

STATE OF Connecticut
Department of Developmental Services

Procedure No: I.D. PR 007

Subject: Community Living Arrangement Licensing Inspections and Licensing Plan of Correction Monitoring

Section: Service Delivery, Quality and System

Section: Service Delivery, Quality and Systems Improvement

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Policy Statement

The Department of Developmental Services (DDS) is committed to ensuring individuals receiving services in publicly and privately operated Community Living Arrangements (CLAs) receive the highest quality services. To achieve this objective, DDS conducts licensing and certification inspections to ensure individuals served by Community Living Arrangements (CLAs) receive services that support the DDS mission and vision, and comply with State of Connecticut Licensing regulations, state and federal legislation, Centers for Medicare and Medicaid Services (CMS) waiver requirements and DDS policies and procedures.

A. Purpose

This policy provides information and guidance to DDS employees, DDS Qualified Providers and their employees, contractors, and agents regarding the Community Living Arrangement (CLA) licensure and certification process. This policy also provides procedural instruction to ensure inspections are conducted in a consistent format by the DDS Licensing and Certification Unit of the Division of Quality and Systems Improvement.

B. Applicability

This procedure applies to all privately and publicly operated Community Living Arrangements (CLAs) that are licensed by DDS, CLAs operated and certified by DDS, and DDS employees who conduct licensing and certification inspections.

C. Definitions

“Certification” means the written authorization issued by the DDS Commissioner to a state operated CLA under the DDS Public Division to provide residential services.

“Community Living Arrangement” or “CLA” means a residential facility in which the licensee or DDS Public Division provides residential services to 15 or fewer individuals with intellectual disabilities.

“eLicense system” means the electronic platform utilized by DDS to submit CLA licensure and certification applications and issue CLA Licensure or certification.

“Hybrid Inspection” means a revisit, annual, or biennial inspection that is completed partially, through utilization of the Qualified Provider’s electronic record system, at an alternate location other than the CLA. Hybrid inspections are completed at the discretion of the DDS Licensing and Certification Unit.

“Initial Inspection” means the first onsite inspection conducted by the DDS Licensing and Certification Unit to ensure the CLA provides services consistent with the DDS mission and vision, complies with state and federal laws, State of Connecticut licensing regulations, Centers for Medicare and Medicaid Services (CMS) waiver requirements, and DDS policies and procedures.

“License” means the written authorization issued by the DDS Commissioner to a Qualified Provider to provide residential services in a CLA.

“Plan of correction” means a written document submitted by the Qualified Provider to DDS in response to a summary of citations identified during an inspection. The document shall specify steps to be taken to correct regulatory deficiencies identified by DDS, provide a system to prevent reoccurrence, persons responsible for these steps, and timeframes for completion, as well as provide verification of items corrected.

“Qualified Provider” means a person, firm or corporation that has been qualified to provide services funded through DDS and has met the standards established in the DDS Home and Community Based Services Waiver (HCBS).

“Quality Review Specialist” means DDS Licensing and Certification Unit personnel authorized to conduct CLA and Community Companion Home (CCH) licensing inspections.

“Public Provider” means a residential or day program operated by the DDS Public Division.

“Revisit Inspection” means a follow- up visit after an initial, annual, or biennial inspection conducted by the DDS Licensing and Certification Unit to ensure that a plan of correction from the previous inspection has been implemented.

“Inspection” means an onsite or hybrid CLA site visit to assess the quality of the services provided, the physical environment, and, when applicable, plan of correction implementation.

“Summary of Citations” means a written report of deficiencies identified during an inspection by the DDS Licensing and Certification Unit, which outlines areas of non-compliance with sections 17a-227-1 through 17a-227-22, inclusive of the Regulations for community living arrangements.

