

# Application for a §1915(c) Home and Community-Based Services Waiver

## PURPOSE OF THE HCBS WAIVER PROGRAM

The Medicaid Home and Community-Based Services (HCBS) waiver program is authorized in section 1915(c) of the Social Security Act. The program permits a state to furnish an array of home and community-based services that assist Medicaid beneficiaries to live in the community and avoid institutionalization. The state has broad discretion to design its waiver program to address the needs of the waiver's target population. Waiver services complement and/or supplement the services that are available to participants through the Medicaid state plan and other federal, state and local public programs as well as the supports that families and communities provide.

The Centers for Medicare & Medicaid Services (CMS) recognizes that the design and operational features of a waiver program will vary depending on the specific needs of the target population, the resources available to the state, service delivery system structure, state goals and objectives, and other factors. A state has the latitude to design a waiver program that is cost-effective and employs a variety of service delivery approaches, including participant direction of services.

## Request for an Amendment to a §1915(c) Home and Community-Based Services Waiver

### 1. Request Information

- A. The **State of Louisiana** requests approval for an amendment to the following Medicaid home and community-based services waiver approved under authority of §1915(c) of the Social Security Act.
- B. **Program Title:**  
Children's Choice (CC) Waiver
- C. **Waiver Number:**LA.0361  
Original Base Waiver Number: LA.0361.
- D. **Amendment Number:**
- E. **Proposed Effective Date:** (mm/dd/yy)  

01/01/26

Approved Effective Date of Waiver being Amended: 07/01/24

### 2. Purpose(s) of Amendment

**Purpose(s) of the Amendment.** Describe the purpose(s) of the amendment:

Appendix B.6.c, B.6.d, B.6.f, B.6.i Align the 90L language with Louisiana State Law.

Appendix C: Added a provider type to Environmental Accessibility Adaptations and Extended State Plan Services-Specialized Medical Equipment and Supplies. Updated definition for Center Based Respite, Case Management (Support Coordination), Assistive Devices Environmental Accessibility Adaptions and Family Supports.

### 3. Nature of the Amendment

- A. **Component(s) of the Approved Waiver Affected by the Amendment.** This amendment affects the following component(s) of the approved waiver. Revisions to the affected subsection(s) of these component(s) are being submitted concurrently (*check each that applies*):

Component of the Approved Waiver	Subsection(s)
Waiver Application	
Appendix A -	

Component of the Approved Waiver	Subsection(s)
Waiver Administration and Operation	
Appendix B - Participant Access and Eligibility	B.6.c., B.6.d., B.6.f, B.6.i.
Appendix C - Participant Services	C.1.
Appendix D - Participant Centered Service Planning and Delivery	
Appendix E - Participant Direction of Services	
Appendix F - Participant Rights	
Appendix G - Participant Safeguards	
Appendix H	
Appendix I - Financial Accountability	
Appendix J - Cost-Neutrality Demonstration	

**B. Nature of the Amendment.** Indicate the nature of the changes to the waiver that are proposed in the amendment (*check each that applies*):

Modify target group(s)

Modify Medicaid eligibility

Add/delete services

Revise service specifications

Revise provider qualifications

Increase/decrease number of participants

Revise cost neutrality demonstration

Add participant-direction of services

Other

Specify:

**1. Request Information (1 of 3)**

**A. The State of Louisiana** requests approval for a Medicaid home and community-based services (HCBS) waiver under the authority of section 1915(c) of the Social Security Act (the Act).

**B. Program Title** (*optional - this title will be used to locate this waiver in the finder*):

Children's Choice (CC) Waiver

**C. Type of Request:** amendment

**Requested Approval Period:** (*For new waivers requesting five year approval periods, the waiver must serve individuals who are dually eligible for Medicaid and Medicare.*)

3 years    5 years

**Original Base Waiver Number:** LA.0361

**Draft ID:** LA.022.05.02

**D. Type of Waiver** (*select only one*):

Regular Waiver

**E. Proposed Effective Date of Waiver being Amended:** 07/01/24

**Approved Effective Date of Waiver being Amended:** 07/01/24

**PRA Disclosure Statement**

The purpose of this application is for states to request a Medicaid Section 1915(c) home and community-based services (HCBS) waiver. Section 1915(c) of the Social Security Act authorizes the Secretary of Health and Human Services to waive certain specific Medicaid statutory requirements so that a state may voluntarily offer HCBS to state-specified target group(s) of Medicaid beneficiaries who need a level of institutional care that is provided under the Medicaid state plan. Under the Privacy Act of 1974 any personally identifying information obtained will be kept private to the extent of the law.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0449 (Expires: July 31, 2027). The time required to complete this information collection is estimated to average 163 hours per response for a new waiver application and 78 hours per response for a renewal application, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: CMS, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Mail Stop C4-26-05, Baltimore, Maryland 21244-1850.

**1. Request Information (2 of 3)**

**F. Level(s) of Care.** This waiver is requested in order to provide home and community-based waiver services to individuals who, but for the provision of such services, would require the following level(s) of care, the costs of which would be reimbursed under the approved Medicaid state plan (*check each that applies*):

**Hospital**

Select applicable level of care

**Hospital as defined in 42 CFR § 440.10**

If applicable, specify whether the state additionally limits the waiver to subcategories of the hospital level of care:

Inpatient psychiatric facility for individuals age 21 and under as provided in 42 CFR § 440.160

**Nursing Facility**

Select applicable level of care

**Nursing Facility as defined in 42 CFR § 440.40 and 42 CFR § 440.155**

If applicable, specify whether the state additionally limits the waiver to subcategories of the nursing facility level of care:

**Institution for Mental Disease for persons with mental illnesses aged 65 and older as provided in 42 CFR § 440.140****Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IID) (as defined in 42 CFR § 440.150)**

If applicable, specify whether the state additionally limits the waiver to subcategories of the ICF/IID level of care:

**1. Request Information (3 of 3)**

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**G. Concurrent Operation with Other Programs.** This waiver operates concurrently with another program (or programs) approved under the following authorities

Select one:

**Not applicable****Applicable**

Check the applicable authority or authorities:

**Services furnished under the provisions of section 1915(a)(1)(a) of the Act and described in Appendix I****Waiver(s) authorized under section 1915(b) of the Act.**

Specify the section 1915(b) waiver program and indicate whether a section 1915(b) waiver application has been submitted or previously approved:

**Specify the section 1915(b) authorities under which this program operates (check each that applies):**

section 1915(b)(1) (mandated enrollment to managed care)

section 1915(b)(2) (central broker)

section 1915(b)(3) (employ cost savings to furnish additional services)

section 1915(b)(4) (selective contracting/limit number of providers)

**A program operated under section 1932(a) of the Act.**

Specify the nature of the state plan benefit and indicate whether the state plan amendment has been submitted or previously approved:

**A program authorized under section 1915(i) of the Act.****A program authorized under section 1915(j) of the Act.****A program authorized under section 1115 of the Act.***Specify the program:*

**H. Dual Eligibility for Medicaid and Medicare.**

Check if applicable:

**This waiver provides services for individuals who are eligible for both Medicare and Medicaid.**

## 2. Brief Waiver Description

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**Brief Waiver Description.** *In one page or less*, briefly describe the purpose of the waiver, including its goals, objectives, organizational structure (e.g., the roles of state, local and other entities), and service delivery methods.

The Children's Choice (CC) Waiver, a 1915(c) waiver is designed to enhance the home and community-based supports and services available to individuals ages 0 through 20 with intellectual and/or developmental disabilities, who would otherwise require an intermediate care facility for individuals with intellectual/developmental disabilities (ICF/IDD).

The goals of the CC Waiver are as follows:

- Create options and provide meaningful opportunities by providing home and community-based services that enhance the lives of recipients ages 0 through 20 with intellectual/developmental disabilities that meet the ICF/IDD level of care.
- Ensure that the participant/family has freedom to make choices in his/her life;
- Promote the participant/family's self-determination in exercising control over his/her life;
- Ensure the participant's health and welfare;
- Ensure that the participant/family has the support and assistance needed to care for himself/herself and to engage in his/her community; and
- Enhance the participant's natural supports.

The objectives of the CC Waiver are as follows:

- Offer the participant/family a choice in selecting providers and support coordination agencies through Freedom of Choice forms;
- Develop an individualized plan of care that embraces the participant's self-determination and is responsive to the participant's specific needs and preferences;
- Promote independence for participants through the provision of services meeting the highest standards of quality and national best practices, while ensuring health and welfare through a comprehensive system of participant safeguards;
- Offer an alternative to institutionalization through the provision of an array of services and supports that promote community inclusion and independence by enhancing and not replacing existing informal networks;
- Support participants and their families in exercising their rights and sharing responsibility for their programs regardless of the method of service delivery;
- Utilize personal outcome interviews and assessment tools to assist in the creation of participant-centered plans of care that reflect participant's needs and preferences;
- Offer the participant the choice between institutional care and home and community-based services; and
- Offer the participant the choice of Self-Direction as a service delivery option for the Family Support service only.

CC Waiver services are accessed by contacting the Local Governing Entity (LGE - formerly known as the Human Services Authorities and Districts) Systems Entry Unit to determine if the applicants meet the Developmental Disability (DD) criteria. The LGE is the responsible entity for this role. When the applicant is offered the CC Waiver, he/she may accept or deny the offer. If the applicant accepts the offer, he/she chooses a support coordination agency through the Freedom of Choice (FOC) process. The support coordination agency offers FOC of direct service provider(s). Once the applicant is found eligible for waiver services, his/her initial plan of care (POC) must be approved by the LGE. All services must be prior authorized and delivered in accordance with the approved POC.

Participants can only request an exception to move up to another waiver when they have explored all other support options and exhausted services in their current waiver, and there are still unmet needs. These support options could include:

1. Formal or informal resources,
2. Community resources,
3. Natural supports,
4. Work supports and services,
5. School or educational services,
6. Medicaid (state plan) funded services,
7. Other state or federal services, or
8. Additional services available in current waiver.

The Louisiana Department of Health (LDH) Bureau of Health Services Financing (BHSF) is the Single State Medicaid Agency which maintains administrative and supervisory oversight of the Children's Choice Waiver. Oversight and administrative authority within BHSF is carried out through the Medicaid Program Support and Waivers (MPSW), formerly known as the Waiver Compliance Section (WCS), with assistance from other sections within BHSF. OCDD has a Memorandum of Understanding with the Human Services Authorities and Districts, also known as the LGE's which specifies the roles and responsibilities of each party and the methods used to ensure the operating agency performs delegated waiver operations and administrative functions in accordance with the approved waiver application, rules, and policies.

### 3. Components of the Waiver Request

The waiver application consists of the following components. *Note: Item 3-E must be completed.*

- A. Waiver Administration and Operation.** Appendix A specifies the administrative and operational structure of this waiver.
- B. Participant Access and Eligibility.** Appendix B specifies the target group(s) of individuals who are served in this waiver, the number of participants that the state expects to serve during each year that the waiver is in effect, applicable Medicaid eligibility and post-eligibility (if applicable) requirements, and procedures for the evaluation and reevaluation of level of care.
- C. Participant Services.** Appendix C specifies the home and community-based waiver services that are furnished through the waiver, including applicable limitations on such services.
- D. Participant-Centered Service Planning and Delivery.** Appendix D specifies the procedures and methods that the state uses to develop, implement and monitor the participant-centered service plan (of care).
- E. Participant-Direction of Services.** When the state provides for participant direction of services, Appendix E specifies the participant direction opportunities that are offered in the waiver and the supports that are available to participants who direct their services. (*Select one*):
- |  |
|--|
| <p><b>Yes. This waiver provides participant direction opportunities.</b> Appendix E is required.</p> <p><b>No. This waiver does not provide participant direction opportunities.</b> Appendix E is not required.</p> |
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- F. Participant Rights.** Appendix F specifies how the state informs participants of their Medicaid Fair Hearing rights and other procedures to address participant grievances and complaints.
- G. Participant Safeguards.** Appendix G describes the safeguards that the state has established to assure the health and welfare of waiver participants in specified areas.
- H. Quality Improvement Strategy.** Appendix H contains the quality improvement strategy for this waiver.
- I. Financial Accountability.** Appendix I describes the methods by which the state makes payments for waiver services, ensures the integrity of these payments, and complies with applicable federal requirements concerning payments and federal financial participation.
- J. Cost-Neutrality Demonstration.** Appendix J contains the state's demonstration that the waiver is cost-neutral.

#### 4. Waiver(s) Requested

- A. Comparability.** The state requests a waiver of the requirements contained in section 1902(a)(10)(B) of the Act in order to provide the services specified in Appendix C that are not otherwise available under the approved Medicaid state plan to individuals who: (a) require the level(s) of care specified in Item 1.F and (b) meet the target group criteria specified in Appendix B.
- B. Income and Resources for the Medically Needy.** Indicate whether the state requests a waiver of section 1902(a)(10)(C)(i)(III) of the Act in order to use institutional income and resource rules for the medically needy (*select one*):
- Not Applicable
- No
- Yes
- C. Statewide.** Indicate whether the state requests a waiver of the statewide requirements in section 1902(a)(1) of the Act (*select one*):
- No
- Yes
- If yes, specify the waiver of statewide that is requested (*check each that applies*):

**Geographic Limitation.** A waiver of statewide is requested in order to furnish services under this waiver only to individuals who reside in the following geographic areas or political subdivisions of the state. Specify the areas to which this waiver applies and, as applicable, the phase-in schedule of the waiver by

geographic area:

**Limited Implementation of Participant-Direction.** A waiver of statewideness is requested in order to make *participant-direction of services* as specified in **Appendix E** available only to individuals who reside in the following geographic areas or political subdivisions of the state. Participants who reside in these areas may elect to direct their services as provided by the state or receive comparable services through the service delivery methods that are in effect elsewhere in the state.

*Specify the areas of the state affected by this waiver and, as applicable, the phase-in schedule of the waiver by geographic area:*

## 5. Assurances

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In accordance with 42 CFR § 441.302, the state provides the following assurances to CMS:

- A. Health & Welfare:** The state assures that necessary safeguards have been taken to protect the health and welfare of persons receiving services under this waiver. These safeguards include:
1. As specified in **Appendix C**, adequate standards for all types of providers that provide services under this waiver;
  2. Assurance that the standards of any state licensure or certification requirements specified in **Appendix C** are met for services or for individuals furnishing services that are provided under the waiver. The state assures that these requirements are met on the date that the services are furnished; and,
  3. Assurance that all facilities subject to section 1616(e) of the Act where home and community-based waiver services are provided comply with the applicable state standards for board and care facilities as specified in **Appendix C**.
- B. Financial Accountability.** The state assures financial accountability for funds expended for home and community-based services and maintains and makes available to the Department of Health and Human Services (including the Office of the Inspector General), the Comptroller General, or other designees, appropriate financial records documenting the cost of services provided under the waiver. Methods of financial accountability are specified in **Appendix I**.
- C. Evaluation of Need:** The state assures that it provides for an initial evaluation (and periodic reevaluations, at least annually) of the need for a level of care specified for this waiver, when there is a reasonable indication that an individual might need such services in the near future (one month or less) but for the receipt of home and community-based services under this waiver. The procedures for evaluation and reevaluation of level of care are specified in **Appendix B**.
- D. Choice of Alternatives:** The state assures that when an individual is determined to be likely to require the level of care specified for this waiver and is in a target group specified in **Appendix B**, the individual (or, legal representative, if applicable) is:
1. Informed of any feasible alternatives under the waiver; and,
  2. Given the choice of either institutional or home and community-based waiver services. **Appendix B** specifies the procedures that the state employs to ensure that individuals are informed of feasible alternatives under the waiver and given the choice of institutional or home and community-based waiver services.
- E. Average Per Capita Expenditures:** The state assures that, for any year that the waiver is in effect, the average per capita expenditures under the waiver will not exceed 100 percent of the average per capita expenditures that would have been made under the Medicaid state plan for the level(s) of care specified for this waiver had the waiver not been granted. Cost-neutrality is demonstrated in **Appendix J**.
- F. Actual Total Expenditures:** The state assures that the actual total expenditures for home and community-based waiver

and other Medicaid services and its claim for FFP in expenditures for the services provided to individuals under the waiver will not, in any year of the waiver period, exceed 100 percent of the amount that would be incurred in the absence of the waiver by the state's Medicaid program for these individuals in the institutional setting(s) specified for this waiver.

**G. Institutionalization Absent Waiver:** The state assures that, absent the waiver, individuals served in the waiver would receive the appropriate type of Medicaid-funded institutional care for the level of care specified for this waiver.

**H. Reporting:** The state assures that annually it will provide CMS with information concerning the impact of the waiver on the type, amount and cost of services provided under the Medicaid state plan and on the health and welfare of waiver participants. This information will be consistent with a data collection plan designed by CMS.

**I. Habilitation Services.** The state assures that prevocational, educational, or supported employment services, or a combination of these services, if provided as habilitation services under the waiver are: (1) not otherwise available to the individual through a local educational agency under the Individuals with Disabilities Education Act (IDEA) or the Rehabilitation Act of 1973; and, (2) furnished as part of expanded habilitation services.

**J. Services for Individuals with Chronic Mental Illness.** The state assures that federal financial participation (FFP) will not be claimed in expenditures for waiver services including, but not limited to, day treatment or partial hospitalization, psychosocial rehabilitation services, and clinic services provided as home and community-based services to individuals with chronic mental illnesses if these individuals, in the absence of a waiver, would be placed in an IMD and are: (1) age 22 to 64; (2) age 65 and older and the state has not included the optional Medicaid benefit cited in 42 CFR § 440.140; or (3) age 21 and under and the state has not included the optional Medicaid benefit cited in 42 CFR § 440.160.

