, stimulants and sedative/hypnotics. Medications which are not usually described as psychotropics are covered by these regulations when they are prescribed primarily for their psychotropic effects such as mood stabilization and impulse control. These medications include certain anticonvulsants, some beta-blockers and certain other drugs.
- (e) "Commissioner" means the commissioner of the department of mental retardation.
- (f) "Community living arrangement" means a residential facility in which the licensee provides residential services to 15 or fewer individuals with mental retardation.
- (g) "Department" means the department of mental retardation.
- (h) "Direct contact personnel" means those people hired by the licensee, including relief or temporary employees, whose primary job description and focus is to provide support to individuals in acquiring and maintaining life skills.

- (i) "Emergency" means a critical circumstance in which the health or safety of the individual or other persons must be immediately protected.
- (j) "Habilitation" means the process by which an individual is helped to acquire and/or maintain those life skills necessary to cope with the demands of his person and environment and to improve his physical, mental and social competence.
- (k) "Habilitative nursing facility" means a free-standing dwelling, licensed prior to January 1992 in which the licensee provides direct twenty-four hour nursing services and comprehensive individual habilitation for four or more individuals with mental retardation.
- (l) "Home safety inspection report" means the department's environmental inspection report addressing minimal physical/safety requirements for three or fewer individuals when a local fire marshal's certificate has not been obtained.
- (m) "Human rights committee" means a group of persons convened by the department, but who are not employed by the department, who provide monitoring to ensure the protection of legally guaranteed rights of individuals with mental retardation. For licensees serving individuals who are not clients of the department, this includes a committee established by the licensee to perform the functions of the department's human rights committee for individuals who are not funded or admitted to the department pursuant to Sec. 17a-281 CGS. Such committee must receive prior approval by the department that its functions and responsibilities are consistent with the human rights committee of the department.
- (n) "Individual" means any individual with mental retardation who resides in a residence licensed pursuant to Section 17a-227 CGS.
- (o) "Individual record" means a file or files containing vital documents including, but not limited to medical information, evaluations, program planning documents, court documents and correspondence.
- (p) "Interdisciplinary team (IDT)" means a group of persons which includes the individual being served and, as applicable, includes the family, guardian or advocate, those persons who work most directly with the individual in each of the professions, disciplines or service areas, including direct contact personnel, and any other persons whose participation is relevant to identifying the needs of the individual, devising ways to meet them, writing an overall plan of services and reviewing the plan for effectiveness.
- (q) "License" means written authorization issued by the commissioner to operate a residence.
- (r) "Licensed personnel" means persons who currently are required to maintain licensure by the State of Connecticut including but not limited to registered nurses, dentists, physicians, psychologists, licensed practical nurses, dental hygienists, pharmacists, physical therapists and occupational therapists.
- (s) "Licensee" means the person, agency or other legal entity responsible to the department for the overall operation of the facility or residence, including planning, staffing, managing and maintaining facilities.

(t) "Mechanical restraint" means any apparatus that restricts movement, excluding mechanical supports designed by a physical therapist and approved by a physician that are used to achieve proper body position, alignment or balance, and helmets used to protect individuals from falls due to seizures. Helmets, mitts and similar devices used to prevent self injury are considered mechanical restraints.

(u) "Overall plan of services" means a document which specifies a strategy to guide the delivery of services to an individual for up to one year.

(v) "Physical isolation" means the process whereby an individual is separated from others, usually by placement in a room or area alone.

(w) "Physical restraint" means physically holding an individual to restrict movement or to prevent the individual from harming himself or others. Restraint techniques must be department approved, or in the case of newly proposed techniques, receive approval by the local program review committee for use in any circumstances.

(x) "Plan of correction" means a written document submitted by the administrator to the department specifying steps to be taken to correct regulatory deficiencies, persons responsible for these steps, and time frames for completion.

(y) "Program review committee" means a group of professionals, including a psychiatrist, assembled to review client programs and behavior modifying medications to ensure that they are clinically sound and supported by proper documentation. For licensees serving individuals who are not clients of the department, this includes a committee established by the licensee to perform the functions of the department's program review committee for individuals who are not funded by or admitted to the department

(z) "Residence" means a dwelling licensed by the department pursuant to Section 17a-227 CGS, excluding community training homes.

(aa) "Residential school" means a free-standing dwelling or a group of dwellings located on a single campus, which provides residential services in addition to the educational programming required by the department of education to qualify it to be called a school.

(bb) "Respite status" means the temporary emergency or relief placement of an individual with mental retardation into a residence not to exceed 30 days without written regional authorization.

(cc) "Self-administration of medication" means that an individual is able to identify the appropriate medication by size, color, amount, or other label identification, know independently or with the prompting of an employee or adaptive device the frequency of time of day for which medication is ordered, and consume the medication appropriately

(dd) "Transfer" means individual movement to another separately licensed residence or to an unlicensed residence.

(ee) "Waiver" means the deferral of any specific regulation or other requirements that do not materially effect the health or safety of individuals.]