D. Implementation

1. Procedure for the Initial Licensure or Certification of a Community Living Arrangement.
 - a. When a CLA development is awarded to a Qualified Provider or Public Provider, the provider will request an initial application.
 - b. The DDS Licensing and Certification Unit shall provide the Qualified Provider or Public Provider with the DDS CLA Initial License Checklist Inspection Form (See attachment A), DDS Home Safety Inspection Report (See attachment B), instructions on the eLicense system application process, and if applicable, waiver enrollment instructions. The DDS Licensing and Certification Unit shall enter the pending CLA address in the eLicense system and issue an email to the Qualified Provider or Public Provider to complete the initial application online in the eLicense system. CLAs serving three individuals or less, where this is no fire marshal jurisdiction, will complete the DDS Home Safety Inspection Report (see attachment B). CLAs serving four individuals or more, will fall under the jurisdiction of the local or state fire marshal.
 - c. The Qualified Provider or Public Provider shall complete the requirements identified on the DDS CLA Initial License Checklist Inspection Form (See attachment A) and submit an online, initial application through the eLicense system.
 - d. Once the initial application has been submitted through the eLicense system and the Qualified Provider or Public Provider has completed all requirements identified on the DDS CLA Initial License Checklist Inspection Form (See attachment A), they may request an initial licensing inspection date. The Qualified Provider or Public Provider shall send the request for an initial inspection date to the DDS Licensing and Certification Unit and the regional Resource Administrator via email and the Qualified Provider or Public Provider shall submit the completed Licensing Checklist.
 - e. The Quality Review Specialist Supervisor shall review the DDS CLA Initial License Checklist Inspection Form (See attachment A) submitted and the initial application and supporting documents for completeness and accuracy.
 - f. Once all items are verified and accurate, the DDS Licensing and Certification Unit will schedule the onsite initial inspection with the

Qualified Provider or Public Provider and will notify the Regional Resource administrator.

- g. The DDS Licensing and Certification Unit shall conduct the onsite initial inspection as provided in the DDS CLA Initial License Checklist Inspection Form (See attachment A).
 - h. If significant deficiencies are identified during the initial inspection, the DDS Licensing and Certification Unit shall identify the concerns with the Qualified Provider or Public Provider and the Regional Resource administrator, and the inspection will be postponed until the Qualified Provider or Public Provider meets all the requirements identified in Connecticut regulations pertaining to a CLA and the DDS Licensing Checklist to operate the CLA.
 - i. If minor deficiencies are identified during the initial inspection, the DDS Licensing and Certification Unit shall issue a summary of citations to the Qualified Provider or Public Provider. The Qualified Provider or Public Provider shall complete a plan of correction in response to each deficiency identified on the summary of citations and submit the plan of correction to DDS through the eLicense system. Upon receipt of the plan of correction with any supporting documentation that may be required, the Quality Review Supervisor shall review the plan of correction.
 - j. Once the plan of correction has been approved by the Quality Review Supervisor, the CLA shall be issued one-year licensure or certification.
 - k. The DDS Licensing and Certification Unit shall conduct a six-month revisit at the CLA to ensure the plan of correction, developed in response to deficiencies identified during the initial inspection, has been implemented and to ensure that systems and services are being delivered as stipulated in the CLA regulations.
 - l. A full licensing inspection shall be conducted within one year of the issuance of initial licensure or certification.
2. CLA Annual/Biennial Licensure or Certification Procedure.
 - a. The DDS Licensing and Certification Unit shall notify the Qualified Provider or Public Provider to submit their renewal application through the eLicense system 90 calendar days prior to the expiration of the license or certification.

- b. The Qualified Provider or Public Provider shall submit a renewal application, through the eLicense system, within 30 calendar days prior to the expiration of the CLA license or certificate.
- c. The DDS Licensing and Certification Unit, Quality Review Specialist shall conduct a licensing inspection that evaluates compliance with all applicable CLA regulations within 30 to 60 calendar days before the current license or certification expires.
- d. At the conclusion of the inspection, the Quality Review Specialist shall review their findings with the Qualified Provider or Public Provider.
- e. If deficiencies were identified during the inspection, the DDS Licensing and Certification Unit shall issue a summary of citations to the Qualified Provider or Public Provider within 15 business days from the inspection date.
- f. The Qualified Provider or Public Provider shall complete a plan of correction in response to each deficiency identified on the summary of citations. The plan of correction shall be submitted to DDS through the eLicense system within 15 business days of the date the summary of citations was issued. The Quality Review Specialist completing the inspection shall track progress towards plan submission.
- g. The Quality Review Specialist shall review the plan of correction and determine if the plan of correction is acceptable. If the Quality Review Specialist determines the plan of correction is not acceptable, they shall return the plan of correction to the Qualified Provider or Public Provider with an explanation of the unacceptability. The Qualified Provider or Public Provider shall submit a revised plan of correction within 10 business days. The Quality Review Specialist completing the inspection shall track progress toward plan resubmission.
- h. The DDS Licensing and Certification Unit shall issue a Late Plan of Correction letter to the Qualified Provider whenever the Plan of Correction has not been received within the required timeframe.
- i. Once the DDS Licensing and Certification unit determines the plan of correction is acceptable, they shall issue:
 - i. Renewal letter and two-year licensure to a Qualified Provider
 - ii. Renewal letter and two-year certification to a Public Provider.