## 6. Additional Requirements

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*Note: Item 6-I must be completed.*

**A. Service Plan.** In accordance with 42 CFR § 441.301(b)(1)(i), a participant-centered service plan (of care) is developed for each participant employing the procedures specified in **Appendix D**. All waiver services are furnished pursuant to the service plan. The service plan describes: (a) the waiver services that are furnished to the participant, their projected frequency and the type of provider that furnishes each service and (b) the other services (regardless of funding source, including state plan services) and informal supports that complement waiver services in meeting the needs of the participant. The service plan is subject to the approval of the Medicaid agency. Federal financial participation (FFP) is not claimed for waiver services furnished prior to the development of the service plan or for services that are not included in the service plan.

**B. Inpatients.** In accordance with 42 CFR § 441.301(b)(1)(ii), waiver services are not furnished to individuals who are inpatients of a hospital, nursing facility or ICF/IID.

**C. Room and Board.** In accordance with 42 CFR § 441.310(a)(2), FFP is not claimed for the cost of room and board except when: (a) provided as part of respite services in a facility approved by the state that is not a private residence or (b) claimed as a portion of the rent and food that may be reasonably attributed to an unrelated caregiver who resides in the same household as the participant, as provided in **Appendix I**.

**D. Access to Services.** The state does not limit or restrict participant access to waiver services except as provided in **Appendix C**.

**E. Free Choice of Provider.** In accordance with 42 CFR § 431.151, a participant may select any willing and qualified provider to furnish waiver services included in the service plan unless the state has received approval to limit the number of providers under the provisions of section 1915(b) or another provision of the Act.

**F. FFP Limitation.** In accordance with 42 CFR Part 433 Subpart D, FFP is not claimed for services when another third-party (e.g., another third party health insurer or other federal or state program) is legally liable and responsible for the provision and payment of the service. If a provider certifies that a particular legally liable third-party insurer does not pay for the service(s), the provider may not generate further bills for that insurer for that annual period.

**G. Fair Hearing:** The state provides the opportunity to request a Fair Hearing under 42 CFR Part 431 Subpart E, to individuals: (a) who are not given the choice of home and community-based waiver services as an alternative to institutional level of care specified for this waiver; (b) who are denied the service(s) of their choice or the provider(s) of their choice; or (c) whose services are denied, suspended, reduced or terminated. **Appendix F** specifies the state's

procedures to provide individuals the opportunity to request a Fair Hearing, including providing notice of action as required in 42 CFR § 431.210.

**H. Quality Improvement.** The state operates a formal, comprehensive system to ensure that the waiver meets the assurances and other requirements contained in this application. Through an ongoing process of discovery, remediation and improvement, the state assures the health and welfare of participants by monitoring: (a) level of care determinations; (b) individual plans and services delivery; (c) provider qualifications; (d) participant health and welfare; (e) financial oversight and (f) administrative oversight of the waiver. The state further assures that all problems identified through its discovery processes are addressed in an appropriate and timely manner, consistent with the severity and nature of the problem. During the period that the waiver is in effect, the state will implement the quality improvement strategy specified in **Appendix H**.

**I. Public Input.** Describe how the state secures public input into the development of the waiver:

The Louisiana Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities (OCDD) currently provide home and community-based services through the New Opportunities Waiver (NOW), Residential Options Waiver (ROW), Supports Waiver (SW), and Children's Choice Waiver (CC) to eligible Medicaid recipients.

OCDD hereby gives public notice of its intent to seek approval from the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS) to amend waiver services in the CC to add value based supplemental payment language effective January 1, 2025 (Appendix I.2 and I.3).

In compliance with CMS requirements, OCDD is posting these amendments for public comment from October 30, 2024 through November 30, 2024. CMS regulations require the Louisiana Department of Health to actively engage the public and give program participants, advocates, providers and other community partners the chance to provide input regarding changes made to current waiver applications prior to submission of final versions to CMS.

OCDD will post the waiver amendments to its website at the following address: <https://ldh.la.gov/page/2526>. A hard copy of the application is available for viewing at the Human Services District/Authority (HSD/A) in your region. The HSD/A in your region can be found online at <https://ldh.la.gov/page/locate-services>, or by calling 866-783-5553. Implementation of the provisions of these waiver amendments is contingent upon CMS approval.

Interested persons may submit written comments to the Office for Citizens with Developmental Disabilities, P.O. Box 3117 (Bin #21), Baton Rouge, LA 70821-3117 or by email to [ocdd-hcbs@la.gov](mailto:ocdd-hcbs@la.gov). The deadline for receipt of all written comments is November 30, 2024 by 4:30 p.m.

**Public Comments:**

OCDD could consider applying value-based payment incentives to support coordination agencies in addition to direct service providers to incorporate person-centered planning components into support coordination service delivery for home- and community-based service recipients. Support coordination agencies could achieve this by certification of support coordination staff on the use of person-centered planning tools and plan writing.

**Response:**

After taking the comment that was received during the public comment period under review, OCDD has adjusted Incentive #3, "Establish incentive payments for direct support providers implementing person-centered hiring practices." to include the following language to: ii. Incentive payments will be made to support coordination providers whose supervisors and newly hired Support Coordinators effectively use person centered tools to develop person focused and driven plans of support as evidence by:

1. Completion of person-centered training modules and demonstrated used of person-centered tools.
2. Completion of person-centered plan development training and demonstrated competency through plan review.
3. Demonstrate in house person-centered planning capacity through policy or training requirements.

No Tribal comments received.

**J. Notice to Tribal Governments.** The state assures that it has notified in writing all federally-recognized Tribal Governments that maintain a primary office and/or majority population within the state of the state's intent to submit a Medicaid waiver request or renewal request to CMS at least 60 days before the anticipated submission date is provided by

Presidential Executive Order 13175 of November 6, 2000. Evidence of the applicable notice is available through the Medicaid Agency.

**K. Limited English Proficient Persons.** The state assures that it provides meaningful access to waiver services by Limited English Proficient persons in accordance with: (a) Presidential Executive Order 13166 of August 11, 2000 (65 FR 50121) and (b) Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003). **Appendix B** describes how the state assures meaningful access to waiver services by Limited English Proficient persons.

## 7. Contact Person(s)

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**A.** The Medicaid agency representative with whom CMS should communicate regarding the waiver is:

**Last Name:**

Bennett

**First Name:**

Brian

**Title:**

Section Chief

**Agency:**

Medicaid Program Support and Waivers

**Address:**

628 North 4th Street

**Address 2:**

P.O. Box 91030, Bin # 24

**City:**

Baton Rouge

**State:**

Louisiana

**Zip:**

70821-9030

**Phone:**

(225) 342-6234

Ext:

TTY

**Fax:**

(225) 342-9168

**E-mail:**

brian.bennett@LA.GOV

**B.** If applicable, the state operating agency representative with whom CMS should communicate regarding the waiver is:

**Last Name:**

Foster-Hagan

**First Name:**

Julie

**Title:**

Assistant Secretary

Agency:

Office for Citizens with Developmental Disabilities

Address:

628 North 4th Street

Address 2:

City:

Baton Rouge

State:

Louisiana

Zip:

70821-3117

Phone:

(225) 342-0095

Ext:

TTY

Fax:

(225) 342-8823

E-mail:

Julie.Hagan@LA.Gov

## 8. Authorizing Signature

This document, together with the attached revisions to the affected components of the waiver, constitutes the state's request to amend its approved waiver under section 1915(c) of the Social Security Act. The state affirms that it will abide by all provisions of the waiver, including the provisions of this amendment when approved by CMS. The state further attests that it will continuously operate the waiver in accordance with the assurances specified in Section V and the additional requirements specified in Section VI of the approved waiver. The state certifies that additional proposed revisions to the waiver request will be submitted by the Medicaid agency in the form of additional waiver amendments.

Signature:

State Medicaid Director or Designee

Submission Date:

**Note: The Signature and Submission Date fields will be automatically completed when the State Medicaid Director submits the application.**

Last Name:

First Name:

Title:

Agency:

Address:

Address 2:

	<input type="text"/>		
City:	<input type="text"/>		
State:	Louisiana		
Zip:	<input type="text"/>		
Phone:	<input type="text"/>	Ext:	<input type="text"/> TTY
Fax:	<input type="text"/>		
E-mail:	<input type="text"/>		
<b>Attachments</b>	<input type="text"/>		

**Attachment #1: Transition Plan**

Check the box next to any of the following changes from the current approved waiver. Check all boxes that apply.

**Replacing an approved waiver with this waiver.**

**Combining waivers.**

**Splitting one waiver into two waivers.**

**Eliminating a service.**

**Adding or decreasing an individual cost limit pertaining to eligibility.**

**Adding or decreasing limits to a service or a set of services, as specified in Appendix C.**

**Reducing the unduplicated count of participants (Factor C).**

**Adding new, or decreasing, a limitation on the number of participants served at any point in time.**

**Making any changes that could result in some participants losing eligibility or being transferred to another waiver under 1915(c) or another Medicaid authority.**

**Making any changes that could result in reduced services to participants.**

Specify the transition plan for the waiver:

**Additional Needed Information (Optional)**

Provide additional needed information for the waiver (optional):

Continued from Appendix I-3c:

ii. Incentive payments will be made to support coordination providers who's supervisors and newly hired Support Coordinators effectively use person centered tools to develop person focused and driven plans of support as evidence by:

1. Completion of person centered training modules and demonstrated used of person centered tools.
2. Completion of person centered plan development training and demonstrated competency through plan review.
3. Demonstrate in house person centered planning capacity through policy or training requirements.

iii. Incentive payment amount is equivalent to agency's pro rata percentage of population serviced during the evaluation period.

4. Establish Incentive Payments for LDH OCDD waiver providers (DSPs and SCs) who close critical incidents within 30 days.

- i. Incentive payment is applicable when HCBS waiver providers take all necessary and appropriate actions to close at least 86% of critical incidents within 30 days; unless extension is granted.
- ii. Using LDH/OCDD's critical incident management system, HCBS waiver providers with 86% or higher of critical incidents will be eligible for payment.
- iii. Performance target percentage – 90% - This is a Medicaid performance indicator that CMS requires 90% and a corrective action plan is required if not met.

iv. Payment frequency and amount– (Quarterly payment)

1. Payment for 86% - 89% (60% of pro rata share of population served)
  2. Payment for 90% - 95% (100% of pro rata share of population served)
5. Establish Incentive Payments for LDH OCDD waiver providers who complete the National Core Indicator (NCI) State of the Workforce Survey and subsequent annual NCI-IDD State of the Workforces Surveys.
- i. Incentive payments will be made to direct support providers who submit all of appropriate evidence of completion.
  - ii. Incentive payment amounts will range from \$500 to \$3000, based upon size of population served by HCBS provider.
6. Establish Incentive Payments for LDH OCDD waiver providers whose families agree their support coordinator has adequately explained the waiver process and can thoroughly answer questions. (SC based)..
- i. Incentives will be made to HCBS support coordination providers Obtain feedback from families in terms of support coordinators adequately explaining the waiver process and can thoroughly answer questions.
  - ii. Incentive payment amounts will range from \$500 to \$2500 for support coordination providers who have survey completion rates above 75% (pay range is based upon size of population served by support coordination provider).
  - iii. An addition Incentive payment ranging from \$500 to \$2500 will be made to support coordination providers who achieve overall positive survey feedback (pay range is based upon size of population served by support coordination provider).
7. Establish technology based incentives for agencies that implement OCDD approved technology enhancements. (SC and DSP eligible)
- i. Criteria for completion – agency will submit written summary/proof of concept of technology implemented or intended to be implemented. Technology must increase efficiency and improve quality of services provided to waiver recipients.
  - ii. Payment amount - will be based on type of implementation and impact as determined by OCDD. But not to exceed \$25,000.
- iii. Payments will not be made until approved technology has been fully implemented.

8. Establish Incentive Payments for LDH/ OCDD waiver providers (SC Agencies (trainer)) who complete the State Employment Leadership Network training course "Supporting a Vision for Employment" and subsequently train support coordinators within each respective agency initially and annually thereafter.

i. Incentive payments will be made to support coordination agencies who submit all of the appropriate evidence of completion.

ii. Incentive payment amounts will be distributed as follows:

1. \$500.00 to complete the initial training for the SC agency trainer and making it a part of initial and annual training for all Support Coordinators.
2. \$1,500 once the trainer has trained 100% of support coordinators who are currently employed within each agency on the 'Supporting a Vision for Employment' training and providing evidence of completion.

- Evaluation period will be on a calendar year cycle starting January, 2025.
- The pro rata share is determined by taking the percentage of the population each provider serves, then using that percentage to determine how much (or the max amount) each provider can receive via a lump sum payment. For example, if a provider service 40 percent of the eligible waiver population, then that provider will be eligible for up to 40 percent of the overall dollar amount assigned to that initiative.

Continued from Appendix I-1: Beneficiary Potential Prescription Drug Diversion: This alert identifies beneficiaries with opioid prescriptions but without evaluation & management (E&M) services within 12 months, ranking them based on the total paid dollars associated with high-risk prescriptions; Provider Peer Comparison - Paid Amount Per Beneficiary: It highlights providers with a high average paid amount per beneficiary compared to peers, flagging the top 1% providers with higher risk and above-average paid amounts; HCPCS/NDC Conflict- Identifies providers billing for conflicting HCPCS Code and NDC combinations; Beneficiary Procedure/Age Conflict- identifies beneficiaries with claims or encounters for services that appear inappropriate for the beneficiary's age; Providers with Excessive Hours per Day- Identifies billing providers with servicing providers who are outliers based on number of service dates with at least 10 hours of services provided; Provider Outlier for Sunday Claims- Identifies the top 100 billing providers based on number of claims filed for a date of service which falls on a Sunday. Collectively, these alerts provide a robust defense against fraudulent activities in the healthcare system, allowing for timely intervention and the preservation of valuable resources. They empower LDH to uphold integrity, compliance, and operational efficiency by converting the information into an actionable preliminary investigation. Preliminary Investigations, Law Enforcement Referrals and Program Assessments: LDH's Case Tracking system streamlines the automated assignment of preliminary cases directly to investigators, seamlessly integrating Fraud Detect, MCO Tips, and public complaints. Publicly submitted complaints and tips are generated electronically through the connection between LDH's phone system and MCO 145 reporting. When Fraud Detect flags a case, it enters the Case Tracking system, where referrals, complaints, and tips related to potential Medicaid program violations are documented and routed to the specialized Special Investigations team within LDH. The Special Investigations team plays a pivotal role in this endeavor by conducting preliminary investigations. They thoroughly examine flagged cases, leveraging the comprehensive data and insights provided by Fraud Detect to assess the validity and severity of billing anomalies. SURS unit is compliant with 42 CFR § 455.13 and 42 CFR § 455.14 that states if the agency receives a complaint of Medicaid fraud or abuse from any source or identifies any questionable practices, it must conduct a preliminary investigation to determine whether there is sufficient basis to warrant a full investigation. SURS will receive complaints, referrals, data mining leads and tips that identify potential questionable practices. Once the information is received a preliminary investigation is done, the case is either closed with a resolution or moved into a full investigation if a more comprehensive review is needed. SURS unit is complaint with 42 CFR §455.21 which requires States with a Medicaid fraud control unit established and certified under subpart C of this part, The agency must refer all cases of suspected provider fraud to the unit. If the unit determines that it may be useful in carrying out the unit's responsibilities, promptly comply with a request from the unit for PI will provide Access to any records or information kept by the agency or its contractors. Upon referral from the unit, initiate any available administrative or judicial action to recover improper payments to a provider. SURS unit conducts programmatic assessments and make recommendations regarding system enhancements, law/policy/contract provisions, and identifies and refers issues of particular significance to SURS. PI utilizes risk models by performing a deep dive on each provider type by factoring current FWA schemes, SIRIS and HFPP data, and provider anomalies. LDH Programs submit referral of policy violation to SURS unit encouraging providers self-reporting. In so doing, providers can mitigate additional risk exposure, minimize penalty and present to the Department and law enforcement that they do not support nor condone improper, unethical and illegal activities of their employees. SURS unit is complaint with 42 CFR §455.20 (a) requires the State to have a method for verifying with recipients whether services billed by providers were received. Agency must have means of beneficiary verification of services paid on their behalf. Medicaid sends out recipient explanation of benefits (REOMB) to recipients where service was provided. If the recipient reviews the REOMB and determines services described were not provided, SURS unit will receive a call, email or correspondence from recipient where provider will be review for services not rendered prior to opening a full investigation. Full Investigations: The provided information describes the workflow involved in the Medicaid Program Integrity investigation process. This workflow is crucial for maintaining compliance among Medicaid providers and identifying potential overpayments. At the outset, the workflow status and sub-status indicators serve as tracking tools to monitor the progress of individual cases. The Management Compliance Incident stage marks the initiation of a case's investigation and comprises several sub-stages. In New Case Assigned, an initial review of provider and beneficiary history is conducted to identify the area of investigation. Subsequently, in Overview Analysis, analysts perform an in-depth assessment of provider history, payments, eligibility, and case initiation issues. This is followed by Researching, where analysts gather information from various sources, including Medicaid policies and previous sanctions. In Data Review, analysts examine claims history to determine the scope of the review. Statistical Sample involves a detailed analysis of scientific sample reports. The Record Review sub-stage entails collecting and organizing relevant documents. Policy Clarification involves reviewing Medicaid policies, and Consultant Review requires collaboration with medical experts. Analysts calculate initial overpayments in Initial Findings, and cases are then submitted for Quality Control in Quality Control. In exceptional cases, investigations may temporarily be On Hold. Provider Correspondence and Appeal Process: Under the Medical Assistance Program Integrity Law (MAPIL) in Louisiana, providers have rights and avenues of appeal when they are accused of fraud, waste, abuse, or other ill practices related to the medical assistance programs. MAPIL is designed to combat and prevent fraud and abuse within these programs and protect their fiscal and programmatic integrity. The law empowers the Secretary of the Department of Health and Hospitals, the Attorney General, and even private citizens of Louisiana to act as agents of the state in pursuing civil monetary penalties, liquidated damages, or other remedies against healthcare providers and individuals engaged in fraudulent activities that

result in unwarranted payments. Providers accused of fraudulent or abusive practices have the right to appeal these accusations. The appeal process provides them with the opportunity to challenge the allegations and defend their actions. This process typically involves several steps, including notification of the allegations, an opportunity to present evidence and arguments, and a formal review by a designated authority or administrative body. Throughout the appeal process, providers are entitled to due process rights, including the right to legal representation, the right to be heard, and the right to a fair and impartial review. These safeguards are crucial to ensure that providers are given a fair chance to contest the accusations and present their side of the case. While the specifics of the appeal process and the rights of providers may vary depending on the circumstances and procedures outlined in MAPIL, the overall intention is to ensure a fair and transparent process for addressing allegations of fraud and abuse within the medical assistance programs in Louisiana. This approach helps protect both the integrity of these programs and the rights of healthcare providers who may be subject to allegations.