As used in section 17a-227-1 to section 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies:

(1) “Abuse” means the willful infliction by a caregiver of physical pain or injury, or the willful deprivation of services necessary to the physical safety of an individual.

(2) “Accessible” means the characteristics of a site, building, facility, or portion thereof that complies with the accessibility guidelines set forth under the Americans with Disabilities Act 42 U.S.C. Chapter 126.

(3) “Administrator” means an employee designated by a licensed qualified provider who is responsible for the overall management and operation of and the provision of services in one or more licensed community living arrangements.

(4) “Capital Improvement Process” means the process by which a repair or improvement to a Community Living Arrangement (CLA) is reviewed for approval by the Department of Developmental Services and the Department of Social Services (DSS) and funded by either an increase in the DSS room and board rate for the CLA or a reimbursement from Connecticut Housing Finance Authority repair and replacement reserve funds.

(5) “Certification” means the written authorization issued by the commissioner to a licensed qualified provider that has achieved and maintained the standards of the department’s quality system including, but not limited to, the areas of (1) determination of level of care; (2) implementation of individual plans; (3) delivery of services to individuals; (4) achievement of outcomes by individuals; (5) maintenance of licensed qualified provider qualifications; (6) protection of individuals’ health, safety and welfare; (7) compliance with the department’s financial requirements; and (8) implementation of quality improvement plans to address issues identified by the department or the licensed qualified provider.

(6) "Commissioner" means the Commissioner of Developmental Services.

(7) "Community living arrangement" or “CLA” means a residential facility operated by a licensed qualified provider that provides residential services to 15 or fewer individuals.

(8) “Compliance order” means a document issued by the commissioner delineating actions required to be taken by a licensed qualified provider in order to comply with sections 17a-227-1 to 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies.

(9) “DDS policies, procedures and directives” means written guidelines and rules issued by the commissioner governing the operation of the department and persons licensed to operate a community living arrangement pursuant to section 17a-227 of the Connecticut General Statutes.

(10) "Department" or “DDS” means the Department of Developmental Services.

(11) "Emergency" means a critical circumstance in which the health or safety of an individual or other person shall be protected without delay by the administrator or support staff of a licensed qualified provider.

(12) "Emergency Individual Fact Sheet" means a DDS form that includes an individual's personal information and contacts and critical requirements and information to keep an individual safe in an emergency. The fact sheet is maintained by support staff for use by emergency personnel.

(13) "Enhanced monitoring" means an increased level of oversight by the department of a licensed qualified provider that may include, but is not limited to: (1) increased frequency of site visits; (2) meetings between the department and the licensed qualified provider; and (3) submission of additional documentation deemed necessary by the department to assess the progress of the licensed qualified provider toward meeting identified goals and outcomes established in response to assessments of unsatisfactory performance in accordance with DDS policies, procedures and directives.

(14) "Financial exploitation" means the theft, misappropriation or unauthorized or improper use of property, money or other resource that is intended to be used by or for an individual who receives services or funding from the department.

(15) "Individual" means a person with intellectual disability, Prader-Willi syndrome, or autism spectrum disorder placed by the commissioner, who resides in a residence licensed pursuant to section 17a-227 of the Connecticut General Statutes.

(16) "Individual Plan" or "IP" means a document created by an individual and the individual's planning and support team that includes, but is not limited to: (1) an assessment and profile of an individual's current life situation; (2) an individual's vision for the future; (3) an assessment and analysis of an individual's abilities, need for supports, and preferences for those supports; (4) an identification of the desired outcomes for an individual receiving supports; (5) plans to address an individual's support needs, personal goals, and the desired outcomes for the individual receiving supports; (6) an identification of supports and services to be provided to an individual; and (7) evaluations of an individual's progress to ensure that the support needs and desired outcomes for the individual receiving supports are met. The document shall incorporate other aspects of an individual's life, such as: significant events, accomplishments, and relationships in the individual's life; an individual's strengths; an assessment of the individual's home life, work, day program, school, retirement plan, leisure interests, and community life; the individual's financial plan; and an assessment of the individual's health, safety and welfare.

(17) "License" means the written authorization issued by the commissioner to a qualified provider to operate one or more community living arrangements.

(18) "Licensed qualified provider" means the person, firm or corporation authorized by the commissioner responsible for the overall management and operation of and the provision of services in one or more community living arrangements covered under the authority of a license.

(19) "Licensing waiver" means the temporary or permanent deferral of the applicability of a regulation or other requirement by the commissioner or the deputy commissioner that does not materially affect the health or safety of an individual.

(20) "Neglect" means the failure by a caregiver, through action or inaction, to provide an individual who receives services or funding from the department with the supports and services necessary to maintain such individual's physical or mental health; or such individual's safety that includes, but is not limited to, protecting an individual from incidents of inappropriate or unwanted individual to individual sexual contact.

