

# Settings Rule Requirements and Licensing

**At times, licensing requirements & the Settings Rule regulations may conflict. In these situations, the Settings Rule supersedes.**

Topic	Office of Licensing Requirements	Settings Rule Requirements
Food Service:	<ul style="list-style-type: none"> <li>A. Meals served are from dietitian-approved menus.</li> <li>C. The program shall establish and post kitchen rules and privileges according to consumer needs.</li> <li>D. Consumers present in the facility for four or more consecutive hours are provided nutritious food.</li> <li>H. When meals are prepared by consumers there shall be a written policy to include the following:                             <ul style="list-style-type: none"> <li>1. rules of kitchen privileges</li> <li>2. menu planning and procedures,</li> <li>3. nutritional and sanitation requirements,</li> <li>4. schedule of responsibilities.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>A. While dietitians assist in menu development, individual participants may elect to create their own meal plans as desired.</li> <li>C. Information on expectations surrounding the use of kitchen areas must be in accordance with Settings Rule requirements and may not restrict access. No individual's private information is posted in the setting in a general open area</li> <li>D. Individuals must have access to food at any time.</li> <li>H. The person-centered planning process should be used to document any restrictions/limitations on kitchen privileges or dietary restrictions. If an individual has a restriction on food or kitchen access, the provider will need to show documentation of the rights restriction.</li> </ul>
Individual Consumer Service Plan:	<ul style="list-style-type: none"> <li>A program staff member in collaboration with the Director, is assigned to each consumer and has responsibility and authority for development, implementation, and review of the individual consumer service plan.</li> </ul>	<ul style="list-style-type: none"> <li>Settings must optimized, but not regiment individual initiative autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</li> <li>Providers will have to ensure that individual consumer service plans are not regimented and may be modified based on individual preference.</li> </ul>

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Direct Service:	<ul style="list-style-type: none"> <li>A. Day treatment activity plans shall be prepared to meet individual consumer needs. Daily activity plans may include behavioral training, community living skills, work activity, work adjustment, recreation, self-feeding, self-care, toilet training, social appropriateness, development of gross and fine motor skills, interpersonal adjustment, mobility training, self-sufficiency training, and to encourage optimal mental or physical function, speech, audiology, physical therapy, and psychological services, counseling, and socialization.</li> <li>B. A daily activity or service schedule shall be designed and implemented.</li> <li>C. While on-site, consumers shall be supervised as necessary and encouraged to participate in activities.</li> <li>Adult day care activity plans shall be prepared to meet individual consumer and group needs and preferences...</li> </ul>	<ul style="list-style-type: none"> <li>Settings must optimize, but not regiment individual initiative autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact.</li> <li>Providers must ensure that program plans are not regimented and may be modified based on individual preference.</li> <li>An activity plan is not required.</li> </ul>
Medication:	<ul style="list-style-type: none"> <li>Medication is stored in a locked storage area.</li> </ul>	<ul style="list-style-type: none"> <li>Medications should not be locked for individuals.</li> <li>If medication is locked for a specific individual, this is considered a rights restriction and the reasons for doing so should be noted in the individual's person-centered support plan.</li> <li>The provider will need to show documentation of the rights restriction.</li> </ul>

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<b>Behavior Management:</b>	<ul style="list-style-type: none"> <li>• A. The program shall have on file for public inspection, a written policy and procedure for the methods of behavior management. These shall include the following:               <ul style="list-style-type: none"> <li>• 1. definition of appropriate and inappropriate behaviors of consumers,</li> <li>• 2. acceptable staff responses to inappropriate behaviors, and</li> <li>• 3. consequences.</li> </ul> </li> <li>• B. The policy shall be provided to all staff, and staff shall receive training relative to behavior management at least annually.</li> <li>• C. No management person shall authorize or use, and no staff member shall use, any method designed to humiliate or frighten a consumer.</li> <li>• D. No management person shall authorize or use, and no staff member shall use nor permit the use of physical restraint with the exception of passive physical restraint. Passive physical restraint shall be used only as a temporary means of physical containment to protect the consumer, other persons, or property from harm. Passive physical restraint shall not be associated with punishment in any way.</li> <li>• E. Staff involved in an emergency safety intervention that results in an injury to a resident or staff must meet with the clinical professional to evaluate the circumstances that caused the injury and develop a plan to prevent future injuries.</li> </ul>	<ul style="list-style-type: none"> <li>• Individuals should have freedom from restraint.</li> <li>• If there are any restrictions to an individual's rights, the provider will have to show documentation of the rights restriction, including when restraints are used.</li> </ul>

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Postings:	<ul style="list-style-type: none"> <li>Program complies with state and federal laws regarding abuse reporting, and has posted a copy of the laws in a conspicuous place within the facility.</li> <li>Program license shall be posted in a conspicuous place on the premises. Program posts Civil Rights, Notice of Agency Actions, Abuse and Neglect Reporting, and ADA notices as applicable.</li> <li>Telephone numbers for emergency assistance are posted.</li> </ul>	<ul style="list-style-type: none"> <li>Residential settings: individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.</li> <li>If an individual expresses that they do not want any of the applicable licensing postings displayed in their living area, explore other options to have the postings on-hand, but not displayed (such as in a binder).</li> <li>No individual's private information is posted in the setting in a general open area (i.e. medication schedules, dietary restrictions, etc.)</li> </ul>
Hazardous Chemicals:	<ul style="list-style-type: none"> <li>Hazardous chemicals are stored in a locked storage area.</li> </ul>	<ul style="list-style-type: none"> <li>If hazardous chemicals are interpreted to include things like laundry detergent, gasoline, etc., then participants may not have complete autonomy in performing daily activities such as doing laundry or mowing the lawn which they are afforded to under the Settings Rule.</li> <li>If an individual has a rights restriction that affects their right to have use such chemicals that allow them complete autonomy, the provider will need to show documentation of the rights restriction.</li> </ul>
Locks:	<ul style="list-style-type: none"> <li>No locks on doors (guidance passed down from Intermediate Secure Care Rule).</li> </ul>	<ul style="list-style-type: none"> <li>Residential settings: units have entrance doors lockable by the individual, with only appropriate staff having keys to doors.</li> <li>If an individual has a rights restriction that affects their right to have a lock on their door, the provider will need to show documentation of the rights restriction.</li> </ul>
Visitors	<ul style="list-style-type: none"> <li>Program has a policy specifying the amount of time family or friends may stay as overnight guests.</li> </ul>	<ul style="list-style-type: none"> <li>Individuals are able to have visitors of their choosing at any time.</li> <li>If an individual has a restriction limiting their ability to have visitors at any time, the provider will need to show documentation of the rights restriction.</li> </ul>

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