**Overpayment Recovery and Adverse Actions:** Under the provisions of the Medical Assistance Program Integrity Law (MAPIL) in Louisiana, the state possesses the authority to take various adverse actions against healthcare providers and individuals found to have engaged in fraudulent or abusive practices within the medical assistance programs. These actions are implemented to uphold the fiscal and programmatic integrity of these healthcare programs. Adverse actions available under MAPIL encompass a range of measures, such as the imposition of Civil Monetary Penalties (CMPs) and liquidated damages, both of which involve financial penalties. The state may seek to recoup overpayments made as a result of fraudulent activities, while also having the power to temporarily or permanently exclude wrongdoers from participating in the medical assistance programs. In cases of severe misconduct, MAPIL permits the state to refer matters for criminal prosecution, potentially leading to fines, imprisonment, or other legal consequences. Moreover, it grants the state authority to suspend payments to providers or individuals during the investigation of alleged fraud or abuse to safeguard program funds. Providers found guilty of fraud or abuse may also face sanctions, including the revocation of their professional licenses or certifications necessary for program participation. Additionally, the law may offer flexibility for the pursuit of other suitable remedies to address specific instances of misconduct within the medical assistance programs. These adverse actions are integral to deterring fraudulent and abusive behavior, recovering misappropriated funds, and preserving the integrity of Louisiana's medical assistance programs.

Upon the identification of an overpayment, SURS initiates a process to address this issue. An initial step involves sending a notification to LDH Fiscal to establish a negative balance on the provider's online record. This negative balance is used to reconcile payments through remittance advices or, in cases where providers submit checks via postal mail, through offline means. Critical information provided to Fiscal includes the recoupment amount, provider name and number, and the dates of the review. As part of this process, a copy of the provider recoupment letter is sent to serve as supplementary documentation. Fiscal, in turn, undertakes the necessary paperwork, including the completion of the CMS-64 form, to facilitate the return of the federal share within the prescribed timeframes stipulated by CMS. The provider is notified through a recoupment letter that specifies the areas of review. Within this framework, the provider maintains the option to submit additional information, request an informal hearing with LDH, or seek an appeal. Furthermore, the provider has the flexibility to either remit the full overpayment amount or propose a payment plan. In addition to the recovery of overpayments, SURS may also request the formulation of a corrective action plan to address any billing or programmatic issues identified during the review process. This multifaceted approach ensures the resolution of overpayment issues while allowing providers avenues to self-report.

Post payment reviews are conducted throughout the year. Cases are open based on various sources. The Surveillance and Utilization Review Subsystem (SURS) program under the state's Medicaid Program Integrity section operates a hotline where complaint calls are received that pertain to fraud, waste and abuse. Additionally, SURS receives complaints via the Louisiana Department of Health website, mail and fax. Complaint cases are triaged and then opened each month. Another source of cases openings is Recipient Explanation of Benefits (REOMBs). Each month, REOMBs are sent to a random sample of recipients, and based on the recipients' responses, cases are opened. Cases are also opened as a result of data mining. Data mining runs are done throughout the year. Some runs like the Surge Run and the HCPCS Outlier run are done annually, and cases are opened based on the results, and other runs like Home and Community Based Services (HCBS) and Inpatient Stay overlaps are done periodically.

## Appendix A: Waiver Administration and Operation

**1. State Line of Authority for Waiver Operation.** Specify the state line of authority for the operation of the waiver (*select one*):

**The waiver is operated by the state Medicaid agency.**

Specify the Medicaid agency division/unit that has line authority for the operation of the waiver program (*select one*):

**The Medical Assistance Unit.**

Specify the unit name:

(Do not complete item A-2)

**Another division/unit within the state Medicaid agency that is separate from the Medical Assistance Unit.**

Specify the division/unit name. This includes administrations/divisions under the umbrella agency that has been identified as the Single State Medicaid Agency.

(Complete item A-2-a).

**The waiver is operated by a separate agency of the state that is not a division/unit of the Medicaid agency.**

Specify the division/unit name:

The Office for Citizens with Developmental Disabilities

In accordance with 42 CFR § 431.10, the Medicaid agency exercises administrative discretion in the administration and supervision of the waiver and issues policies, rules and regulations related to the waiver. The interagency agreement or memorandum of understanding that sets forth the authority and arrangements for this policy is available through the Medicaid agency to CMS upon request. (Complete item A-2-b).

## Appendix A: Waiver Administration and Operation

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### 2. Oversight of Performance.

**a. Medicaid Director Oversight of Performance When the Waiver is Operated by another Division/Unit within the State Medicaid Agency.** When the waiver is operated by another division/administration within the umbrella agency designated as the Single State Medicaid Agency. Specify (a) the functions performed by that division/administration (i.e., the Developmental Disabilities Administration within the Single State Medicaid Agency), (b) the document utilized to outline the roles and responsibilities related to waiver operation, and (c) the methods that are employed by the designated State Medicaid Director (in some instances, the head of umbrella agency) in the oversight of these activities:

**As indicated in section 1 of this appendix, the waiver is not operated by another division/unit within the state Medicaid agency. Thus this section does not need to be completed.**

**b. Medicaid Agency Oversight of Operating Agency Performance.** When the waiver is not operated by the Medicaid agency, specify the functions that are expressly delegated through a memorandum of understanding (MOU) or other written document, and indicate the frequency of review and update for that document. Specify the methods that the Medicaid agency uses to ensure that the operating agency performs its assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify the frequency of Medicaid agency assessment of operating agency performance:

BHSF and OCDD have a common and concurrent interest in providing Medicaid eligible individuals access to waivers and other identified services through qualified providers, while ensuring the integrity of the Medicaid program is maintained.

The Louisiana Department of Health (LDH) is the umbrella agency designated as the Single State Medicaid Agency. Within LDH, BHSF is responsible for the administration of the state Medicaid program and is the administering agency for the Children's Choice Waiver. OCDD is also located within LDH and is the operating agency for the Children's Choice Waiver. BHSF and OCDD have an Interagency Agreement (IA) defining the responsibilities of each. The IA is to be reviewed yearly and updated as necessary. Among other activities, this IA requires BHSF and OCDD to meet quarterly to evaluate the waiver program and initiate necessary changes to policy and/or reimbursement rates and to meet quarterly with the Division of Health Economics to review the financial accountability reports for the waiver program.

There are ten Local Governing Entities (LGE) offices within the state of Louisiana which contract with BHSF to perform regional waiver operation functions for the OCDD waivers as delegated and described in the CMS approved waiver document. The LGE waiver offices perform under the guidance and supervision of OCDD, the state waiver operating agency. The LGE must comply with all regional Quality Improvement Strategy activities as described in the approved waiver document. Both the state operating agency (OCDD) and each of the regional operating entities (LGEs) share responsibility to meet the federally mandated assurances and sub-assurances for: Level of Care; Service Plan; and Health and Welfare. The contract agreements with the LGEs are to be reviewed yearly and updated as necessary.

To ensure compliance with federal regulations governing waivers, BHSF created the Medicaid Program Support and Waivers Section (MPSW) which oversees the administration of the Medicaid Home and Community Based Services (HCBS) programs operated by OCDD and the Office of Aging and Adult Services (OAAS). Oversight is completed under the direction of the Medicaid Program Support and Waivers Section Chief.

BHSF oversight of operating agency performance is facilitated through the following committees:

LDH Variance Committee – meets at least quarterly to review financial utilization and expenditure performance of all OCDD waivers. Members are composed of representatives from OCDD, BHSF Division of Health Economics, DHH Finance/Budget, MPSW, and other BHSF sections as needed.

HCBS Oversight Committee - meets at least quarterly with the specific purpose to ensure required oversight of the OCDD operated HCBS Medicaid programs. Goals are to review current performance reports, determine need for new activities concerning quality and oversight in waiver programs and ensure adequate remediation enforcement. Quality recommendations or issues which cannot be resolved at this level are placed on the agenda of the Medicaid/Program Offices Quarterly Meeting. Members include HCBS quality management staff from MPSW and OCDD and it is chaired by the MPSW Section Chief or designee. Standing agenda items for the HCBS Oversight Committee include:

- OCDD operating agency staff present their analysis of all performance measure findings, remediation activities and systemic improvements to MPSW as defined in the 1915(c) waiver quality strategy;

- MPSW Section Chief or designee monitors quarterly/annual activities to ensure data collection, analysis, and remediation is occurring according to the approved waiver document.;

- Based on evidence presented, MPSW staff provides technical assistance guidance and support to the operating agency staff;

- MPSW performs administrative oversight functions for OCDD HCBS programs.

Medicaid/Program Offices Quarterly Meeting – Convenes at least quarterly to perform executive level oversight of the performance of HCBS waivers, assure their effectiveness and efficiency, and discuss any other programmatic issues common to the program offices and Medicaid. Goals are to act upon issues and recommendations received from the Medicaid HCBS Oversight Committee and other HCBS workgroups. This meeting is a forum for executive level problem resolution, planning, and development of quality redesign strategies. Members include representatives from MPSW, the Medicaid Director or Deputy Director, the OCDD Assistant Secretary, and other designated staff.

MPSW/OCDD/HCBS Data Contactor Meetings– MPSW facilitates monthly meetings with OCDD and the Medicaid data contractor to discuss waiver issues, problems, and situations which have arisen and do not comport with program policy. At these meetings solutions are formulated, corrective actions are agreed upon, follow-up implemented by meeting attendees as necessary in the form of internal policy or provider policy.

Ad Hoc Cross-Population HCBS Oversight Meetings - Additional meetings will be held jointly between MPSW, OCDD and the Office of Aging and Adult Services on an as needed basis for the following purposes:

- Collaborate on design and implementation of a robust system of cross-population continuous quality improvement;

- Present Quality Improvement Projects (QIP);
  - Share ongoing communication of what works, doesn't work, and best practices.
  - Work collaboratively to implement new cross-population directives or federal mandates
- Oversight specific to each Appendix A-7 function delegated to OCDD
1. Participant waiver enrollment – BHSF maintains supervision by approving the process for entry of individuals into the waiver. Supervision of compliant entry processes occurs during the monthly MPSW/OCDD/HCBS Data Contactor Meetings.
  2. Waiver enrollment managed against approved limits –The variance committee meets quarterly to manage waiver enrollment against approved limits. This committee is composed of representatives from OCDD, LDH's Division of Health Economics, and MPSW. This function is accomplished through the review of ongoing data reports compiled by OCDD and the Division of Health Economics using data obtained through the Medicaid data contractor and Medicaid Management Information Systems (MMIS). These reports include the number of participants receiving services, exiting the waiver, offered a waiver opportunity, waiver closure summary, acute care utilization, and waiver expenditures. Admissions summary and level of care intake are discussed in the Medicaid Data Contractor meeting.
  3. Waiver expenditures managed against approved levels– MPSW is responsible for completing the annual CMS-372 report utilizing data, submitting it to OCDD for review, and submitting to the Medicaid Director for final approval prior to submission. The variance committee meets quarterly to manage waiver expenditures against approved limits. This committee is composed of representatives from OCDD, LDH's Division of Health Economics, and MPSW. This function is accomplished through the review of reports compiled from data received through the Medicaid data contractor and MMIS. Reports include the number of participants receiving services, exiting the waiver, offered a waiver opportunity, waiver closure summary, acute care utilization, and waiver expenditures. The variance committee reviews expenditure trends and forecasts and discusses any planned or anticipated changes that could impact program expenditures.
  4. Level of care evaluation – OCDD is responsible for submitting aggregated reports on level of care assurances to BHSF on an established basis as described in the Appendix B Quality Improvement Strategy (QIS) of the waiver application. OCDD formally presents level of care performance measures findings/remediation actions to MPSW via the Medicaid HCBS Oversight Committee.
  5. Review participant service plans- OCDD is responsible for submitting aggregated reports on service plan assurances to BHSF on an established basis as specified in Appendix D of the waiver application. OCDD formally presents service plan performance measures findings/remediation actions to MPSW via the Medicaid HCBS Oversight Committee.
  6. Prior authorization of waiver services - To ensure that payments are accurate for the services rendered OCDD monitors and oversees through the prior authorization process and the approved plan of care (POC). BHSF oversees OCDD's exercise of prior authorization activities through reports issued by the Medicaid data contractor and through monthly MPSW/OCDD/HCBS Data Contactor Meetings. System changes related to claims processing and prior authorization can only be facilitated by BHSF. OCDD formally presents service plan performance measure findings/remediation actions to MPSW quarterly via the Medicaid HCBS Oversight Committee as described in Appendix D: QIS sub-assurance c.
  7. Utilization management – Reports are generated quarterly from the Medicaid data contractor which include: number of participants who received all types of services specified in their service plan and number of participants who received services in the amount, frequency, and duration specified in the service plan. OCDD reviews these reports for trends and patterns of under-utilization of services. OCDD formally presents service plan performance measure findings/remediation actions to MPSW quarterly via the Medicaid HCBS Oversight Committee as described in Appendix D: QIS sub-assurance d.
  8. Establishment of a statewide rate methodology - BHSF determines all waiver payment amounts/rates in collaboration with OCDD, Division of Health Economics, and as necessary the Rate & Audit section. MPSW monitors adherence to the rate methodology as described in Appendix I QIS.
  9. Rules, policies, procedures, and information development governing the waiver program – OCDD develops and implements written policies and procedures to operate the waiver and must obtain BHSF approval prior to any rulemaking, provider notices, waiver amendments/renewals or policy changes. BHSF and OCDD develop and distribute brochures, flyers, and other informational material regarding available programs to Louisiana citizens.
  10. Quality assurance and quality improvement activities - To ensure compliance with federal regulations governing waivers, BHSF created the Medicaid Program Support and Waivers (MPSW) Section to oversee the administration of all Louisiana Medicaid waiver programs. Monitoring is completed under the direction of the MPSW Section Chief. The MPSW Section, through performance measures listed in the Quality Improvement

Strategy (QIS) and systems described in Appendix H, ensures that OCDD performs its assigned waiver operational functions including participant health and welfare assurances in accordance with this document. OCDD formally presents performance measures findings/remediation actions to MPSW quarterly via the Medicaid HCBS Oversight Committee.

## Appendix A: Waiver Administration and Operation

**3. Use of Contracted Entities.** Specify whether contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable) (*select one*):

**Yes. Contracted entities perform waiver operational and administrative functions on behalf of the Medicaid agency and/or operating agency (if applicable).**

Specify the types of contracted entities and briefly describe the functions that they perform. *Complete Items A-5 and A-6.:*

The Medicaid data contractor tracks data on plans of care, such as date the initial plan is submitted and approved, date the annual plan of care is approved, date the plan of care is received by the LGE; tracks support coordination, provider services, waiver slots both occupied and vacant, tracks information on time lines, offerings of waiver opportunities and linkages to support coordination agencies, tracks the waiver certification process; provides prior authorization functions; maintains the Request for Services Registry; issues freedom of choice forms to the participant/family members to select a support coordination agency, collects data from providers, and provides notification to providers.

The fiscal/employer agent ensures that participants prior authorized service limits for self-directed services are not exceeded beyond the waiver cap; processes employer-related payroll and necessary taxes on behalf of Self-Direction participants.

**No. Contracted entities do not perform waiver operational and administrative functions on behalf of the Medicaid agency and/or the operating agency (if applicable).**

## Appendix A: Waiver Administration and Operation

**4. Role of Local/Regional Non-State Entities.** Indicate whether local or regional non-state entities perform waiver operational and administrative functions and, if so, specify the type of entity (*Select One*):

**Not applicable**

**Applicable** - Local/regional non-state agencies perform waiver operational and administrative functions.

Check each that applies:

**Local/Regional non-state public agencies** perform waiver operational and administrative functions at the local or regional level. There is an **interagency agreement or memorandum of understanding** between the state and these agencies that sets forth responsibilities and performance requirements for these agencies that is available through the Medicaid agency.

*Specify the nature of these agencies and complete items A-5 and A-6:*

**Local/Regional non-governmental non-state entities** conduct waiver operational and administrative functions at the local or regional level. There is a contract between the Medicaid agency and/or the operating agency (when authorized by the Medicaid agency) and each local/regional non-state entity that sets forth the responsibilities and performance requirements of the local/regional entity. The **contract(s)** under which private entities conduct waiver operational functions are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

*Specify the nature of these entities and complete items A-5 and A-6:*

## Appendix A: Waiver Administration and Operation

- 5. Responsibility for Assessment of Performance of Contracted and/or Local/Regional Non-State Entities.** Specify the state agency or agencies responsible for assessing the performance of contracted and/or local/regional non-state entities in conducting waiver operational and administrative functions:

The Louisiana Department of Health (LDH) Bureau of Health Services Financing (BHSF), with input from the operating agency, is responsible for assessing the performance of the data contractor, support coordinator, and fiscal agent.