(21) “Planning and support team” or “PST” means a group of persons that includes the individual being supported; the individual’s family, guardian or advocate, as applicable; the individual’s case manager; a registered nurse, as applicable; persons who provide supports and services to the individual; and any other person who the individual requests to participate. The planning and support team shall assist the individual to develop, implement, and evaluate his or her individual plan and shall assist the individual to obtain, manage, evaluate and adjust supports, as needed.

(22) “Psychological abuse” means an act intended to (A) humiliate, intimidate, degrade or demean an individual who receives services or funding from the department, (B) inflict emotional harm or invoke fear in such individual, or (C) otherwise negatively impact the mental health, the physical health or the safety of such individual.

(23) “Qualified provider” means a person, firm or corporation that has met departmental criteria to provide residential or day supports and services to an individual who receives services or funding from the department.

(24) “Quality improvement plan” means a document submitted by a licensed qualified provider, specifying the actions to be taken by the licensed qualified provider to remediate areas of non-compliance with sections 17a-227-1 to 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies not later than 15 business days after the receipt of a written summary of outcomes not met on a quality service review.

(25) “Quality management” or “QM” means the department’s division that evaluates the department’s services and supports. QM responsibilities shall include, but are not limited to: (1) conducting on-site quality service reviews to ensure compliance with state and federal laws and regulations; DDS policies, procedures and directives; and the requirements of the Centers for Medicare and Medicaid Services regarding the department’s Home and Community Based Services Waivers; (2) sharing information as a basis for quality improvement initiatives; (3) issuing safety alerts and advisories about issues affecting individuals’ health and safety; and (4) overseeing the department’s emergency management system.

(26) “Quality service review” or “QSR” means the department’s evaluation process that measures an individual’s personal outcomes and an individual’s provider support expectations across all service delivery settings. The QSR shall evaluate the services and supports delivered by a licensed qualified provider and shall assess individuals’ satisfaction with those services and supports.

(27) “Quality system” means the department’s comprehensive process that monitors compliance with sections 17a-227-1 to 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies; level of care determinations; individual plans; service delivery; outcome achievement; individuals’ health, safety and welfare; qualifications of providers; and provides financial oversight of licensed qualified providers. The quality system shall be defined in DDS policies, procedures and directives and includes, but is not limited to: abuse and neglect investigation; program review; human rights review; mortality review; case management; level of need determination; quality management; quality improvement; contract monitoring; auditing; and other department activities the purpose of which is to evaluate, monitor or improve services provided to individuals.

(28) “Record” means any documentation related to an individual or a program that is required to be maintained by the licensed qualified provider.

(29) “Regional director” means the department’s administrator responsible for the management of one of the department’s regions, whose duties include, but are not limited to, oversight of all direct services to individuals, all contracted qualified provider programs, case management, and all necessary support functions.

(30) "Respite services" means the temporary emergency or relief placement of an individual into a community living arrangement that shall not exceed 30 days without written authorization from the regional director or the regional director’s designee.

(31) “Sexual abuse” means (A) any sexual contact between an individual who receives services or funding from the department, regardless of such individual's ability to consent, and a family member, paid staff or a volunteer, or (B) the encouragement by a family member, paid staff or a volunteer of an individual who receives services or funding from the department to engage in sexual activity.

(32) “Support staff” means employees hired by a licensed qualified provider, including relief or temporary employees.

(33) "Transfer" means the move of an individual from a residential facility operated, licensed, or funded by the department to another such program, which is proposed by the commissioner or a regional director.

(34) “Verbal abuse” means the use of offensive or intimidating language that is intended to provoke or cause the distress of an individual who receives services or funding from the department.

#### **Sec. 17a-227-2. [Licensure] Licensing procedure**

[(a) The administrator shall comply with all regulations unless the commissioner grants a written waiver.

(b) A license shall be issued according to type of residence as either a community living arrangement, habilitative nursing facility or residential school. A license may be designated to provide permanent and/or respite services.

(c) A license shall be issued only to a single residence, except in the case of a residential school, condominium or apartment complex, where up to five individual sites located on one campus or complex may be grouped under one license.

(d) Where there is a change in ownership, the new licensee shall comply with all the requirements of these regulations and the applicable laws and regulations of legally authorized agencies.

(e) The license is not transferable and shall be in effect only as the residence was organized at the time the license was issued.

(f) The department shall receive sixty days advance notice when the licensee plans physical structural changes in a home, a sale of the residence or plans to discontinue operation. In the event of a change in the administration, the department will be notified as soon as possible.]

(a) An administrator shall be responsible for the overall management, operation and provision of services in a community living arrangement.

(b) An administrator shall have knowledge of the development and management of programs for individuals with intellectual disability, Prader-Willi syndrome and autism spectrum disorder as determined by the commissioner or the commissioner's designee.

(c) An administrator shall comply with all provisions of (1) local, state and federal law; (2) the Regulations of Connecticut State Agencies and (3) DDS policies, procedures and directives that pertain to the management, operation and provision of services in a community living arrangement.