3. Jeopardy Procedure During a Standard Inspection or Revisit Inspection.

- a. If the Quality Review Specialist has identified an immediate health and safety concern during the inspection, the following actions shall occur:
 - i. The Quality Review Specialist shall immediately notify the Quality Review Supervisor or the Manager of the Licensing and Certification Unit.
 - ii. Once a determination has been made that the CLA has a health or safety concern which qualifies as a jeopardy situation, as defined in DDS Jeopardy Guidelines (See attachment C), a formal jeopardy designation shall be made and the Quality Review Specialist, Quality Review Supervisor or the Manager of the Licensing and Certification Unit shall notify the Qualified Provider or Public Provider.
 - iii. The Quality Review Specialist shall work with the Qualified Provider or Public Provider to complete a written plan of correction. The plan of correction shall be reviewed by the Quality Review Specialist Supervisor or the Manager of the Licensing and Certification Unit for approval prior to the exit of the inspection.
 - iv. The Quality Review Specialist Supervisor shall complete the DDS Jeopardy Worksheet (See attachment C) and obtain a Plan of Correction from the Qualified Provider or Public Provider. The completed worksheet and plan of correction shall be submitted to the Licensing and Certification supervisory personnel, Regional Administration staff, all other DDS personnel identified on the DDS Jeopardy Worksheet (See attachment C), and other DDS personnel as applicable.
 - b. The Quality Review Specialist shall include the jeopardy findings in the statement of citations issued for the inspection. The Qualified Provider or Public Provider shall be required to respond with a system to prevent reoccurrence for the identified jeopardy situation and may be requested to submit additional verification of the corrected issue.
 4. One-Year Licensure or Certification Determination Process.
 - a. A CLA will receive one-year licensure or certification, if an inspection identifies significant citations related to health and safety that result in negative outcomes of individuals and or has demonstrated patterns of citations over time that have negatively impacted effective management of the CLA. The Quality Review Specialist shall use the DDS Criteria for Determining a One-Year License Inspection Status (See attachment D) to recommend whether re-licensure or re-certification is issued to the CLA for a period of one or two years. The duration of licensure or certification shall determine when a subsequent renewal inspection occurs. The

Quality Review Specialist shall discuss their recommendation for licensure frequency with the Qualified Provider or Public Provider.

- b. The one-year licensure or certification letter and the statement of citations from the inspection shall undergo peer review with other Quality Review Specialists prior to receiving supervisory review by the Quality Review Specialist Supervisor and the Manager of the Licensing and Certification Unit. Final approval to issue one-year licensure or certification is completed by the Director of Quality and Systems Improvement.
- c. The DDS Licensing and Certification Unit shall issue a summary of citations and complete the one-year licensure or certification letter that details the rationale for the one-year license or certification, within 15 working days of completion of the inspection.
- d. If the Qualified Provider or Public Provider disagrees with the DDS determination for issuance of one-year licensure or certification, the provider may, within 15 business days of notification, file a request with the Division Director of Quality and Systems Improvement for an administrative review.
- e. The Qualified Provider or Public Provider shall submit a plan of correction through the eLicense system within 15 business days of the date the summary of citations is issued.
- f. The DDS Licensing and Certification Unit shall review the plan of correction and determine if the plan of correction is acceptable. If the unit determines the plan of correction is not acceptable, they shall return the plan of correction to the Qualified Provider or Public Provider with an explanation of the unacceptable components. The Qualified Provider or Public Provider shall respond with a revised plan of correction within 10 business days.
- g. When the Quality Review Specialist determines the plan of correction is acceptable, they shall:
 - i. Renewal letter and one-year licensure to a Qualified Provider.
 - ii. Renewal letter and one-year certification to a Public Provider.