## Appendix A: Waiver Administration and Operation

- 6. Assessment Methods and Frequency.** Describe the methods that are used to assess the performance of contracted and/or local/regional non-state entities to ensure that they perform assigned waiver operational and administrative functions in accordance with waiver requirements. Also specify how frequently the performance of contracted and/or local/regional non-state entities is assessed:

The MPSW monitor tracks and reviews data reports generated by the Medicaid Data Contractor on a quarterly basis. The reports include tracking volume, timelines, and deliverables for the previous months. Reports also include support coordination linkages, period of time between linkage and service delivery, number of new and closed support coordination linkages, and other summary statistics. The previous month's billing information is also included in the report so that report and invoice are linked together.

In addition, the data contractor submits a breakdown of staff resources allocated to the contract. The MPSW staff meets with the Contractor at least monthly to review performance and adherence to the terms of the contract.

Fiscal Agent - The fiscal agent is required to submit monthly reports to BHSF and OCDD for review and to monitor fiscal management activities. BHSF and OCDD perform on-going monitoring of the fiscal agents claims payment activities, billing history, and adherence to the terms of the contract. OCDD provides BHSF with any data, complaints, or other information obtained from any source regarding the fiscal agents performance.

In addition, BHSF utilizes the annual participant-satisfaction survey data gathered by the fiscal agent to monitor participant's satisfaction with the fiscal agent. In instances of non-compliance, BHSF will require a corrective action plan from the fiscal agent and will monitor implementation.

## Appendix A: Waiver Administration and Operation

- 7. Distribution of Waiver Operational and Administrative Functions.** In the following table, specify the entity or entities that have responsibility for conducting each of the waiver operational and administrative functions listed (*check each that applies*):

In accordance with 42 CFR § 431.10, when the Medicaid agency does not directly conduct a function, it supervises the performance of the function and establishes and/or approves policies that affect the function. All functions not performed directly by the Medicaid agency must be delegated in writing and monitored by the Medicaid Agency. *Note: More than one box may be checked per item. Ensure that Medicaid is checked when the Single State Medicaid Agency (1) conducts the function directly; (2) supervises the delegated function; and/or (3) establishes and/or approves policies related to the function.* Note: Medicaid eligibility determinations can only be performed by the State Medicaid Agency (SMA) or a government agency delegated by the SMA in accordance with 42 CFR § 431.10. Thus, eligibility determinations for the group described in 42 CFR § 435.217 (which includes a level-of-care evaluation, because meeting a 1915(c) level of care is a factor of determining Medicaid eligibility for the group) must comply with 42 CFR § 431.10. Non-governmental entities can support administrative functions of the eligibility determination process that do not require discretion including, for example, data entry functions, IT support, and implementation of a standardized level-of-care evaluation tool. States should ensure that any use of an evaluation tool by a non-governmental entity to evaluate/determine an individual's required level-of-care involves no discretion by the non-governmental entity and that the development of the

requirements, rules, and policies operationalized by the tool are overseen by the state agency.

Function	Medicaid Agency	Other State Operating Agency	Contracted Entity
Participant waiver enrollment			
Waiver enrollment managed against approved limits			
Waiver expenditures managed against approved levels			
Level of care waiver eligibility evaluation			
Review of Participant service plans			
Prior authorization of waiver services			
Utilization management			
Qualified provider enrollment			
Execution of Medicaid provider agreements			
Establishment of a statewide rate methodology			
Rules, policies, procedures and information development governing the waiver program			
Quality assurance and quality improvement activities			

## Appendix A: Waiver Administration and Operation

### Quality Improvement: Administrative Authority of the Single State Medicaid Agency

As a distinct component of the state's quality improvement strategy, provide information in the following fields to detail the state's methods for discovery and remediation.

#### a. Methods for Discovery: Administrative Authority

*The Medicaid Agency retains ultimate administrative authority and responsibility for the operation of the waiver program by exercising oversight of the performance of waiver functions by other state and local/regional non-state agencies (if appropriate) and contracted entities.*

#### i. Performance Measures

*For each performance measure the state will use to assess compliance with the statutory assurance, complete the following. Performance measures for administrative authority should not duplicate measures found in other appendices of the waiver application. As necessary and applicable, performance measures should focus on:*

- Uniformity of development/execution of provider agreements throughout all geographic areas covered by the waiver
- Equitable distribution of waiver openings in all geographic areas covered by the waiver
- Compliance with HCB settings requirements and other new regulatory components (for waiver actions submitted on or after March 17, 2014)

*Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

#### Performance Measure:

**A.a.i.5 Number and percentage of changes in waiver policies that were approved by BHSF and presented for public notice prior to implementation by the operating agency.**

Percentage = Number of changes in waiver policies that were approved by BHSF and presented for public notice prior to implementation by the operating agency / Total number of changes in waiver policies.

Data Source (Select one):

**Other**

If 'Other' is selected, specify:

**MPSW Tracking System**

Responsible Party for data collection/generation( <i>check each that applies</i> ):	Frequency of data collection/generation( <i>check each that applies</i> ):	Sampling Approach( <i>check each that applies</i> ):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <input type="text"/>
Other Specify: <input type="text"/>	Annually	Stratified Describe Group: <input type="text"/>
	Continuously and Ongoing	Other Specify: <input type="text"/>
	Other Specify: <input type="text"/>	

Data Aggregation and Analysis:

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**A.a.i.2. Number and percentage of Quality Improvement Projects (QIPs) initiated and submitted to the MPSW Section within three months of findings below the 86% threshold. Percentage = Number of Quality Improvement Projects (QIPs) initiated and submitted to the MPSW Section within three months of findings below the 86% threshold / Total number of QIPs initiated and submitted to MPSW**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**MPSW Tracking System**

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>

		<input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**A.a.i.3** Number and percentage of implemented QIPs that were effective as evidenced by meeting the 86% threshold upon the subsequent monitoring cycle. Percentage = Number of implemented QIPs that were effective as evidenced by meeting the 86% threshold upon the subsequent monitoring cycle / Total number of implemented QIPs

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**MPSW Tracking System**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100%</b>

		<b>Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**A.a.i.6 Number and percent of waiver slots certified annually that are less than or equal to the unduplicated number of participants listed in Appendix B-3-a. Numerator= Number and percent of waiver slots certified annually that are less than or equal to the unduplicated number of participants listed in Appendix B-3-a; Denominator = Total number of slots certified.**

**Data Source (Select one):****Other**

If 'Other' is selected, specify:

**Medicaid Data Contractor data systems**

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Medicaid Data Contractor</div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
Sub-State Entity	Quarterly
Other Specify:  Medicaid Data Contractor	Annually
	Continuously and Ongoing
	Other Specify:  

**Performance Measure:**

**A.a.i.7 Number and percentage of waiver offers that were appropriately made across all geographical areas to applicants on the Request for Services Registry (RFSR), according to policy and criteria set forth by the State. Percentage = Number of appropriately made offers to applicants on the RFSR / Total number of waiver offers made**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Medicaid Data Contractor data system**

Responsible Party for data collection/generation(check each that applies):	Frequency of data collection/generation(check each that applies):	Sampling Approach(check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval =  
Other Specify:  Medicaid Data Contractor	Annually	Stratified Describe Group:  
	Continuously and Ongoing	Other Specify:

		<input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/> Medicaid Data Contractor	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**A.a.i.4. Number and percentage of setting assessments completed where the provider was either compliant or progressing toward a plan for compliance with the HCBS Settings Rule. Percentage = Number of setting assessments completed where the provider was either compliant or progressing toward a plan for compliance with the HCBS Settings Rule / Total number of setting assessments**

**Data Source (Select one):**

**Reports to State Medicaid Agency on delegated Administrative functions**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation (check each that applies):</b>	<b>Frequency of data collection/generation (check each that applies):</b>	<b>Sampling Approach (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval =  <input type="text"/>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group:  <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  <input type="text"/>
	<b>Other</b> Specify:  <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**Performance Measure:**

**A.a.i.1 Number and percentage of performance measure reports which were received on time and complete with operating agency analysis and remediation activities. Percentage = Number of performance measure reports which were received on time and complete with operating agency analysis and remediation activities / Total number of performance measure reports due**

**Data Source** (Select one):

**Reports to State Medicaid Agency on delegated Administrative functions**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis (check each that applies):
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the state to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the state's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction and the state's method for analyzing information from individual problems, identifying systemic deficiencies, and implementing remediation actions. In addition, provide information on the methods used by the state to document these items.

A.a.i.1 – A.a.i.6

Aggregated data collected for Performance Measures A.a.i.1 – A.a.i.6 are reviewed and analyzed quarterly by via the Medicaid HCBS Oversight Committee. When remediation is indicated, the Committee discusses appropriate remediation activities to resolve identified compliance issues and address systemic improvements when indicated. To achieve this end, MPSW provides technical assistance, guidance, and support to the operating agency staff. Committee minutes document remediation actions and results of these actions are presented at subsequent meetings to verify effectiveness.

The Medicaid HCBS Oversight Committee meets at least quarterly with the specific purpose to ensure proper oversight of the OAAS and OCDD operated HCBS Medicaid programs. Goals are to review current performance reports, determine need for new activities concerning quality and oversight in waiver programs and ensure adequate remediation enforcement. Quality recommendations or issues which cannot be resolved at this level are placed on the agenda of the BHSF/Program Offices HCBS Executive Committee. Members of the Medicaid HCBS Oversight Committee include HCBS quality management staff from MPSW and OCDD and it is chaired by the MPSW Section Chief or designee.

A.a.i.7

MPSW and OCDD meet monthly with the Medicaid data contractor to discuss problems/issues identified and how to remediate. At these meetings, the members review the Daily Count of Offers, Linkages and Certifications report generated by the data contractor which includes: waiver slots available; pre-linkage, linkages to support coordinator; offers accepted; offers too recent for a response; vacancies to be offered; offers accepted and linked; recipients linked and certified; recipients linked and not certified. This report is reviewed and analyzed to determine whether the yearly maximum number of unduplicated participants offered a waiver opportunity is nearing the limit. If the yearly maximum number of unduplicated participants offered a waiver opportunity is approaching the limit, the state will submit a waiver amendment to CMS to modify the number of participants.

Remediation of specific problems/issues/discrepancies identified are addressed in the monthly meetings and documented in the Medicaid data contractor meeting minutes (which are shared with OCDD) and the MPSW Tracking System.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

**c. Timelines**

When the state does not have all elements of the quality improvement strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Administrative Authority that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Administrative Authority, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix B: Participant Access and Eligibility

### B-1: Specification of the Waiver Target Group(s)

**a. Target Group(s).** Under the waiver of Section 1902(a)(10)(B) of the Act, the state limits waiver services to one or more groups or subgroups of individuals. Please see the instruction manual for specifics regarding age limits. *In accordance with 42 CFR § 441.301(b)(6), select one or more waiver target groups, check each of the subgroups in the selected target group(s) that may receive services under the waiver, and specify the minimum and maximum (if any) age of individuals served in each subgroup:*

Target Group	Included	Target Sub Group	Minimum Age	Maximum Age			
				Maximum Age Limit		No Maximum Age Limit	
Aged or Disabled, or Both - General							
		Aged		<input type="checkbox"/>		<input type="checkbox"/>	
		Disabled (Physical)		<input type="checkbox"/>		<input type="checkbox"/>	
		Disabled (Other)		<input type="checkbox"/>		<input type="checkbox"/>	
Aged or Disabled, or Both - Specific Recognized Subgroups							
		Brain Injury		<input type="checkbox"/>		<input type="checkbox"/>	
		HIV/AIDS		<input type="checkbox"/>		<input type="checkbox"/>	

Target Group	Included	Target Sub Group	Minimum Age	Maximum Age	
				Maximum Age Limit	No Maximum Age Limit
		Medically Fragile			
		Technology Dependent			
Intellectual Disability or Developmental Disability, or Both					
		Autism	0	20	
		Developmental Disability	0	20	
		Intellectual Disability	0	20	
Mental Illness					
		Mental Illness			
		Serious Emotional Disturbance			

**b. Additional Criteria.** The state further specifies its target group(s) as follows:

Individuals ages 0 up to their 20th birthday must live with their natural or adoptive families, stepfamilies, or other relative, legal guardian, or with foster families. Individuals who are 18 and up who have no family or other caregivers available may live independently while accessing crisis designation services.

**c. Transition of Individuals Affected by Maximum Age Limitation.** When there is a maximum age limit that applies to individuals who may be served in the waiver, describe the transition planning procedures that are undertaken on behalf of participants affected by the age limit (*select one*):

**Not applicable. There is no maximum age limit**

**The following transition planning procedures are employed for participants who will reach the waiver's maximum age limit.**

*Specify:*

Participants who will "age out" of the Children's Choice Waiver, upon reaching their 21st birthday, will transfer with their waiver slot to an appropriate HCBS waiver serving adults if they continue to meet the criteria for an ICF/IDD level of care and other eligibility requirements. Transition to an appropriate HCBS waiver will begin in a sufficient timeframe to permit the participant to begin the new waiver services on his/her 21st birthday.

## Appendix B: Participant Access and Eligibility

### B-2: Individual Cost Limit (1 of 2)

**a. Individual Cost Limit.** The following individual cost limit applies when determining whether to deny home and community-based services or entrance to the waiver to an otherwise eligible individual (*select one*). Please note that a state may have only ONE individual cost limit for the purposes of determining eligibility for the waiver:

**No Cost Limit.** The state does not apply an individual cost limit. *Do not complete Item B-2-b or item B-2-c.*

**Cost Limit in Excess of Institutional Costs.** The state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed the cost of a level of care specified for the waiver up to an amount specified by the state. *Complete Items B-2-b and B-2-c.*

**The limit specified by the state is (*select one*)**

**A level higher than 100% of the institutional average.**

Specify the percentage:

**Other***Specify:*


**Institutional Cost Limit.** Pursuant to 42 CFR § 441.301(a)(3), the state refuses entrance to the waiver to any otherwise eligible individual when the state reasonably expects that the cost of the home and community-based services furnished to that individual would exceed 100% of the cost of the level of care specified for the waiver. *Complete Items B-2-b and B-2-c.*

**Cost Limit Lower Than Institutional Costs.** The state refuses entrance to the waiver to any otherwise qualified individual when the state reasonably expects that the cost of home and community-based services furnished to that individual would exceed the following amount specified by the state that is less than the cost of a level of care specified for the waiver.

*Specify the basis of the limit, including evidence that the limit is sufficient to assure the health and welfare of waiver participants. Complete Items B-2-b and B-2-c.*

The Children's Choice waiver targets individuals who are expected to have additional support from the family and from other public services, such as EPSDT State Plan services that will ensure the health and welfare of the participant, as based on the Plan of Care.

An individual cap on waiver expenditures of \$20,650 per plan of care year.

The service year begins with the effective date of the participant's approved Plan of Care. In the event that a catastrophic change in circumstances occurs after waiver eligibility is established, crisis support may be prior authorized until other arrangements can be made, up to one year total. Crisis support outside of the annual waiver cap of \$20,650 may be approved by OCDD State Office. All medically necessary services identified under section 1905(a) will be provided under Early Periodic Screening Diagnosis and Treatment (EPSDT). As these services are EPSDT state plan services they are: 1) not subject to the \$20,650 cap, and 2) must be provided whenever medically necessary irrespective of whether or not the child is in crisis.

BHSF and OCDD analyze utilization reports, crisis requests, and stakeholders' input to identify trends and patterns that would justify an increase in the dollar amount. This information is reviewed at least annually or as identified through other sources, to determine if the individual cost limit needs to be adjusted to support the health and welfare of this population, by submitting an amendment to CMS.

**The cost limit specified by the state is (select one):**

**The following dollar amount:**

Specify dollar amount:

**The dollar amount (select one)**

**Is adjusted each year that the waiver is in effect by applying the following formula:**

Specify the formula:

May be adjusted during the period the waiver is in effect. The state will submit a waiver amendment to CMS to adjust the dollar amount.

The following percentage that is less than 100% of the institutional average:

Specify percent:

Other:

Specify:

## Appendix B: Participant Access and Eligibility

### B-2: Individual Cost Limit (2 of 2)

- b. Method of Implementation of the Individual Cost Limit.** When an individual cost limit is specified in Item B-2-a, specify the procedures that are followed to determine in advance of waiver entrance that the individual's health and welfare can be assured within the cost limit:

The Plan of Care (POC) is developed for the participant during the application process concurrently with waiver eligibility by the Support Coordination Agency and anyone else the participant/family chooses to participate. The Initial POC must be approved by the Local Governing Entity (LGE) staff to assure the participant's health and welfare and ensure that the participant meets the ICF/IDD level of care (LOC) to be eligible for waiver participation. Health and welfare are assured by the combination of Medicaid services, Louisiana Children's Choice Waiver services, school services, and other supports received through natural and community resources.

If an individual is denied admission to the waiver they are provided with written notification of the denial and the opportunity to request a fair hearing as described below.

The "Adequate Notice of Home and Community- Based Services (Waiver) Decision" (Form 18-W) which specifies the reason(s) for the denial is used to notify individuals by mail if they have not been approved for Home and Community - Based Waiver services. A separate page is attached entitled "Your Fair Hearing Rights". This page contains information on how to request a fair hearing, how to obtain free legal assistance and a section to complete for requesting a fair hearing.