(d) The commissioner may grant a license to a qualified provider operating one or more community living arrangements under the conditions specified in section 17a-227-4 of the Regulations of Connecticut State Agencies.

(1) A single license shall be issued to each licensed qualified provider and shall identify each community living arrangement that is operated under the authority of the license.

(2) A license shall indicate the maximum number of individuals who may receive services in each community living arrangement that is operated under the authority of the license.

(3) A license shall indicate whether a community living arrangement is licensed to provide permanent services, respite services or both types of services.

(e) The commissioner or deputy commissioner may grant a written licensing waiver, upon such terms and conditions as established by the commissioner, to an administrator exempting the administrator from compliance with some or all of the provisions of the Regulations of Connecticut State Agencies that pertain to the management, operation and provision of services in community living arrangements as specified in subsection (c) of section 17a-227-8 of the Regulations of Connecticut State Agencies.

(f) The license of a licensed qualified provider is not transferable.

(g) A license shall be amended to reflect any changes in capacity or location of a community living arrangement that is operated under the authority of the license.

(h) An administrator shall send written notification to the department not less than sixty days prior to:

(1) Making physical or structural changes to a CLA requested through the Department of Social Services (DSS)/Department of Developmental Services (DDS) Capital Improvement Process that may result in (A) a change to the DSS room and board rate or (B) reimbursement from repair and replacement reserve funds;

(2) Discontinuing the operation of a CLA; or

(3) The sale of a CLA.

(j) A licensed qualified provider shall send written notification to the department not less than seven business days prior to the replacement of an administrator. The department may review and approve any new administrator.

### **Sec. 17a-227-3. Initial application**

[(a) An application for the granting of an initial license to operate a residence shall be submitted in writing, signed by the person seeking authority to operate the residence and notarized, and shall include all items required on the application packet checklist and the following as applicable:

- (1) local fire marshal's certificate;
- (2) insurance governing fire, replacement value and general liability, third parties and auto liability;
- (3) bacteriological report for facilities using a private water supply system; and
- (4) public health official report for septic systems other than a city sewer system.

(b) A plan for all direct contact personnel to have completed training in the following prior to the opening of a new residence:

- (1) communicable disease/food handling;
- (2) signs and symptoms of illness;
- (3) individual basic health and behavioral needs;
- (4) daily routines of the residence; and
- (5) emergency procedures.

(c) Assure that medications shall be administered by those who are certified or licensed in accordance with Sec. 20-14h CGS and the regulations promulgated thereunder.

(d) If an existing corporation, a copy of a financial audit conducted within one year by an independent licensed or certified public accountant.

(e) For any residence housing more than four individuals, a non-refundable licensing fee of fifty dollars payable to the treasurer, State of Connecticut, is required.]

(a) An application for an initial license to operate one or more community living arrangements or an application to add one or more community living arrangements to an existing license shall be submitted (1) online, through an approved electronic system that includes e-notarization and e-signature, by the person seeking authority to operate the CLA; or (2) in writing, signed by the person seeking the authority to operate the CLA, and notarized.

(b) An application shall include the following for each CLA under the authority of the license, as applicable:

- (1) A local fire marshal's certificate for the CLA;
- (2) A bacteriological report for any private water supply system used by the CLA;
- (3) Documentation of the local health department's approval of the CLA's septic system; and

(4) Proof of insurance coverage for fire; replacement value; general liability; third parties; and auto liability.

(c) The administrator shall submit a single, nonrefundable licensing fee of fifty dollars payable to the Treasurer of the State of Connecticut with the initial application packet, if the initial license is for one or more community living arrangements housing a total of five or more individuals; or if the addition of one or more CLAs to an existing license brings the total number of individuals housed under the authority of the license to five or more.

(d) The administrator shall require that medications be administered to an individual by a person who is certified in accordance with sections 20-14h to 20-14j, inclusive, of the Connecticut General Statutes or licensed in accordance with Chapter 378 of the Connecticut General Statutes.

#### **Sec. 17a-227-4. [Inspections] Initial licensing standards**

(a) Inspections shall be conducted by the department at initial licensure and at intervals of not more than two years.

(b) Within fifteen working days of completion of inspection, the department shall provide a written summary of regulation citations noted during the inspection.]

To obtain a license to operate a community living arrangement for persons with intellectual disability, Prader-Willi syndrome or autism spectrum disorder, an administrator shall document that the following standards are met:

(a) Support staff are trained to meet the healthcare needs of each individual.

(b) Support staff are trained to protect each individual's rights as defined in section 17a-238 of the Connecticut General Statutes.

(c) All safety standards are implemented by support staff including, but not limited to, support staff are trained to respond in an emergency and each individual's Emergency Individual Fact Sheet is available to emergency medical personnel.

(d) All support staff are certified in cardiopulmonary resuscitation not later than 30 days after being hired.

(e) All safety, maintenance, and accessibility standards for each individual's residential environment are implemented by support staff.

(f) At least one staff member shall be trained in Alzheimer's disease and dementia symptoms and care, if an individual with Down syndrome fifty years of age or older, resides in a CLA.