5. Hybrid Inspection Process.

- a. At the discretion of the DDS Licensing and Certification Unit, a hybrid, or partially remote, inspection may be conducted in place of specific on-site components of the standard inspections if an agency utilizes an electronic record system that is compliant with federal privacy and security standards and is accessible to DDS.

- b. The DDS Licensing and Certification Unit may complete a remote evaluation of the providers' electronic system to ensure it meets all standard requirements to complete a full review of individuals' records; incorporating the individual plans, related assessments, medical documentation, guardianship records, individual specific protocols, goal tracking, financial records, medication administration, program review and human rights committees, incident reporting, policies and procedures, staff training records, emergency evacuation plans, including relocation plans and e-scores, fire drill documentation and house maintenance records.
- c. The Qualified Provider or Public Provider shall furnish an electronic guide for record storage to the Licensing and Certification Unit for use as a reference guide of where records are stored and how to access them.
- d. On the day of the remote evaluation, the Qualified Provider or Public Provider shall grant the Quality Review Specialist full read-only access for individual records for that CLA.
- e. Upon completion of the remote evaluation, the DDS Licensing and Certification unit shall schedule and complete an on-site inspection to finalize the hybrid inspection. The onsite portion of the hybrid inspection shall include the physical plant inspection, as well as a review of storage of finances, medication storage, and other licensing regulation areas based on the discretion of the Quality Review Specialist. The onsite and remote inspections may occur on separate dates.
- f. At the conclusion of the on-site inspection, the Quality Review Specialist shall review their findings with the Qualified Provider or Public Provider.
- g. A statement of citations shall be issued to the Qualified Provider or Public Provider and a subsequent plan of correction shall be required as defined in Subsection 1 of this policy.

6. CLA Revisit Inspection Process.

- a. If CLA received a one-year licensure, a revisit inspection will be conducted by the DDS Licensing and Certification Unit within 3-4 months from the inspection date.
- b. Each Quality Review Specialist shall also conduct two unannounced revisit inspections monthly to ensure timely and accurate implementation of plans of correction submitted by the Qualified Provider or Public

Provider. Such unannounced revisit inspections shall be at the discretion of the Licensing and Certification Unit.

- c. If during a revisit inspection, the Quality Review Specialist determines the plan of correction has not been implemented as written, the Quality Review Specialist shall issue a summary of citations outlining which citations have not been corrected. The statement of citations will be issued to the Qualified Provider or Public Provider and a subsequent plan of correction shall be required as defined in Subdivision 1 of this policy.

7. CLA Monitoring Visit Process.

- a. A Quality Review Specialist shall conduct an unannounced monitoring visit at the request of the DDS Commissioner, Regional Director, Director of Health and Clinical Services, or the Division Director of Quality and Systems Improvement. A monitoring visit shall occur as the result of information obtained by the department which indicates a potential violation of licensing regulations; the nature of which raises concerns about the well-being and safety of the individuals living in the CLA.

8. CLA Plan of Correction Monitoring Process.

- a. The DDS Licensing and Certification Unit shall monitor the implementation of plans of correction. Such monitoring shall include, but not be limited to, the following:
 - i. Review and approve the plan of correction submitted by the Qualified Provider or Public Provider.
 - ii. Determine which citations can be verified through documentation submitted from the Qualified Provider or Public Provider and which citations will require a site visit to verify citations have been corrected and systems are in place as outlined in the plan of correction.
 - iii. If a plan of correction relates to an issue that resulted in immediate jeopardy, a constituent concern, or at the discretion of the Manager of Licensing and Certification Unit, the Quality Review Specialist will visit the CLA within 90 days; this timeframe may be extended based on the discretion of the Manager of the Licensing and Certification Unit.

E. References

Licensing of Community Living Arrangements, Residential Schools and Habilitative Nursing Facilities, CGS Sec 17a-227-1 through 22

Approval Procedures for use of aversive, CGS Sec 17a-238-1 through 7

Administration of medication by certified unlicensed personnel, CGS Sec 17a-210-1 through 8

DDS Fire Safety & Emergency Guidelines

Office of State Fire Marshal Directive #7

F. Attachments:

Attachment A. DDS CLA Initial License Checklist Inspection Form

Attachment B. DDS Home Safety Inspection Report

Attachment C. DDS Jeopardy Worksheet and Guidelines

Attachment D. DDS Criteria for Determining a CLA One-Year License Inspection Status