In accordance with Louisiana Revised Statutes 46:107 Appeal Procedure, a person may file an administrative appeal to the State of Louisiana Division of Administrative Law regarding the following determinations:

- 1) A finding by the office that the person does not qualify for system entry;
- 2) A denial of entrance into a HCBS waiver
- 3) A reduction of services;
- 4) Termination of a support or service;
- 5) Discharge from the developmental disabilities service system; and/or
- 6) Other cases as stated in office policy or as promulgated in regulation.

The Louisiana Medicaid Eligibility Manual states, every applicant for and participant of Louisiana Medicaid benefits has the right to appeal any agency action or decision and has the right to a fair hearing of the appeal in the presence of an impartial hearing officer". (Medicaid Eligibility Manual, T-100/Fair Hearings/General Information).

All Administrative Hearings are conducted in accordance with the Louisiana Administrative Procedure Act, La. R.S. 49:950 et seq. Any party may appear and be heard at any appeals proceeding through an attorney at law or through a designated representative

- c. Participant Safeguards.** When the state specifies an individual cost limit in Item B-2-a and there is a change in the

participant's condition or circumstances post-entrance to the waiver that requires the provision of services in an amount that exceeds the cost limit in order to assure the participant's health and welfare, the state has established the following safeguards to avoid an adverse impact on the participant (*check each that applies*):

**The participant is referred to another waiver that can accommodate the individual's needs.**

**Additional services in excess of the individual cost limit may be authorized.**

Specify the procedures for authorizing additional services, including the amount that may be authorized:

A participant in the Louisiana Children's Choice Waiver may experience a crisis that increases the need for paid supports to a level that cannot be accommodated within the cap on waiver expenditures. A crisis is defined as a catastrophic change in circumstances rendering the natural and community support system unable to provide for the health and welfare of the child at the level of benefits offered under Louisiana Children's Choice Waiver. The following procedure has been developed to address these situations.

To be considered a crisis, one of the following must apply:

- Death of caregiver with no other supports (i.e., other family) available.
- Caregiver incapacitated with no other supports (i.e., other family) available.
- Child is committed by court to LDH Custody.
- Other family crisis with no caregiver support available, such as abuse/neglect, or a second person in the household becomes disabled and must be cared for by same caregiver, causing inability of the natural caregiver to continue necessary supports to assure health and welfare.
- When the physician documented condition of the child deteriorates to the point the plan of care is inadequate.

Exhausting available funds through the use of therapies, environmental accessibility adaptations, and specialized medical equipment and supplies does not qualify as justification for crisis designation.

If the participant meets the criteria for a crisis, additional crisis services outside the waiver cap amount may be approved by the OCDD State Office.

**Other safeguard(s)**

Specify:

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served (1 of 4)

**a. Unduplicated Number of Participants.** The following table specifies the maximum number of unduplicated participants who are served in each year that the waiver is in effect. The state will submit a waiver amendment to CMS to modify the number of participants specified for any year(s), including when a modification is necessary due to legislative appropriation or another reason. The number of unduplicated participants specified in this table is basis for the cost-neutrality calculations in Appendix J:

Table: B-3-a

Waiver Year	Unduplicated Number of Participants
Year 1	3500
Year 2	3500
Year 3	3600
Year 4	3800

Waiver Year	Unduplicated Number of Participants
Year 5	4000

- b. Limitation on the Number of Participants Served at Any Point in Time.** Consistent with the unduplicated number of participants specified in Item B-3-a, the state may limit to a lesser number the number of participants who will be served at any point in time during a waiver year. Indicate whether the state limits the number of participants in this way: (*select one*) :

**The state does not limit the number of participants that it serves at any point in time during a waiver year.**

**The state limits the number of participants that it serves at any point in time during a waiver year.**

The limit that applies to each year of the waiver period is specified in the following table:

Table: B-3-b

Waiver Year	Maximum Number of Participants Served At Any Point During the Year
Year 1	
Year 2	
Year 3	
Year 4	
Year 5	

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served (2 of 4)

- c. Reserved Waiver Capacity.** The state may reserve a portion of the participant capacity of the waiver for specified purposes (e.g., provide for the community transition of institutionalized persons or furnish waiver services to individuals experiencing a crisis) subject to CMS review and approval. The state (*select one*):

**Not applicable. The state does not reserve capacity.**

**The state reserves capacity for the following purpose(s).**

Purpose(s) the state reserves capacity for:

Purposes
20 Children's Choice Waiver Opportunities will be available to children who participate in the Money Follows the Person (MFP) Rebalancing Demonstration.

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served (2 of 4)

**Purpose** (*provide a title or short description to use for lookup*):

20 Children's Choice Waiver Opportunities will be available to children who participate in the Money Follows the Person (MFP) Rebalancing Demonstration.

**Purpose** (*describe*):

Twenty opportunities exist to support the administration of the MFP Rebalancing Demonstration, a federal demonstration program awarded by the Centers of Medicare and Medicaid Services to the Bureau of Health Services Financing (BHSF;

Louisiana Medicaid) in partnership with OCDD. The demonstration is a transition program that targets individuals using qualified institutional services to move to home and community-based long-term care services.

Describe how the amount of reserved capacity was determined:

OCDD identifies children currently residing in nursing facilities that fit into the Children's Choice age range and meet the definition of developmental disability. OCDD conducts an analysis on the trend of referrals to nursing facilities of children in the Children's Choice age range, including children for whom alternative placement was accomplished to divert nursing facility placement. The annual totals of this analysis are reflected in the transition targets for the MFP Rebalancing Demonstration. The total number of children proposed is twenty (20). This 20 is reflective of both children residing in nursing facilities at the time of the analysis and anticipated referrals throughout the demonstration term.

The capacity that the state reserves in each waiver year is specified in the following table:

Waiver Year	Capacity Reserved
Year 1	20
Year 2	20
Year 3	20
Year 4	20
Year 5	20

Appendix B: Participant Access and Eligibility

B-3: Number of Individuals Served (3 of 4)

d. **Scheduled Phase-In or Phase-Out.** Within a waiver year, the state may make the number of participants who are served subject to a phase-in or phase-out schedule (*select one*):

- The waiver is not subject to a phase-in or a phase-out schedule.
- The waiver is subject to a phase-in or phase-out schedule that is included in Attachment #1 to Appendix B-3. This schedule constitutes an intra-year limitation on the number of participants who are served in the waiver.

e. **Allocation of Waiver Capacity.**

Select one:

- Waiver capacity is allocated/managed on a statewide basis.
- Waiver capacity is allocated to local/regional non-state entities.

Specify: (a) the entities to which waiver capacity is allocated; (b) the methodology that is used to allocate capacity and how often the methodology is reevaluated; and, (c) policies for the reallocation of unused capacity among local/regional non-state entities:

f. **Selection of Entrants to the Waiver.** Specify the policies that apply to the selection of individuals for entrance to the waiver:

Title 50 PUBLIC HEALTH -MEDICAL ASSISTANCE Part XXI. Home and Community Based Services Waivers,  
 Subpart 9. Children's Choice  
 Chapter 111. Eligibility  
 §11101. Waiver Availability

The order of entry is (needs based) from a statewide waiting list known as the Request for Services Registry (RFSR) arranged by date of application, age and needs assessment for Developmentally Disabled (DD) waiver services, with the exception of the 20 CC Waiver opportunities that are available to children who participate in the Money Follows the Person (MFP) Rebalancing Demonstration.

OCDD maintains the intellectual/developmental disabilities request for services registry, hereafter referred to as "the registry," which identifies persons with intellectual and/or developmental disabilities who are found eligible for developmental disabilities services using standardized tools, and who request waiver services.

Children, ages birth to 20, who are on the registry and have a current unmet need as defined by a screening for urgency of need (SUN) score of urgent [3] or emergent [4] and the earliest registry/application date shall receive a funded OCDD waiver opportunity if available.

A. Individuals living at publicly operated ICF-IDDs or who lived at a publicly operated ICF-IDD when it was transitioned to a private ICF-IDD through a cooperative endeavor agreement (CEA facility), or their alternates. Alternates are defined as individuals living in a private ICF-DD who will give up the private ICF-IDD bed to an individual living at a publicly operated ICD-IDD or to an individual who was living in a publicly operated ICF-IDD when it was transitioned to a private ICF-DD through a cooperative endeavor agreement (CEA facility). Individuals requesting to transition from a publicly operated ICF-IDD are awarded a slot when one is requested, and their health and safety can be assured in an OCDD waiver. This also applies to individuals who were residing in a publicly operated facility at the time the facility was privatized and became a Cooperative Endeavor Agreement (CEA) facility.

As enacted through R.S. 28:827 Act No. 286 of the 2010 Regular Legislative Session, any active duty member of the armed forces who has been temporarily assigned to work outside of Louisiana and any member of his/her immediate family who was qualified for and was receiving Louisiana Medicaid Waiver services for individuals with developmental disabilities at the time they were placed on active duty will be eligible to receive the next available waiver opportunity upon the individual's resumed residence in Louisiana.

## Appendix B: Participant Access and Eligibility

### B-3: Number of Individuals Served - Attachment #1 (4 of 4)

Answers provided in Appendix B-3-d indicate that you do not need to complete this section.

## Appendix B: Participant Access and Eligibility

### B-4: Eligibility Groups Served in the Waiver

- a. **1. State Classification.** The state is a (*select one*):

Section 1634 State

SSI Criteria State

209(b) State

- 2. Miller Trust State.**

Indicate whether the state is a Miller Trust State (*select one*):

No

Yes

- b. **Medicaid Eligibility Groups Served in the Waiver.** Individuals who receive services under this waiver are eligible under the following eligibility groups contained in the state plan. The state applies all applicable federal financial participation

limits under the plan. *Check all that apply:*

---

**Eligibility Groups Served in the Waiver (excluding the special home and community-based waiver group under 42 CFR § 435.217)**

---

**Parents and Other Caretaker Relatives (42 CFR § 435.110)**

**Pregnant Women (42 CFR § 435.116)**

**Infants and Children under Age 19 (42 CFR § 435.118)**

**SSI recipients**

**Aged, blind or disabled in 209(b) states who are eligible under 42 CFR § 435.121**

**Optional state supplement recipients**

**Optional categorically needy aged and/or disabled individuals who have income at:**

*Select one:*

**100% of the Federal poverty level (FPL)**

**% of FPL, which is lower than 100% of FPL.**

Specify percentage:

**Working individuals with disabilities who buy into Medicaid (BBA working disabled group as provided in section 1902(a)(10)(A)(ii)(XIII) of the Act)**

**Working individuals with disabilities who buy into Medicaid (TWWIIA Basic Coverage Group as provided in section 1902(a)(10)(A)(ii)(XV) of the Act)**

**Working individuals with disabilities who buy into Medicaid (TWWIIA Medical Improvement Coverage Group as provided in section 1902(a)(10)(A)(ii)(XVI) of the Act)**

**Disabled individuals age 18 or younger who would require an institutional level of care (TEFRA 134 eligibility group as provided in section 1902(e)(3) of the Act)**

**Medically needy in 209(b) States (42 CFR § 435.330)**

**Medically needy in 1634 States and SSI Criteria States (42 CFR § 435.320, § 435.322 and § 435.324)**

**Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)**

*Specify:*



---

**Special home and community-based waiver group under 42 CFR § 435.217) Note: When the special home and community-based waiver group under 42 CFR § 435.217 is included, Appendix B-5 must be completed**

---

**No. The state does not furnish waiver services to individuals in the special home and community-based waiver group under 42 CFR § 435.217. Appendix B-5 is not submitted.**

**Yes. The state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR § 435.217.**

*Select one and complete Appendix B-5.*

**All individuals in the special home and community-based waiver group under 42 CFR § 435.217**

**Only the following groups of individuals in the special home and community-based waiver group under 42 CFR § 435.217**

*Check each that applies:*

**A special income level equal to:**

*Select one:*

**300% of the SSI Federal Benefit Rate (FBR)**

**A percentage of FBR, which is lower than 300% (42 CFR § 435.236)**

Specify percentage:

**A dollar amount which is lower than 300%.**

Specify dollar amount:

**Aged, blind and disabled individuals who meet requirements that are more restrictive than the SSI program (42 CFR § 435.121)**

**Medically needy without spend down in states which also provide Medicaid to recipients of SSI (42 CFR § 435.320, § 435.322 and § 435.324)**

**Medically needy without spend down in 209(b) States (42 CFR § 435.330)**

**Aged and disabled individuals who have income at:**

*Select one:*

**100% of FPL**

**% of FPL, which is lower than 100%.**

Specify percentage amount:

**Other specified groups (include only statutory/regulatory reference to reflect the additional groups in the state plan that may receive services under this waiver)**

*Specify:*

Medically needy with spend down to or below the medically needy income standard using the state average monthly Medicaid rate for residents of Intermediate Care Facilities/Development Disability and other incurred expenses to reduce an individual's income.

## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (1 of 7)

*In accordance with 42 CFR § 441.303(e), Appendix B-5 must be completed when the state furnishes waiver services to individuals in the special home and community-based waiver group under 42 CFR § 435.217, as indicated in Appendix B-4. Post-eligibility applies only to the 42 CFR § 435.217 group.*

- a. Use of Spousal Impoverishment Rules.** Indicate whether spousal impoverishment rules are used to determine eligibility for the special home and community-based waiver group under 42 CFR § 435.217:

*Note: For the period beginning January 1, 2014 and extending through September 30, 2027 (or other date as required by law), the following instructions are mandatory. The following box should be checked for all waivers that furnish waiver services to the 42 CFR § 435.217 group effective at any point during this time period.*

**Spousal impoverishment rules under section 1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group. In the case of a participant with a community spouse, the state uses spousal post-eligibility rules under section 1924 of the Act.**

*Complete Items B-5-e (if the selection for B-4-a-i is SSI State or section 1634) or B-5-f (if the selection for B-4-a-i is 209b State) and Item B-5-g unless the state indicates that it also uses spousal post-eligibility rules for the time period after September 30, 2027 (or other date as required by law).*

*Note: The following selections apply for the time period after September 30, 2027 (or other date as required by law)*

(select one).

**Spousal impoverishment rules under section 1924 of the Act are used to determine the eligibility of individuals with a community spouse for the special home and community-based waiver group.**

In the case of a participant with a community spouse, the state elects to (select one):

**Use spousal post-eligibility rules under section 1924 of the Act.**

(Complete Item B-5-b (SSI State) and Item B-5-d)

**Use regular post-eligibility rules under 42 CFR § 435.726 (Section 1634 State/SSI Criteria State) or under § 435.735 (209b State)**

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

**Spousal impoverishment rules under section 1924 of the Act are not used to determine eligibility of individuals with a community spouse for the special home and community-based waiver group. The state uses regular post-eligibility rules for individuals with a community spouse.**

(Complete Item B-5-b (SSI State). Do not complete Item B-5-d)

## Appendix B: Participant Access and Eligibility

### B-5: Post-Eligibility Treatment of Income (2 of 7)

*Note: The following selections apply for the time period after September 30, 2027 (or other date as required by law).*

#### **b. Regular Post-Eligibility Treatment of Income: Section 1634 State and SSI Criteria State after September 30, 2027 (or other date as required by law).**

The state uses the post-eligibility rules at 42 CFR § 435.726. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

#### **i. Allowance for the needs of the waiver participant (select one):**

**The following standard included under the state plan**

*Select one:*

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The special income level for institutionalized persons**

(select one):

**300% of the SSI Federal Benefit Rate (FBR)**

**A percentage of the FBR, which is less than 300%**

Specify the percentage:

**A dollar amount which is less than 300%.**

Specify dollar amount:

**A percentage of the Federal poverty level**

Specify percentage:

**Other standard included under the state plan**

*Specify:*

**The following dollar amount**

Specify dollar amount:  If this amount changes, this item will be revised.

**The following formula is used to determine the needs allowance:**

*Specify:*

**Other**

*Specify:*

---

**ii. Allowance for the spouse only (select one):**

---

**Not Applicable (see instructions)**

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The following dollar amount:**

Specify dollar amount:  If this amount changes, this item will be revised.

**The amount is determined using the following formula:**

*Specify:*

---

**iii. Allowance for the family (select one):**

---

**Not Applicable (see instructions)**

**AFDC need standard**

**Medically needy income standard**

**The following dollar amount:**

Specify dollar amount:  The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the state's approved AFDC plan or the medically needy income standard established under 42 CFR § 435.811 for a family of the same size. If this amount changes, this item will be revised.

**The amount is determined using the following formula:**

*Specify:*

Other

Specify:

---

**iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR § 435.726:**

---

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)** *Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

**The state does not establish reasonable limits.**

**The state establishes the following reasonable limits**

Specify:

---

## Appendix B: Participant Access and Eligibility

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### B-5: Post-Eligibility Treatment of Income (3 of 7)

*Note: The following selections apply for the time period after September 30, 2027 (or other date as required by law).*

- c. Regular Post-Eligibility Treatment of Income: 209(b) State or after September 30, 2027 (or other date as required by law).**

---

**Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.**

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## Appendix B: Participant Access and Eligibility

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### B-5: Post-Eligibility Treatment of Income (4 of 7)

*Note: The following selections apply for the time period after September 30, 2027 (or other date as required by law).*

- d. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules after September 30, 2027 (or other date as required by law)**

The state uses the post-eligibility rules of section 1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care if it determines the individual's eligibility under section 1924 of the Act. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

---

**Answers provided in Appendix B-5-a indicate that you do not need to complete this section and therefore this**

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---

section is not visible.