#### **Sec. 17a-227-5. [Plans of correction] Operating standards**

(a) The administrator shall respond with a written plan of correction within fifteen working days of receipt of the citation summary.

(b) The plan of correction shall be reviewed by the department and when determined to be acceptable, an initial license or a renewal letter shall be issued. The administrator shall ensure that

plans of correction are implemented by the dates as documented.

- (c) If a plan of correction is deemed unacceptable by the department, the licensee shall be notified within ten working days with rationale for each unacceptable citation noted.
- (d) A request for a waiver must be in writing, signed by the applicant and provide the reasons for the request and any supporting documentation.
- (e) Notification of acceptance or denial of a waiver request shall be made within ten working days.]

To maintain a license to operate a community living arrangement for persons with intellectual disability, Prader-Willi syndrome or autism spectrum disorder, an administrator shall ensure that the following standards are met:

(a) Planning and personal achievement standards shall include:

- (1) Comprehensive information concerning an individual's preferences, personal goals, needs and abilities, health status and other information shall be gathered by support staff to develop an individual's Individual Plan;
- (2) An individual's IP shall be implemented as written by support staff; and
- (3) Support staff shall communicate in effective ways, which the individual can understand, and take time to listen to the individual and be responsive when the individual communicates.

(b) Rights, respect and dignity standards shall include:

- (1) Support staff shall ensure that an individual does not experience abuse, neglect, psychological abuse, sexual abuse, verbal abuse, financial exploitation, or emotional harm;
- (2) Support staff shall make all reasonable efforts to ensure that an individual understands and exercises his rights as a citizen of the State of Connecticut;
- (3) Support staff shall be trained to protect an individual's rights as defined in section 17a-238 of the Connecticut General Statutes;
- (4) Support staff shall treat an individual as a person who is valued and respected;
- (5) Support staff shall inform and support an individual to be free from physical and emotional harm;
- (6) Support staff shall inform and support an individual to exercise his rights as defined in section 17a-238 of the Connecticut General Statutes responsibly;
- (7) Support staff shall protect an individual's rights;
- (8) A licensed qualified provider shall seek and respond appropriately to concerns or grievances of an individual;

(9) Support staff shall support an individual to understand, obtain, and maintain insurance, entitlement benefits, and income; and

(10) Support staff shall maintain and protect an individual's personal funds with a financial accountability system.

(c) Safety standards shall include:

(1) An individual's safety shall be addressed through implementation of needed supports by support staff including, but not limited to, support staff shall be trained to respond in an emergency and each individual's Emergency Individual Fact Sheet shall be made available to emergency medical personnel; and

(2) An individual's environment shall be maintained by support staff so that it is safe and accessible.

(d) Health and wellness standards shall include:

(1) Support staff shall be trained to meet the healthcare needs of an individual;

(2) Support staff shall ensure that an individual receives needed medical care and health care; and

(3) The licensed qualified provider shall ensure that an individual receives appropriate and coordinated nursing services.

(e) Records of staffing schedules and actual staff hours worked for each CLA shall be available for inspection by the commissioner or the commissioner's designee.

**Sec. 17a-227-6. [Annual license renewal] Transfer or Move of an Individual**

[ (a) The licensee shall submit a current annual license application packet at least thirty days prior to the anniversary date of initial licensure and annually thereafter.

(b) For any residence housing more than four residents, an annual non-refundable licensing fee of fifty dollars payable to the treasurer, State of Connecticut, shall be submitted with the licensing packet.]

(a) No individual shall be transferred except in accordance with the provisions of section 17a-210 of the Connecticut General Statutes, or as otherwise authorized by law.

(b) The move of an individual (1) from one residential unit to another within the training school or regional center; (2) initiated by the individual's planning and support team with agreement from the individual or guardian; (3) initiated by the individual or guardian using portability of funding; or (4) to a healthcare or other facility that is not operated, licensed or funded by DDS shall not be considered a transfer.

(c) An administrator shall send written notification to the regional director's designee of any emergency transfer or any move, other than a transfer initiated by the commissioner, of an individual residing in any community living arrangement under the authority of the license.

(d) Upon the decision of the commissioner to transfer an individual, or upon the move of an individual, the administrator shall:

- (1) Coordinate the transfer or the move of the individual;
- (2) Document and communicate to all planning and support team members the process by which the individual's funds and personal property shall be protected when the individual is transferred or moves to another residence;
- (3) Require that an individual's clinical records and reports accompany the individual upon transfer or move and a copy of the individual's records and reports be retained by the administrator; and
- (4) Work with the individual's PST to develop an individual transition plan.

(e) Upon the decision of the commissioner to transfer an individual, or upon the move of an individual, the individual's planning and support team shall:

- (1) Develop an individual transition plan; and
- (2) Complete a transition planning checklist.

(f) Upon the decision of the commissioner to transfer an individual, or upon the move of an individual, and if the individual will be assigned a new case manager upon the transfer or the move, the individual's current case manager shall complete a case transfer request and have it reviewed and approved by the case management supervisor.

(g) The administrator shall ensure that the individual transition plan and the transition planning checklist accompany the individual upon transfer or move. The administrator shall maintain a copy of the individual's individual transition plan and the transition planning checklist.

(h) An administrator shall have a discharge plan for any individual placed by another state, who resides in a community living arrangement under the authority of the license of the licensed qualified provider. The discharge plan shall provide for the individual's return to the placing state or shall provide for funding for the continuation of appropriate services upon cessation of funding by the placing state.

**Sec. 17a-227-7. [Compliance orders, sanctions] Quality service reviews**

[(a) The commissioner may issue any of the following compliance orders whenever a licensee fails to comply with the provisions of these regulations:

- (1) reduce the licensed capacity of the residence;
- (2) require the licensee to increase staff support and/or accept additional monitoring from the department;
- (3) require additional training;
- (4) correct specific licensing citations.

(b) Compliance orders must be implemented within thirty days of issuance, or as specified by the commissioner, unless the licensee requests a hearing in accordance with Sec. 17a-227-9 of these regulations. Failure to implement a compliance order may result in the commissioner taking actions authorized by this section. Compliance orders shall be issued by the commissioner via certified letter to the licensee and shall be in place until such time as the department deems that compliance has been achieved.]

(a) Quality service reviews shall be conducted by department staff at the time of application for initial licensing and at intervals of not more than three years for continued CLA licensing.

(b) Not less than half of all quality service reviews, inspections, and visits by department staff, after initial licensing, shall be unannounced.

(c) The commissioner or the commissioner's designee shall provide to the licensed qualified provider a written summary of the quality service review, not later than fifteen business days after the completion of the review.

**Sec. 17a-227-8. [Denial or revocation of a license] Quality improvement plans**

[An application for initial licensure may be denied, or a license may be revoked for any of the following reasons, whenever the administrator:

(a) fails to comply with the licensing regulations prescribed by the department;

(b) fails to comply with the applicable state and local laws, ordinances, rules, regulations and codes relating to building, health, fire protection, safety, sanitation and zoning;

(c) violates any of the provisions under which the license has been issued;

(d) furnishes or makes any false or misleading statements to the commissioner or his designee in order to obtain or retain the license;

(e) fails or refuses to submit reports or make records available when requested by the commissioner or his designee;

(f) refuses to admit the commissioner or his designee to the premises at any reasonable time as deemed necessary by him;

(g) fails to implement plans of correction approved by the department.]

(a) The licensed qualified provider shall respond to the commissioner or the commissioner's designee with a written quality improvement plan not later than twenty business days after the licensed qualified provider's receipt of the summary of outcomes not met during the quality service review.

(b) The licensed qualified provider's quality improvement plan shall be reviewed by the department; and

(1) If the plan is deemed acceptable by the department:

A. An initial license shall be issued; or

B. A community living arrangement shall be added to an existing license; or

C. The license of the qualified provider shall be renewed; or

(2) If the plan is deemed unacceptable by the department, the licensed qualified provider shall be notified in writing of the department's reasons for the disapproval not later than ten business days after the department's receipt of the quality improvement plan.

(c) The commissioner or the deputy commissioner may grant a licensing waiver of any applicable regulation for which a licensed qualified provider's non-compliance will not materially affect the health or safety of an individual.

(1) A request for a licensing waiver by a licensed qualified provider shall be in writing and signed by the administrator; and shall provide the reasons for the request for the waiver and any supporting documentation.

(2) A licensing waiver, granted by the commissioner or the commissioner's designee, shall be in writing and specify the duration, terms and conditions under which the waiver shall be in effect.

(3) Written notification of approval or denial of a licensing waiver request by the commissioner or the commissioner's designee shall be made not later than ten business days after the department's receipt of the request for the waiver.

**Sec. 17a-227-9. [Hearing on revocation, or denial of license] Annual license renewal**

[A licensee aggrieved by the commissioner's decision to deny application for licensure or revoke a license may, within fifteen days after receipt by certified mail of notice of denial or intended revocation of a license, request by certified letter an administrative hearing in accordance with the department's rules of practice, Sec. 19-570-1 through 19-570-67, inclusive, of the regulations of Connecticut state agencies. Revocation of a license shall be stayed pending such hearing. In the absence of a request for a hearing during this time period, the commissioner's decision shall be final.]

(a) An administrator seeking to renew a license shall submit a license renewal packet (1) online, through an approved electronic system that includes e-notarization and e-signature, by the person seeking authority to renew the CLA license; or (2) in writing, signed by the person seeking the authority to renew the CLA license, and notarized; not later than 30 days prior to the annual anniversary date of the qualified provider's current license.

(b) The administrator shall submit a single, nonrefundable licensing fee of fifty dollars payable to the Treasurer of the State of Connecticut with the license application packet, if the licensed qualified provider's license has one or more community living arrangements housing a total of five or more individuals under the authority of the CLA license.