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## Appendix B: Participant Access and Eligibility

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### B-5: Post-Eligibility Treatment of Income (5 of 7)

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*Note: The following selections apply for the period beginning January 1, 2014 and extending through September 30, 2027 (or other date as required by law).*

**e. Regular Post-Eligibility Treatment of Income: Section 1634 State or SSI Criteria State – January 1, 2014 through September 30, 2027 (or other date as required by law).**

The state uses the post-eligibility rules at 42 CFR § 435.726 for individuals who do not have a spouse or have a spouse who is not a community spouse as specified in section 1924 of the Act. Payment for home and community-based waiver services is reduced by the amount remaining after deducting the following allowances and expenses from the waiver participant's income:

---

**i. Allowance for the needs of the waiver participant (select one):**

---

**The following standard included under the state plan**

*Select one:*

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The special income level for institutionalized persons**

*(select one):*

**300% of the SSI Federal Benefit Rate (FBR)**

**A percentage of the FBR, which is less than 300%**

Specify the percentage:

**A dollar amount which is less than 300%.**

Specify dollar amount:

**A percentage of the Federal poverty level**

Specify percentage:

**Other standard included under the state plan**

*Specify:*

**The following dollar amount**

Specify dollar amount:  If this amount changes, this item will be revised.

**The following formula is used to determine the needs allowance:**

*Specify:*

**Other**

*Specify:*

---

**ii. Allowance for the spouse only (select one):**

---

**Not Applicable**

**The state provides an allowance for a spouse who does not meet the definition of a community spouse in section 1924 of the Act. Describe the circumstances under which this allowance is provided:**

*Specify:*

**Specify the amount of the allowance (select one):**

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The following dollar amount:**

Specify dollar amount:  If this amount changes, this item will be revised.

**The amount is determined using the following formula:**

*Specify:*

---

**iii. Allowance for the family (select one):**

---

**Not Applicable (see instructions)**

**AFDC need standard**

**Medically needy income standard**

**The following dollar amount:**

Specify dollar amount:  The amount specified cannot exceed the higher of the need standard for a family of the same size used to determine eligibility under the state's approved AFDC plan or the medically needy income standard established under 42 CFR § 435.811 for a family of the same size. If this amount changes, this item will be revised.

**The amount is determined using the following formula:**

*Specify:*

**Other**

*Specify:*



---

**iv. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR § 435.726:**

---

- a. Health insurance premiums, deductibles and co-insurance charges
- b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)** *Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

**The state does not establish reasonable limits.**

**The state establishes the following reasonable limits**

*Specify:*

## Appendix B: Participant Access and Eligibility

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### B-5: Post-Eligibility Treatment of Income (6 of 7)

*Note: The following selections apply for the period beginning January 1, 2014 and extending through September 30, 2027 (or other date as required by law).*

**f. Regular Post-Eligibility Treatment of Income: 209(b) State – January 1, 2014 through September 30, 2027 (or other date as required by law).**

---

**Answers provided in Appendix B-4 indicate that you do not need to complete this section and therefore this section is not visible.**

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## Appendix B: Participant Access and Eligibility

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### B-5: Post-Eligibility Treatment of Income (7 of 7)

*Note: The following selections apply for the period beginning January 1, 2014 and extending through September 30, 2027 (or other date as required by law).*

**g. Post-Eligibility Treatment of Income Using Spousal Impoverishment Rules – January 1, 2014 through September 30, 2027 (or other date as required by law).**

The state uses the post-eligibility rules of section 1924(d) of the Act (spousal impoverishment protection) to determine the contribution of a participant with a community spouse toward the cost of home and community-based care. There is deducted from the participant's monthly income a personal needs allowance (as specified below), a community spouse's allowance and a family allowance as specified in the state Medicaid Plan. The state must also protect amounts for incurred expenses for medical or remedial care (as specified below).

**i. Allowance for the personal needs of the waiver participant**

(select one):

**SSI standard**

**Optional state supplement standard**

**Medically needy income standard**

**The special income level for institutionalized persons**

**A percentage of the Federal poverty level**

Specify percentage:

**The following dollar amount:**

Specify dollar amount:

If this amount changes, this item will be revised

**The following formula is used to determine the needs allowance:**

*Specify formula:*

**Other**

*Specify:*

**ii. If the allowance for the personal needs of a waiver participant with a community spouse is different from the amount used for the individual's maintenance allowance under 42 CFR § 435.726 or 42 CFR § 435.735, explain why this amount is reasonable to meet the individual's maintenance needs in the community.**

Select one:

**Allowance is the same**

**Allowance is different.**

*Explanation of difference:*

**iii. Amounts for incurred medical or remedial care expenses not subject to payment by a third party, specified in 42 CFR § 435.726 or 42 CFR § 435.735:**

a. Health insurance premiums, deductibles and co-insurance charges

b. Necessary medical or remedial care expenses recognized under state law but not covered under the state's Medicaid plan, subject to reasonable limits that the state may establish on the amounts of these expenses.

Select one:

**Not Applicable (see instructions)** *Note: If the state protects the maximum amount for the waiver participant, not applicable must be selected.*

**The state does not establish reasonable limits.**

The state uses the same reasonable limits as are used for regular (non-spousal) post-eligibility.

## Appendix B: Participant Access and Eligibility

### B-6: Evaluation/Reevaluation of Level of Care

As specified in 42 CFR § 441.302(c), the state provides for an evaluation (and periodic reevaluations) of the need for the level(s) of care specified for this waiver, when there is a reasonable indication that an individual may need such services in the near future (one month or less), but for the availability of home and community-based waiver services.

**a. Reasonable Indication of Need for Services.** In order for an individual to be determined to need waiver services, an individual must require: (a) the provision of at least one waiver service, as documented in the service plan, and (b) the provision of waiver services at least monthly or, if the need for services is less than monthly, the participant requires regular monthly monitoring which must be documented in the service plan. Specify the state's policies concerning the reasonable indication of the need for services:

**i. Minimum number of services.**

The minimum number of waiver services (one or more) that an individual must require in order to be determined to need waiver services is:

**ii. Frequency of services.** The state requires (select one):

**The provision of waiver services at least monthly**

**Monthly monitoring of the individual when services are furnished on a less than monthly basis**

*If the state also requires a minimum frequency for the provision of waiver services other than monthly (e.g., quarterly), specify the frequency:*

**b. Responsibility for Performing Evaluations and Reevaluations.** Level of care evaluations and reevaluations are performed (*select one*):

**Directly by the Medicaid agency**

**By the operating agency specified in Appendix A**

**By an entity under contract with the Medicaid agency.**

*Specify the entity:*

**Other**

*Specify:*

**c. Qualifications of Individuals Performing Initial Evaluation:** Per 42 CFR § 441.303(c)(1), specify the educational/professional qualifications of individuals who perform the initial evaluation of level of care for waiver applicants:

An initial evaluation of a participant's Level of Care (LOC) is determined by an authorized healthcare provider as outlined in OCDD policies and procedures who must evaluate the beneficiary, then complete and sign the OCDD form 90-L.

The LGE staff that initially evaluate beneficiaries and issue a Statement of Approval (SOA) are required to meet the minimum qualifications as follows:

A baccalaureate degree in psychology; counseling; social work; sociology; criminal justice, nursing; public health; public health administration; public administration; hospital administration; education with twenty-four semester hours in psychology, special education or early childhood education; speech communications/pathology; physical therapy; occupational therapy; therapeutic recreation; music therapy; or family and consumer sciences (with a concentration in child, family and social services) followed by one year of professional level experience providing any of the following services: developmentally disabled services, alcohol/drug abuse counseling or treatment, mental health treatment, health care management, or social services.

The LGE staff, who are responsible for reviewing the initial LOC and approving initial plans of care, are required to meet, as a minimum, the following qualifications:

A baccalaureate degree plus two years of professional level experience in hospital or nursing home administration, public health administration, social services, nursing, pharmacy, dietetics/nutrition, physical therapy, occupational therapy, medical technology, or surveying and/or assessing health or social service programs or facilities for compliance with state and federal regulations. A current valid Louisiana license in one of the qualifying fields will substitute for the required baccalaureate degree. A master's degree in one of the qualifying fields will substitute for a maximum of one year of the required experience.

The OCDD form 90-L is used in conjunction with the Statement of Approval (SOA) to initially determine a person's qualifications for Developmental Disabilities services and approve them for services according to the LOC determined in the discovery process.

- d. Level of Care Criteria.** Fully specify the level of care criteria that are used to evaluate and reevaluate whether an individual needs services through the waiver and that serve as the basis of the state's level of care instrument/tool. Specify the level of care instrument/tool that is employed. State laws, regulations, and policies concerning level of care criteria and the level of care instrument/tool are available to CMS upon request through the Medicaid agency or the operating agency (if applicable), including the instrument/tool utilized.

The level of care criteria is based upon the following:

La. R.S. 28:451.2. Definitions:

"...(12) Developmental Disability means either:

(a) A severe chronic disability of a person that:

(i) Is attributable to an intellectual or physical impairment or combination of intellectual and physical impairments.

(ii) Is manifested before the person reaches age twenty-two.

(iii) Is likely to continue indefinitely.

(iv) Results in substantial functional limitations in three or more of the following areas of major life activity:

(aa) Self-care

(bb) Receptive and expressive language.

(cc) Learning.

(dd) Mobility.

(ee) Self-direction.

(ff) Capacity for independent living.

(gg) Economic self-sufficiency.

(v) Is not attributed solely to mental illness.

(vi) Reflects the person's need for a combination and sequence of special, interdisciplinary, or generic care, treatment, or other services which are of lifelong or extended duration and are individually planned and coordinated.

(b) A substantial developmental delay or specific congenital or acquired condition in a person from birth through age nine which, without services and support, has a high probability of resulting in those criteria in Subparagraph (a) of this Paragraph, later in life that may be considered to be a developmental disability."

The Office for Citizens with Developmental Disabilities (OCDD) form 90-L is used to determine the ICF/DD Level of Care. The form must be completed and signed by an authorized healthcare provider as outlined in OCDD policies and procedures for initial determination of LOC. The 90-L is used in conjunction with the Statement of Approval (SOA) to establish a level of care criteria and to assist with completion of the Plan of Care. SOA is a notification to an individual who has requested waiver services that it has been determined by the LGE that they meet the developmental disability criteria (Developmental Disability Law- La. R.S. 28:451) for participation in programs administered by OCDD. The 90-L, SOA and initial plan of care documents are submitted by the Support Coordination Agency to the LGE staff for review to assure that the applicant/participant meets/continues to meet the level of care criteria.

The Developmental Disability (DD) decision is made by the LGE utilizing the systems entry process. If the individual is determined to meet the DD criteria they are issued a Statement of Approval (SOA), if they do not meet the DD criteria they are issued a Statement of Denial (SOD). Individuals who receive a SOD are informed of their rights to appeal and are provided information regarding the appeals process. Please refer to Fair Hearings/Appeals process as outlined in Appendix F-section F-1 of the waiver document.

The LGE staff conducts a pre-certification home visit to verify accuracy of level of care for all initial evaluations only.

- e. **Level of Care Instrument(s).** Per 42 CFR § 441.303(c)(2), indicate whether the instrument/tool used to evaluate level of care for the waiver differs from the instrument/tool used to evaluate institutional level of care (*select one*):

**The same instrument is used in determining the level of care for the waiver and for institutional care under the state plan.**

**A different instrument is used to determine the level of care for the waiver than for institutional care under the state plan.**

Describe how and why this instrument differs from the form used to evaluate institutional level of care and explain how the outcome of the determination is reliable, valid, and fully comparable.

- f. **Process for Level of Care Evaluation/Reevaluation:** Per 42 CFR § 441.303(c)(1), describe the process for evaluating waiver applicants for their need for the level of care under the waiver. If the reevaluation process differs from the evaluation process, describe the differences:

The Office for Citizens with Developmental Disabilities (OCDD) form 90-L is used to determine the ICF/DD Level of Care. The form must be completed and signed by an authorized healthcare provider as outlined in OCDD policies and procedures. This form must be completed at initial evaluation and annually thereafter to determine if the individuals still meets the ICF/DD level of care.

The 90-L is used in conjunction with the Statement of Approval to establish a level of care criteria and to assist in completion of the plan of care.

The 90-L, Statement of Approval and plan of care documents are submitted to the OCDD LGE for staff review to assure that the applicant/participant meets/continues to meet the level of care criteria. For Plans of Care approved by the Support Coordination supervisor, the 90-L, Statement of Approval, and Plan of Care are reviewed by the Support Coordination supervisor to assure the participant continues to meet the level of care criteria.

There is no difference in the process for the LOC evaluations and re-evaluations except that LGE staff conduct a pre-certification home visit to verify accuracy of level of care for all initial evaluations. Support Coordination Supervisors approve subsequent annual LOC evaluations as defined by OCDD's policy.

The Developmental Disability decision is made by the LGE staff utilizing the systems entry process. If the individual is determined to meet the DD criteria they are issued a Statement of Approval (SOA), if they do not meet the DD criteria they are issued a Statement of Denial (SOD). Individuals who receive a SOD are informed of their rights to appeal and are provided information regarding the appeals process. Please refer to Fair Hearings/Appeals process as outlined in Appendix F-section F-1 of the waiver document.

- g. Reevaluation Schedule.** Per 42 CFR § 441.303(c)(4), reevaluations of the level of care required by a participant are conducted no less frequently than annually according to the following schedule (*select one*):

**Every three months**

**Every six months**

**Every twelve months**

**Other schedule**

*Specify the other schedule:*

- h. Qualifications of Individuals Who Perform Reevaluations.** Specify the qualifications of individuals who perform reevaluations (*select one*):

**The qualifications of individuals who perform reevaluations are the same as individuals who perform initial evaluations.**

**The qualifications are different.**

*Specify the qualifications:*

All support coordinator/case management supervisors must meet one of the following education and experience requirements:

Case Manager and Case Manager Supervisor Qualifications: Must meet the following:

1. A bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education; or
2. A currently licensed registered nurse (RN); or
3. A bachelor's or master's degree in a human service field which includes; psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation; or
4. A bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in a human service field which includes; psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehab services, child development, substance abuse, gerontology, and vocational rehabilitation

Case Management Supervisor qualifications include an additional two years of paid post degree experience in providing case management services.

1. A bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education and two years of paid post degree experience in providing support coordination services; or
2. A currently licensed registered nurse with at least two years of paid nursing experience; or
3. A bachelor's or master's degree in a human service related field which includes psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post degree experience in providing support coordination services; or
4. A bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in #3 and two years of paid post degree experience in providing support coordination services.

- i. Procedures to Ensure Timely Reevaluations.** Per 42 CFR § 441.303(c)(4), specify the procedures that the state employs to ensure timely reevaluations of level of care (*specify*):

The Medicaid Data Contractor has edits in the database system for tracking to ensure timely re-evaluations for the level of care.

When the LGE or Support Coordination agency sends an approved Plan of Care to the Medicaid data contractor, the information contains the date of the 90L – which is the date of the authorized healthcare provider as outlined in OCDD policies and procedures. This date is tracked in the data contractor's database for every POC. The 90-L date is compared to the POC begin date to determine if the reevaluation was timely performed. The database generates a report which is shared with OCDD, LGEs, Support Coordination and BHSF.

- j. Maintenance of Evaluation/Reevaluation Records.** Per 42 CFR § 441.303(c)(3), the state assures that written and/or electronically retrievable documentation of all evaluations and reevaluations are maintained for a minimum period of 3 years as required in 45 CFR § 92.42. Specify the location(s) where records of evaluations and reevaluations of level of care are maintained:

Records of level of care are maintained by the LGE and in the physical office of the Support Coordination Agency.

## Appendix B: Evaluation/Reevaluation of Level of Care

### Quality Improvement: Level of Care

As a distinct component of the state's quality improvement strategy, provide information in the following fields to detail the state's methods for discovery and remediation.

#### a. Methods for Discovery: Level of Care Assurance/Sub-assurances

*The state demonstrates that it implements the processes and instrument(s) specified in its approved waiver for evaluating/reevaluating an applicant's/waiver participant's level of care consistent with level of care provided in a*

hospital, NF or ICF/IID.

**i. Sub-Assurances:**

- a. Sub-assurance:** *An evaluation for LOC is provided to all applicants for whom there is reasonable indication that services may be needed in the future.*

**Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**B.a.i.a.1. Number and percentage of initial waiver applicants that have been determined to meet the ICF/DD level of care prior to waiver certification. Percentage = Number of initial applicants who received a level of care determination / Total number of initial applicants reviewed in the sample.**

**Data Source** (Select one):

**Record reviews, on-site**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/-5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:

		<input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

- b. Sub-assurance:** *The levels of care of enrolled participants are reevaluated at least annually or as specified in the approved waiver.*

**Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

- c. Sub-assurance:** *The processes and instruments described in the approved waiver are applied*

*appropriately and according to the approved description to determine participant level of care.*

### Performance Measures

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

#### Performance Measure:

**B.a.i.c.1 Number and percentage of initial applicants who's Level of Care (LOC) determination has been completed following state's procedures. Percentage = Number of initial applicants who's LOC determination has been completed following state's procedures/Total number of completed initial LOC determinations reviewed in the sample.**

**Data Source** (Select one):

**Record reviews, on-site**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/- 5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify:	

	<input type="text"/>	
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**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**B.a.i.c.2. Number and percentage of initial waiver applicants level of care evaluations determined to be accurate according to the State's procedures. Percentage: Number of initial waiver applicants with level of care evaluations determined to be accurate / Total number of initial waiver applications reviewed in the sample.**

**Data Source** (Select one):**Record reviews, on-site**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative</b>

		<b>Sample</b> Confidence Interval = <div>95% +/- 5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify: <div></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div></div>

ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the

state to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Performance Measure B.a.i.a.1, B.a.i.c.1 and B.a.i.c.2: The LGE office reviews all initial applications to ensure that they contain all required information needed to confirm the LOC determination. Any incomplete, untimely, or inaccurate applications are returned by the LGE staff to the support coordinator for correction/clarification. The LGE staff will submit written documentation outlining the reason for the return to the support coordinator. If the system entry eligibility is questioned by the LGE staff as a result of the face to face visit, then the LGE system entry staff will be contacted to ascertain if eligibility re-determination is required.