**Sec. 17a-227-10. [Policies and procedures] Compliance orders**

(a) The administrator shall be responsible for the overall management, operation and provision of services within the residence.

(b) The administrator shall be knowledgeable of the nature, needs, development and management of programs for individuals with mental retardation.

(c) Policies required by regulation as necessary for the operation of the residence shall be current within two years, signed by the administrator or his designee, available to staff, clients and the commissioner or his designee, implemented and followed.]

(a) The commissioner may issue a compliance order when an administrator fails to comply with the provisions of sections 17a-227-1 to 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies or any requirements of the department's quality system. A compliance order shall be in effect until the department deems that compliance has been achieved. The administrator shall be required to implement the terms of the compliance order not later than 30 days after receipt of the compliance order by the administrator unless the administrator requests an administrative hearing in accordance with section 17a-227-12 of the Regulations of Connecticut State Agencies.

(b) Failure by the administrator to implement a compliance order may result in the commissioner taking any of the following actions:

(1) Reducing the licensed capacity of one or more community living arrangements;

(2) Requiring the administrator to increase staff support in one or more CLAs;

(3) Requiring enhanced monitoring of the licensed qualified provider;

(4) Requiring the administrator to provide additional training to support staff;

(5) Requiring the administrator to take corrective action when specific outcomes have not been met;

(6) Requiring the administrator to take any actions deemed necessary by the commissioner to meet the health and safety needs of the CLA's residents; or

(7) Revoking the qualified provider's license.

(c) The commissioner shall send written notice to an administrator by certified mail of the commissioner's decision to issue a compliance order. The commissioner shall inform the administrator of his right to request an administrative hearing in accordance with section 17a-227-12 of the Regulations of Connecticut State Agencies.

**Sec. 17a-227-11. [Physical requirements] Denial or revocation of a license**

[(a) Any building used as a residence shall be in compliance with all applicable federal, state and local codes which govern construction, building safety and zoning ordinances.

(b) A residence located in a building containing more than two living units or more than three individuals per living unit shall obtain a fire marshal's certificate in accordance with Sec. 29-305 CGS.

(c) For a residence licensed for three or fewer individuals, the licensee shall comply with the requirements of the department's home safety inspection report unless a fire marshal's certificate is

obtained for each residence.

(d) The residence and grounds shall be free from unpleasant odors, refuse and potential safety hazards.

(e) Furniture and furnishings shall be safe and in good repair.

(f) The residence shall have toileting and bathing facilities that are clean, accessible and afford privacy to individuals.

(g) Fire extinguishers shall be located in the kitchen and the furnace area.

(h) Each residence and vehicle shall have emergency first aid supplies.

(i) All kitchens and dining areas shall be clean, well-lighted, ventilated, screened and provided with appropriate equipment for the preparation and serving of food.

(j) There shall at all times be a working telephone accessible to individuals with emergency numbers posted in an easily visible location. The department shall be immediately notified of any change in the telephone number.

(k) Each individual shall have a minimum of eighty square feet in a single bed room and at least sixty square feet in a multiple bed room.

(l) Each individual shall have sufficient and accessible storage space to accommodate all in-season clothing.

(m) Laundry facilities shall be available to all individuals.]

(a) An application for a license to operate a community living arrangement may be denied, or a licensed qualified provider's license may be revoked for one or more of the community living arrangements under the authority of the license, if an applicant or an administrator:

(1) Fails to comply with the department's licensing procedure in sections 17a-227-1 to 17a-227-12, inclusive, of the Regulations of Connecticut State Agencies;

(2) Fails to comply with applicable state and local laws, ordinances, rules, regulations and applicable building, health, fire protection, safety, sanitation, and zoning codes;

(3) Violates any of the terms and conditions under which the CLA license has been issued;

(4) Furnishes or makes any false or misleading statements to the commissioner or the commissioner's designee in order to obtain or retain the CLA license;

(5) Fails or refuses to submit documentation or make records available when requested by the commissioner or the commissioner's designee or otherwise denies unrestricted access to records of individuals served by the licensed qualified provider;

(6) Refuses to admit the commissioner or the commissioner's designee to the licensed premises of a CLA or the licensed qualified provider's offices when deemed necessary by the commissioner or the commissioner's designee;

(7) Fails to implement a quality improvement plan approved by the department; or

(8) Fails to comply with any of the requirements of the department's quality system, including maintaining the department's CLA certification.

(b) The commissioner shall send written notice to an applicant or an administrator by certified mail of the commissioner's intent to (1) deny a CLA license; or (2) revoke a CLA license. The commissioner shall inform the applicant or the administrator of his right to request an administrative hearing in accordance with section 17a-227-12 of the Regulations of Connecticut State Agencies.

**Sec. 17a-227-12. [Emergency planning] Administrative hearing on the issuance of a compliance order; or the denial or revocation of a license**

[a) Each residence shall have a plan in place which accommodates individuals' needs and identifies direct contact personnel responsibilities in the event of a life threatening emergency.

(b) The licensee shall provide training for direct contact personnel and individuals being served on how to respond in case of fire and other life threatening situations and shall carry out monthly evacuation drills.

(c) If the licensee finds an inefficiency or other problems identified during a drill, the licensee shall write and carry out a plan of specific corrective action(s).]

(a) An applicant or an administrator aggrieved by the commissioner's decision may request an administrative hearing, by certified letter, not later than fifteen days after receipt of the commissioner's written notice of (1) issuance of a compliance order; (2) denial of a CLA license; or (3) intent to revoke a CLA license. The administrative hearing shall be conducted in accordance with the provisions of sections 4-176e to 4-184, inclusive, of the Connecticut General Statutes.

(b) The implementation of the requirements of a compliance order or the revocation of a license shall be stayed pending the commissioner's decision resulting from the administrative hearing.

(c) In the absence of a request by an applicant or an administrator for an administrative hearing, the commissioner's decision shall be final.

**Section 2. Sections 17a-227-13 to 17a-227-22, inclusive, of the Regulations of Connecticut State Agencies are repealed.**

## **Statement of Purpose**

These Department of Developmental Services' Licensing of Community Living Arrangements regulations are being amended in accordance with Public Act 03-146 to require that: (1) all residential facility staff be certified in cardiopulmonary resuscitation; (2) records of staffing schedules and actual staff hours worked, by residential facility, be available for inspection by the department upon advance notice; (3) each residential facility develop and implement emergency plans and staff training to address emergencies that may pose a threat to the health and safety of the residents of the facility; (4) department staff verify during quality service reviews and licensing inspections, that (A) staff is adequately trained to respond in an emergency, and (B) a summary of information on each resident is available to emergency medical personnel for use in an emergency; and (5) not less than one-half of the quality service reviews, licensing inspections or facility visits conducted by the department after initial licensure are unannounced. These regulations are also being amended in accordance with Public Act 14-194 to require that all DDS residential facilities serving persons with Down syndrome fifty years of age or older have at least one staff member trained in Alzheimer's disease and dementia symptoms and care.

In addition to the required amendments pursuant to Public Acts 03-146 and 14-194, these amended regulations (1) embed into state regulations the standards of the department's quality system required by the federal Centers for Medicare and Medicaid Services (CMS), (2) streamline the license review and the quality system review into one process, (3) reflect current best practices; and (4) reflect changes in practice dictated by expanded choice in service options for individuals. These regulations also seek to repeal sections 17a-227-13 to 17a-227-22, inclusive, of the Regulations of Connecticut State Agencies. Certain technical changes have been made to place these regulations in conformance with new and revised guidelines established in the Legislative Commissioners' Office's State of Connecticut Manual for Drafting Regulations, Revised December 2009.

Section 17a-227-1 makes various changes in the definitions used in these regulations and adds definitions concerning the DDS system of quality management. Sections 17a-227-2 to 17a-227-4, inclusive, set forth what CLA licensure entails, how to apply for a license and the initial standards for licensure. Section 17a-227-5 details the operating standards for licensees and embeds the department's quality management standards into these regulations. Section 17a-227-6 outlines the protocol for the transfer or the move of an individual. Sections 17a-227-7 to 17a-227-9, inclusive, delineate the quality system process including quality improvement plans and annual license renewal. Sections 17a-227-10 to 17a-227-12, inclusive, detail department sanctions including compliance orders and denial or revocation of a license and an applicant's or licensee's right to an administrative hearing to contest these sanctions.

## CERTIFICATION

*This certification statement must be completed in full.*

**I hereby certify that the above Regulation(s)**

- 1) is/are (check all that apply)  adopted  amended  repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s)** 17a-227.
- b. **Public Act Number(s)** \_\_\_\_\_.  
*(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)*

**And I further certify**

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on \_\_\_\_\_, and posted to the Secretary's regulations website on \_\_\_\_\_; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 3) and that a public hearing regarding the proposed regulation(s) was held on \_\_\_\_\_ or  that no public hearing was held; *(Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)*
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on \_\_\_\_\_, and posted to the Secretary's regulations website on \_\_\_\_\_; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- When posted online by the Secretary of the State.
- OR**  on (insert date) \_\_\_\_\_.

<b>6) SIGNED (Head of Board, Agency or Commission)</b>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner	DATE
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**APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.**

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

**(For Regulation Review Committee Use ONLY)**

APPROVED  in WHOLE or WITH  technical corrections  deletions  substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice  Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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**In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.**

DATE	SIGNED (Secretary of the State)	BY
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*(For Secretary of the State Use ONLY)*

**Date Posted to SOTS Regulations Website:**

**Date Electronic Copy Forwarded to the Commission on Official Legal Publications:**

**SOTS file stamp:**

## GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at [http://www.cga.ct.gov/lco/pdfs/Regulations\\_Drafting\\_Manual.pdf](http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf).

## CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**  
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at [regulations.sots@ct.gov](mailto:regulations.sots@ct.gov) for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**  
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.