## **b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the state's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction and the state's method for analyzing information from individual problems, identifying systemic deficiencies, and implementing remediation actions. In addition, provide information on the methods used by the state to document these items.

Performance Measures B.a.i.a.1, B.a.i.c.1, B.a.i.c.2:

During the Level of Care/Plan of Care (LOC/POC) Quality Review at the LGE:

- Items needing remediation are flagged by the data system;
- Specific information related to the flagged item is entered into the data system;
- Remediation is tracked by verification of actions taken; and
- Once remediation is completed, the case is closed.

On a quarterly basis at the OCDD State Office (SO) level, remediation data is aggregated and reviewed by the Program Manager to assure that all cases needing remediation are addressed. If adverse trends and patterns are identified, then recommendations are made by the Program Manager to the OCDD SO Quality Enhancement Section for review and corrective action, if needed, with the specific LGE. If the adverse trends and patterns identified are systemic in nature (across more than one LGE), then the Program Manager will forward the item to the Performance Review Committee for review and corrective action assignment.

A variety of mechanisms are employed by BHSF/MPSW to ensure all remediation and appropriate action has been completed:

- MPSW reviews the quarterly aggregated quality reports and remediation reports provided by the operating agency to ensure all instances of non-compliance are remediated within 30 days of notification.
- MPSW meets with OCDD State Office agency staff on a quarterly basis to discuss delegated functions, pending issues, and remediation plans. Systemic issues requiring remediation are will be identified and discussed at the Cross-Waiver (which includes staff from MPSW, OAAS, and OCDD) and Medicaid Oversight Review Team (which includes Medicaid staff) meetings. A plan for remediation and person responsible will be is developed and person responsible is assigned for each item identified. Remediation strategies and progress towards correction will be are reviewed and documented at the next scheduled meeting until the item is closed out.
- MPSW, the Medicaid Director or Deputy Director, the OCDD Assistant Secretary, and other pertinent staff meet on at least a quarterly basis to discuss any pending issues and remediation plans.
- Memorandums are sent from BHSF to OCDD to ensure all necessary leadership is informed of the support actions needed to correct problems or make improvements.

## **ii. Remediation Data Aggregation**

### **Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:	<b>Annually</b>

Responsible Party( <i>check each that applies</i> ):	Frequency of data aggregation and analysis ( <i>check each that applies</i> ):
<input type="checkbox"/>	
	Continuously and Ongoing
	Other Specify: <input type="text"/>

**c. Timelines**

When the state does not have all elements of the quality improvement strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Level of Care that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Level of Care, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix B: Participant Access and Eligibility

### B-7: Freedom of Choice

**Freedom of Choice.** As provided in 42 CFR § 441.302(d), when an individual is determined to be likely to require a level of care for this waiver, the individual or his or her legal representative is:

- i. informed of any feasible alternatives under the waiver; and
- ii. given the choice of either institutional or home and community-based services.

**a. Procedures.** Specify the state's procedures for informing eligible individuals (or their legal representatives) of the feasible alternatives available under the waiver and allowing these individuals to choose either institutional or waiver services. Identify the form(s) that are employed to document freedom of choice. The form or forms are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The Louisiana Department of Health, Bureau of Health Services Financing, Medicaid Eligibility Determination and the LGE informs individuals and/or their authorized representatives of the “feasible alternatives” under the waiver and are given the choice of either institutional or home and community-based services at the time waiver offer is made. LGE currently utilizes the “Case Management Choice and Release of Information Form” to allow the person to state that they understand their choices and the alternatives under the waiver. The information is also reviewed, with the participant and/or authorized representative at a “Pre-certification Home Visit” by LGE staff prior to approval of the initial plan of care and by the Support Coordinator at the annual plan of care meeting.

**b. Maintenance of Forms.** Per 45 CFR § 92.42, written copies or electronically retrievable facsimiles of Freedom of Choice forms are maintained for a minimum of three years. Specify the locations where copies of these forms are maintained.

The forms are maintained in the records at the LGE and the physical offices of the Support Coordination Agency.

## Appendix B: Participant Access and Eligibility

### B-8: Access to Services by Limited English Proficiency Persons

**Access to Services by Limited English Proficient Persons.** Specify the methods that the state uses to provide meaningful access

to the waiver by Limited English Proficient persons in accordance with the Department of Health and Human Services "Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (68 FR 47311 - August 8, 2003):

A language service vendor is under contract with LDH. All Medicaid application forms are published in English, Spanish, and Vietnamese and are available in alternative format upon request.

## Appendix C: Participant Services

### C-1: Summary of Services Covered (1 of 2)

**a. Waiver Services Summary.** List the services that are furnished under the waiver in the following table. If case management is not a service under the waiver, complete items C-1-b and C-1-c:

Service Type	Service		
Statutory Service	Center-Based Respite		
Statutory Service	Support Coordination		
Extended State Plan Service	Specialized Medical Equipment and Supplies		
Supports for Participant Direction	Financial Management Services		
Other Service	Aquatic Therapy		
Other Service	Art Therapy		
Other Service	Environmental Accessibility Adaptations		
Other Service	Family Support Services		
Other Service	Family Training		
Other Service	Hippotherapy		
Other Service	Housing Stabilization Service		
Other Service	Housing Stabilization Transition Service		
Other Service	Music Therapy		
Other Service	Sensory Integration		
Other Service	Therapeutic Horseback Riding		

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Respite

**Alternate Service Title (if any):**

Center-Based Respite

**HCBS Taxonomy:**

**Category 1:**

09 Caregiver Support

**Sub-Category 1:**

09011 respite, out-of-home

**Category 2:**

**Sub-Category 2:**

**Category 3:****Sub-Category 3:**


**Category 4:****Sub-Category 4:**


**Service Definition (Scope):**

Center-based respite is a service provided to a beneficiary who is unable to care for themselves; furnished on a short-term basis due to the absence or need for relief for those who provide care in the form of natural supports. It is most commonly used when families take vacations, or have a sudden emergency such as a death in the family. These services are necessary to keep individuals from being institutionalized.

Center-based Respite care will only be provided in a center-based respite care facility licensed by Health Standards.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Center based respite cannot be provided in a personal residence.

Family support services cannot be provided while an individual is in a center-based respite care setting.

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	HCBS-Center-Based Respite Module

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Statutory Service**

**Service Name: Center-Based Respite**

**Provider Category:**

Agency

**Provider Type:**

HCBS-Center-Based Respite Module

**Provider Qualifications****License (specify):**

Home and Community Based Services Provider Licensing Standards-LAC 48:1, Chapter 50; January 20, 2012

**Certificate (specify):**

N/A

**Other Standard (specify):**

09/11/2025

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana Department of Health (Health Standards Section)

**Frequency of Verification:**

Initially, annually, and as necessary.

**Appendix C: Participant Services****C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Statutory Service

**Service:**

Case Management

**Alternate Service Title (if any):**

Support Coordination

**HCBS Taxonomy:****Category 1:**

01 Case Management

**Sub-Category 1:**

01010 case management

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Support Coordination services consists of the coordination of supports and services that will assist beneficiaries in gaining access to needed waiver and other Medicaid services, as well as needed medical, social, educational and other services, regardless of the funding source. The support coordinator is responsible for convening the person-centered planning team, comprised of the beneficiary, beneficiary's family, direct service providers, medical and social work professionals, employer, as necessary, and advocates, who assist in determining the appropriate supports and strategies to meet the beneficiary's needs and preferences. The support coordinator shall be responsible for the ongoing coordination of supports and services, no matter the funding, included in the beneficiary's plan of care and continuous monitoring to ensure that the individual's needs and preferences are being met.

The support coordination agency should follow state policies and guidance as provided.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

- At least monthly phone contact and quarterly face to face visits.
- Virtual meeting in place of face to face meeting may be allowed if criteria is met as defined in the OCDD Policy and Procedures manual. If a virtual meeting is held, electronic verification is acceptable.

Billed in a monthly unit for 12 months.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Case Management

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Statutory Service**

**Service Name: Support Coordination**

**Provider Category:**

Agency

**Provider Type:**

Case Management

**Provider Qualifications**

**License** (*specify*):

Case Management Licensing Standards:

LAC 48:I. Chapter 49 4901-4981 LR Vol. 20 No. 8 August 20, 1994.

**Certificate** (*specify*):

None

**Other Standard** (*specify*):

Children's Choice Provider Manual published April 1, 2011

Providers must enroll as a Medicaid Case Management provider.

Louisiana identifies "Case Management" as "Support Coordination." Support Coordinators' qualifications are the same as case managers.

Support coordination agencies are required to perform the activities

- Intake,
- Assessment,
- Plan of Care Development and Implementation,
- Follow-Up/Monitoring,
- Reassessment, and
- Transition/Closure

Support Coordinator (SC) and Support Coordinator Supervisor (SCS) Qualifications: Must meet the following:

Case Manager Qualifications: Must meet the following:

1. Bachelor or Master Degree in social work from a program accredited by the Council on Social Work Education; or
2. a currently licensed registered nurse (RN); or
3. a bachelor or master degree in a human service field which includes; psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation; or
4. a bachelor in liberal arts or general studies with a concentration of at least 16 hours in a human service field which includes; psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehab services, child development, substance abuse, gerontology, and vocational rehabilitation

Case Management Supervisor qualifications include an additional two years of paid post degree experience in providing case management services.

1. a bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education and two years of paid post degree experience in providing support coordination services; or
2. a currently licensed registered nurse with at least two years of paid nursing experience; or
3. a bachelor's or master's degree in a human service related field which includes psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post degree experience in providing support coordination services; or
4. a bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in #3 and two years of paid post degree experience in providing support coordination services.

All training as identified and mandated by LDH is required in addition to the following:

#### Orientation and Training for New Employees

##### New Staff Orientation

- Orientation of at least sixteen (16) hours must be provided to all staff, volunteers, and students within five (5) working days of employment.
- A minimum of eight (8) hours of the orientation training must cover orientation to the target population including, but not limited to, specific service needs and resources.
- This orientation must include, at a minimum the following:
  - o Support Coordination Provider policies and procedures.
  - o Medicaid and other applicable LDH policies and procedures.
  - o Confidentiality.
  - o Documentation in case records.
  - o Participant rights protection and reporting of violations.
  - o Participant abuse and neglect reporting policies and procedures.
  - o Recognizing and defining abuse and neglect.
  - o Emergency and safety procedures.
  - o Data management and record keeping.
  - o Infection control and universal precautions.
  - o Working with the target or waiver populations.
  - o Professional ethics.
  - o Outcome measures.

##### Training for New Staff:

- In addition to the required sixteen (16) hours of orientation, all new employees with no documented training must receive an additional minimum sixteen (16) hours of training during the first ninety (90) calendar days of employment.
- This training must be related to the target or waiver populations to be served and include specific knowledge, skills, and techniques necessary to provide case management to the target or waiver populations.

- This training must be provided by an individual with demonstrated knowledge of both the training topics and the target or waiver populations.
- This training must include at a minimum the following:
  - o Assessment techniques.
  - o Support and service planning.
  - o Support and service planning for people with complex medical. needs, including information on bowel management, aspiration, decubitus, nutrition.
  - o Resource identification.
  - o Interviewing and interpersonal skills.
  - o Data management and record keeping.
  - o Communication skills.
  - o Cultural awareness.
  - o Personal outcome measures.

- A new employee may not be given Support Coordination responsibility until the orientation is satisfactorily completed.

NOTE: Routine supervision may not be considered training.

#### Annual Training:

- It is important for SC's to receive continuing training to maintain and improve skills. Each SC must satisfactorily complete twenty (20) hours of Support Coordination related training annually which may include training updates on subjects covered in orientation and initial training. SC's annual training year begins with the date of hire.
- The sixteen (16) hours of training for new staff required in the first ninety (90) days of employment may not be part of the twenty (20) hour minimum annual training requirement. Appropriate updates of topics covered in orientation and training for a new case manager must be included in the required twenty (20) hours of annual training.
- The following is a list of suggested additional topics for training:
  - o Nature of illness or disability, including symptoms and behavior
  - o Pharmacology
  - o Potential array of services for the population
  - o Building natural support systems
  - o Family dynamics
  - o Developmental life stages
  - o Crisis management
  - o First aid/CPR
  - o Signs and symptoms of mental illness, alcohol and drug addiction, intellectual/developmental disabilities and head injuries
  - o Recognition of illegal substances
  - o Monitoring techniques
  - o Advocacy
  - o Behavior management techniques
  - o Values clarification/goals and objectives
  - o Available community resources
  - o Accessing special education services
  - o Cultural diversity
  - o Pregnancy and prenatal care
  - o Health management
  - o Team building/interagency collaboration.
  - o Transition/closure
  - o Age and condition-appropriate preventive health care.
  - o Facilitating team meetings
  - o Computers
  - o Stress and time management
  - o Legal issues
  - o Outcome measures
  - o Person-centered planning

- o Self-determination or recipient-directed services

#### Training for Supervisors

• Each Support Coordination supervisor must complete a minimum of twenty (20) hours of training a year. In addition to the required and suggested topics for case managers, the following are suggested topics for supervisory training:

- o Professional identification/ethics
- o Process for interviewing, screening, and hiring of staff
- o Orientation/in service training of staff
- o Evaluating staff
- o Approaches to supervision
- o Managing caseload size
- o Conflict resolution
- o Documentation
- o Time management

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

Louisiana Department of Health (Health Standards Section)

##### Frequency of Verification:

Initially, annually and as necessary.

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

#### Service Type:

Extended State Plan Service

#### Service Title:

Specialized Medical Equipment and Supplies

#### HCBS Taxonomy:

##### Category 1:

14 Equipment, Technology, and Modifications

##### Sub-Category 1:

14031 equipment and technology

##### Category 2:

14 Equipment, Technology, and Modifications

##### Sub-Category 2:

14032 supplies

##### Category 3:

##### Sub-Category 3:

##### Category 4:

##### Sub-Category 4:

**Service Definition (Scope):**

Assistive Technology/Specialized Medical Equipment and Supplies service includes specialized devices, controls, or appliances which enable a beneficiary to increase his/her ability to perform activities of daily living, ensure safety, and/or to perceive, control, and communicate within his/her environment. This service also includes medically necessary durable and non-durable equipment not available under the Medicaid State Plan and repairs to such items and equipment necessary to increase/maintain the independence and well-being of the beneficiary. All equipment, accessories and supplies must meet all applicable manufacture, design and installation requirements. The services under the (waiver) are limited to additional services not otherwise covered under the state plan.

This service includes:

- 1.Specialized Medical Equipment and Supplies includes items necessary for life support or to address physical conditions along with ancillary supplies and equipment necessary to the proper functioning of such items. These are items of direct remedial benefit to the individual which are not covered under State Plan;
- 2.Technology Supports, which may include remote features, is a service intended to increase the individual's ability to perform activities more independently in their home, at their job, traveling around their community and/or communicating with others. The service may include equipment and applications that are used to support an individual remotely and increase their safety, independence and control. A remote technology service and support fee may be accessed if needed. An assessment or consult is required for Technology Supports to ensure the appropriate technology is provided.

The services under the Children's Choice Waiver are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of voiding institutionalization.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Excluded are those specialized equipment and supplies that are not of direct medical or remedial benefit to the beneficiary and/or those items that are available under the Medicaid State Plan. Support coordinators shall pursue and document all alternate funding sources that are available to the beneficiary before submitting a request for approval to purchase or lease specialized medical equipment and supplies or Technology Supports with Remote Features.

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap.

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	HCBS-Personal Care Attendant Module
Agency	Assistive Devices

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Extended State Plan Service**

**Service Name: Specialized Medical Equipment and Supplies****Provider Category:**

Agency

**Provider Type:**

HCBS-Personal Care Attendant Module

**Provider Qualifications****License (specify):**

Home and Community Based Services Provider Licensing Standards-LAC 48:1, Chapter 50; January 20, 2012

**Certificate (specify):****Other Standard (specify):**

Must meet all applicable vendor standards and/or requirements for manufacturing, design and installation of technological equipment and supplies

Personal Care Attendant Agency verifies provider's qualification.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana Department of Health (Health Standards Section)

**Frequency of Verification:**

Initially and Annually, and as necessary

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Extended State Plan Service****Service Name: Specialized Medical Equipment and Supplies****Provider Category:**

Agency

**Provider Type:**

Assistive Devices

**Provider Qualifications****License (specify):****Certificate (specify):****Other Standard (specify):**

Must meet all applicable vendor standards and/or requirements for manufacturing, design and installation of technological equipment and supplies and be a Medicaid enrolled provider.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

State Medicaid Agency through Medicaid Fiscal Intermediary

**Frequency of Verification:**

Initially and as necessary

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Supports for Participant Direction

The waiver provides for participant direction of services as specified in Appendix E. Indicate whether the waiver includes the following supports or other supports for participant direction.

**Support for Participant Direction:**

Information and Assistance in Support of Participant Direction

**Alternate Service Title (if any):**

Financial Management Services

**HCBS Taxonomy:**

**Category 1:**

12 Services Supporting Self-Direction

**Sub-Category 1:**

12010 financial management services in support of self-dir

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

Financial Management Services (FMS) are provided by a Medicaid enrolled Fiscal Employer Agency. The Fiscal Employer Agency (FEA) is the fiscal agent that assures financial accountability for self-direction services.

FMS is provided to participants who have chosen and are capable of self-directing his/her waiver services. FMS assists the participant to live independently in the community while controlling his/her services by choosing the staff who work with him/her. FMS must be included and prior authorized in his/her approved plan of care prior to participation in self-direction.

The FEA is to assist participants and direct support workers in enrolling with the FEA provider and training participants and staff regarding self-direction activities and processes. The FEA provider is to assist the participant in understanding billing and documentation requirements. The FMS provider must ensure a state approved EVV system is successfully in place and operational prior to services being initiated.

The FEA provider is to perform the employer responsibilities of payroll processing which includes: issuance of paychecks; withholding federal, state and local tax and making tax payments to the appropriate tax authorities; issuance of W-2 forms; and meeting worker's compensation insurance requirements. The FEA provider is responsible for performing all fiscal accounting procedures including issuance of expenditure reports to the member, his/her representative, Louisiana Department of Health. The FEA provider must maintain a separate account for each participant while continually tracking and monthly reporting of funds, disbursements and the balance of the participant's service units. The FEA provider must have customer service available in order to assist participants and direct support workers with complaints/issues and to address questions regarding self-direction. The FEA provider must comply with all requirements included in the Fiscal Employer Agency Readiness Review and Performance Agreement.

Participant responsibilities include functioning as the employer for his/her direct support worker(s) or designate a representative to manage/assist with management of direct support workers; hire direct support workers and refer them to the FEA provider for completion of enrollment requirements; establish the wage/rate of pay for each direct support worker; provide or arrange for appropriate orientation and training of direct support workers; determine direct support worker schedules, determine tasks to be performed as indicated in the plan of care; manage and supervise the day-to-day work activities of the direct support staff, verify time worked by direct support workers and that services were delivered in accordance to his/her plan of care, assure utilization of the EVV system to capture the time worked by each direct support worker, and other documentation required by the state and by CMS (The EVV system will indicate the actual hours worked in accordance with his/her approved plan of care); completion of required documents needed by the FEA for processing and payment in accordance with established FEA, State, and Federal requirements; report work-related injuries incurred by the DSW(s) to the FEA provider; develop an emergency plan and a worker back-up plan; assure all appropriate service documentation is recorded as required by the State; inform the FEA of any changes in the status of direct support workers, including, but not limited to changes of address or telephone number inform the FEA of the dismissal of a direct support worker inform the FEA of any changes in the status of the participant or participant's representative, such as the participant's address, telephone number, email address within three (3) working days; participate in required quality assurance visits/oversight with the participant's support coordinator, or other Federal and State authorized reviewers/auditors.

Payment for FMS will be reimbursed via a monthly PMPM rate.

This service is not duplicative with other waiver services.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Each participant is limited to one unit of FMS a month.

Financial Management Services must be prior authorized.

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Fiscal Employer Agent

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Supports for Participant Direction**

**Service Name: Financial Management Services**

**Provider Category:**

Agency

**Provider Type:**

Fiscal Employer Agent

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Must pass a readiness review and sign a performance agreement prior to enrolling as a Medicaid provider.

#### Verification of Provider Qualifications

**Entity Responsible for Verification:**

Medicaid/MPSW

**Frequency of Verification:**

Initially, annually and as necessary

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Aquatic Therapy

**HCBS Taxonomy:**

**Category 1:**

11 Other Health and Therapeutic Services

**Sub-Category 1:**

11130 other therapies

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition** (*Scope*):

Aquatic therapy uses the resistance of water to rehabilitate an individual with a chronic illness, poor or lack of muscle tone or a physical injury/disability. Aquatic Therapy assist in patient healing, exercise performance and muscle strengthening without the use of weights with decreased joint stress, decrease swelling and improve joint position awareness, decrease joint and soft tissue swelling following injury or arthritic disorders, spasms, back pain and fibromyalgia. Aquatic therapy is not for individuals who have fever and/or infections.

Individual with Disabilities Education Act (IDEA; 20 U.S.C. 1401 et seq.) services address educational needs of child in a school setting with adaptive educational programs specially designed for students with disabilities. This waiver service differs as it addresses the therapeutic needs of a child which are designed to increase participant's independence, participation and productivity in the home and community. Services cannot be provided in a school setting.

All available Medicaid State Plan and IDEA services must be utilized before accessing this service. All services must be outlined on the Plan of Care to prevent duplication of services

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap of plan of care year

Requires Prior Authorization

Services cannot be provided same day at same time as any other waiver or state plan services.

Cannot be provided in school setting

**Service Delivery Method** (*check each that applies*):

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by** (*check each that applies*):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Occupational Therapist
Individual	Physical Therapy

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Aquatic Therapy**

**Provider Category:**

Individual

**Provider Type:**

Occupational Therapist

**Provider Qualifications**

**License** (*specify*):

Occupational Therapist - License Title

LA State Board of Medical Examiners for State of Louisiana- LA R.S.37:3001-3014

**Certificate** (*specify*):

Aquatic Therapy Rehabilitation Industry Certified

**Other Standard** (*specify*):

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

Louisiana State Board of Medical Examiners for the State of Louisiana for state license (Occupational Therapy)

09/11/2025

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Aquatic Therapy****Provider Category:**

Individual

**Provider Type:**

Physical Therapy

**Provider Qualifications****License (specify):**

Physical Therapist- License Title

State Board of Examiners for Physical Therapy-LA R.S.37:2401-2421

**Certificate (specify):**

Aquatic Therapy Rehabilitation Industry Certified

**Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana State Board of Physical Therapy Examiners for the state license

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Art Therapy

**HCBS Taxonomy:****Category 1:****Sub-Category 1:**

11 Other Health and Therapeutic Services

11130 other therapies

Category 2:

Sub-Category 2:

Category 3:

Sub-Category 3:

Category 4:

Sub-Category 4:

**Service Definition (Scope):**

Art therapy is used to increase awareness of self and others, cope with symptoms, stress and traumatic experiences; enhance cognitive abilities and as a mode of communication and enjoy the life-affirming pleasure of making art.

Art therapy is the therapeutic use of art by people who experience illness, trauma, emotional, behavioral or mental health problems, those who have learning or physical disabilities, life-limiting conditions, brain injuries or neurological conditions and/or challenges in living, and by people who strive to improve personal development.

Individual with Disabilities Education Act (IDEA; 20 U.S.C. 1401 et seq.) services address educational needs of child in a school setting with adaptive educational programs specially designed for students with disabilities. This waiver service differs as it addresses the therapeutic needs of a child which are designed to increase participant's independence, participation and productivity in the home and community. Services cannot be provided in a school setting.

All available Medicaid State Plan and IDEA services must be utilized before accessing this service. All services must be outlined on the Plan of Care to prevent duplication of services.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

Requires Prior Authorization.

Services cannot be provided same day at same time as any other waiver or state plan services.

Cannot be provided in school setting.

**Service Delivery Method (check each that applies):**

Participant-directed as specified in Appendix E

Provider managed

Remote/via Telehealth

**Specify whether the service may be provided by (check each that applies):**

Legally Responsible Person

Relative

Legal Guardian

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Art Therapy

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service**

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**Service Name: Art Therapy**

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**Provider Category:****Provider Type:****Provider Qualifications****License (specify):****Certificate (specify):****Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:****Frequency of Verification:**

## Appendix C: Participant Services

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### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:****HCBS Taxonomy:****Category 1:****Sub-Category 1:****Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:**

**Category 4:****Sub-Category 4:**


**Service Definition (Scope):**

Environmental Accessibility Adaptations include physical adaptations to the beneficiary's home or vehicle which are necessary to ensure health, welfare and safety to the beneficiary, or which enable the beneficiary to function with greater independence, without which the beneficiary would require additional supports or institutionalization. Environmental Adaptations must be specified in the beneficiary's Plan of Care and may require an assessment by an Environmental Adaptation Assessor or other professional to ensure the modification meets the needs of the beneficiary.

Home adaptations pertain to modifications that are made to a beneficiary's primary residence. Such adaptations to the home may include bathroom modifications, non-portable ramps, and other adaptations to make the home accessible to the beneficiary. The service must be for a specific approved adaptation.

Vehicle adaptations pertain to modifications that are made to a vehicle which is the beneficiary's primary means of transportation. Such adaptations to the vehicle may include a lift, or other adaptations to make the vehicle accessible to the beneficiary or for the beneficiary to drive. Vehicle adaptations may include the performance of necessary assessments to determine the type(s) of necessary modifications. The service must be for a specific approved adaptation.

Adaptations to home and vehicle include the following:

- Training the beneficiary and provider in the use and maintenance of the Environmental Adaptation(s)
- Repair of equipment and or devices, including battery purchases for vehicle lifts and other reoccurring replacement items that contribute to the ongoing maintenance of the approved adaptation(s) and
- Standard manufacturer provided service contracts and warranties
- Modifications may be applied to rental or leased property with the written approval of the landlord and approval of the LGE.

All Environmental Accessibility Adaptations to home and vehicle must meet all applicable standards of manufacture, design and installation.

Any services covered by Title XIX (Medicaid State Plan Services) are excluded.

Any services denied by Title XIX (Medicaid State Plan Services) are not reimbursable.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

Home adaptation exclusions:

- Not intended to cover basic construction cost or add to the total square footage of the home except when the additional square footage is necessary to make the required adaptations function appropriately. When new construction or remodeling is a component of the service, payment for the service is to only cover the difference between the cost of typical construction and the cost of specialized construction.
- May not include modifications to the home which are of general utility and not of direct medical or remedial benefit to the beneficiary (i.e., flooring, roof repair, central air conditioning, hot tubs, swimming pools, exterior fencing, general home repair, maintenance, etc.).
- May not be furnished to adapt living arrangements that are owned or leased by providers of waiver services; and
- Service warranties and contracts above those provided by the manufacturer at the time of purchase (e.g. extended warranties, extended service contracts)

Vehicle adaptation exclusions:

- Modifications which are of general utility and are not of direct medical or remedial benefit to the beneficiary;
- Purchase or lease of a vehicle;
- Regularly scheduled upkeep and maintenance of a vehicle except upkeep and maintenance of the modifications;
- Car seats; and
- Service warranties and contracts above those provided by the manufacturer at the time of purchase (e.g. extended warranties, extended service contracts)

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Environmental Modification Agency
Agency	HCBS Personal Care Attendant Module

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Environmental Accessibility Adaptations**

**Provider Category:**

Agency

**Provider Type:**

Environmental Modification Agency

**Provider Qualifications**

**License (specify):**

Home Adaptations:

Current license from the State Licensing Board of Contractors for any of the following building trade classifications:

- General Contractor
- Home Improvement
- Residential Building

Or

If a current Louisiana Medicaid provider of Durable Medical Equipment, documentation from the manufacturing company (on their letterhead) that confirms the provider is an authorized distributor of a specific product that attaches to a building. Letter must specify the product and state that the provider has been trained on its installation.

Vehicle Adaptations:

Current License as a Specialty Vehicle Dealer with accreditation for Structural Vehicle Modifier in state of licensure.

All Environmental Adaptations providers must comply with all applicable Local (City or Parish) Occupational License(s).

**Certificate (specify):**

**Other Standard (specify):**

All Environmental Adaptation providers must meet any state or local requirements for licensure or certification, as well as the person performing the service (i.e., building contractors, plumbers, electricians, engineers, etc.).

License for Assessor:

An assessor must have, either through their own attainments or by contracting with other professionals:

1. Clinical expertise - licensed clinical personnel (i.e. physical therapist, occupational therapist, rehabilitation engineer, etc.).

AND

2. Construction expertise - meet the requirements of EAA contractor (described below).

AND

3. Specialized certification – either the clinical or construction expert must have a specialized certification in Home

Modification. Specialized certification in Home Modification may consist of a supplemental certification through a licensed clinical professional's respective board, or, for the contractor, a comparable certification.

NOTE: Examples of acceptable certifications include, but are not limited to: Certified Aging in Place Specialist (CAPS), Executive Certificate in Home Modifications, Certified Environmental Accessibility Environmental Access Consultant (C.E.A.C).

Assessors are not allowed to be the contractor of the service.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

State Medical Agency through Medical Fiscal Intermediary

##### Frequency of Verification:

Initially and as necessary.

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type:** Other Service

**Service Name:** Environmental Accessibility Adaptations

#### Provider Category:

Agency

#### Provider Type:

HCBS Personal Care Attendant Module

#### Provider Qualifications

##### License (specify):

Environmental Accessibility adaption providers must meet all applicable state and local(City or Parish) requirements (i.e., building contractors, plumbers, electricians, specialty vehicle dealer/modifier or engineers)

##### Certificate (specify):

N/A

##### Other Standard (specify):

Environmental Modification providers must meet all applicable state and /or local (City or Parish) requirement (i.e., building contractors, plumbers, electricians, or engineers).

All environmental accessibility adaptation providers must be registered through the Louisiana State Licensing Board for Contractors as a home improvement contractor, with the exception of providers of vehicle adaptation. When required by state law, the person performing the services such as building contractors, plumbers, electrician, or engineers must meet applicable requirements for professional licensure and modification the home and all applicable building code standards.

Providers of environmental accessibility adaptation to vehicles must be licensed by the Louisiana Motor Vehicle Commission as a specialty vehicle dealer and accredited by the National Mobility Equipment Dealers Association under the Structural Vehicle Modifier category.

Must be enrolled as a Medicaid Environmental modification provider and on the Freedom of Choice list for providers.

Personal Care Attendant Agency verifies provider's qualification.

#### Verification of Provider Qualifications

##### Entity Responsible for Verification:

Louisiana Department of Health (Health Standards Section)

##### Frequency of Verification:

Initially, annually and as necessary.

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Family Support Services

**HCBS Taxonomy:**

**Category 1:**

08 Home-Based Services

**Sub-Category 1:**

08030 personal care

**Category 2:**

**Sub-Category 2:**

**Category 3:**

**Sub-Category 3:**

**Category 4:**

**Sub-Category 4:**

**Service Definition (Scope):**

Family Support Services are defined as services provided directly to beneficiaries in their residence or community to achieve and/or maintain the outcomes of increased independence, productivity, enhanced family functioning, provide relief of the caregiver, and inclusion in the community.

This service may be shared up to two beneficiaries who may or may not live together and who have a common direct service provider agency, however sharing supports must be agreed to by all beneficiaries and their health and welfare can be assured. However, sharing a DSW at the same time across all three waivers is not allowed.

Beneficiaries may share a DSW across waivers with the same service type.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

All family members living in the home with the beneficiary are allowed to be DSW staff or Family Support workers if they meet the requirements as outlined in state policies. However, hours will be capped at 40 hours per week Sunday to Saturday per person who lives in the same home with the beneficiary.

**Service Delivery Method (check each that applies):**

Participant-directed as specified in Appendix E

Provider managed

Remote/via Telehealth

Specify whether the service may be provided by (check each that applies):

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Direct Service Worker
Agency	HCBS Personal Care Attendant Module

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Family Support Services**

**Provider Category:**

Agency

**Provider Type:**

Direct Service Worker

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Direct service workers under the Self-Direction option must meet the following individual qualifications:

1. Be at least 18 years of age.
2. Have a high school diploma, GED, trade school diploma, demonstrated competency, or verifiable work experience in providing support to persons with disabilities.
3. Pass a criminal history background check.
4. Possess a valid social security number.

Additionally, direct service workers must be able to complete the tasks indicated on the participant's plan of care. This training may be provided by the family or through a training facility. Documentation, signed by the participant/authorized representative and support coordinator, which indicates the worker is able to complete the tasks indicated on the participant's plan of care must be submitted to the fiscal agent before the employee can be hired. All training documentation must be kept in the participant's home book for monitoring and review by the support coordinator during the quarterly home visits.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

**Frequency of Verification:**

Initially and on-going

The fiscal agent is responsible to verify that direct support workers have met qualifications upon hire. The employer is responsible to ensure the direct service worker receives the training required to fulfill the services required in the plan of care.

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Family Support Services****Provider Category:**

Agency

**Provider Type:**

HCBS Personal Care Attendant Module

**Provider Qualifications****License (specify):**

Home and Community Based Services Provider Licensing Standards-LAC 48:1, Chapter 50; January 20, 2012

**Certificate (specify):**

N/A

**Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana Department of Health (Health Standards Section)

**Frequency of Verification:**

Initially, annually, and as necessary

**Appendix C: Participant Services****C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Family Training

**HCBS Taxonomy:****Category 1:**

09 Caregiver Support

**Sub-Category 1:**

09020 caregiver counseling and/or training

**Category 2:****Sub-Category 2:**

**Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Family Training consists of training and education for the families of participants (payment for participant is excluded) served by Louisiana Children's Choice Waiver. This training and education must be conducted by professional organizations or practitioners who offer education or training appropriate to the needs of the participant. It must be individually approved by the Local Governing Entity, and incorporated in the approved plan of care. For purposes of this service only, "family" is defined as unpaid persons who live with or provide care to a participant served by the Louisiana Children's Choice Waiver and may include a parent, spouse, children, relatives, foster family, legal guardian, or in-laws.

Training and education includes payment that is available for registration and training fees associated with formal instruction in areas relevant to the participant needs identified in the plan of care. Payment is not available for the costs of travel, meals and overnight lodging to attend a training event or conference.

Individual with Disabilities Education Act (IDEA; 20 U.S.C. 1401 et seq.) services address educational needs of a child in a school setting with adaptive educational programs specially designed for students with disabilities. Family Training for a family member cannot be provided in a school setting.

All available Medicaid State Plan and IDEA services must be utilized before accessing Family Training. All services must be outlined on the Plan of Care to prevent duplication of services.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

N/A

**Service Delivery Method (check each that applies):****Participant-directed as specified in Appendix E****Provider managed****Remote/via Telehealth****Specify whether the service may be provided by (check each that applies):****Legally Responsible Person****Relative****Legal Guardian****Provider Specifications:**

Provider Category	Provider Type Title
Agency	HCBS Personal Care Attendant Module

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Family Training****Provider Category:**

Agency

**Provider Type:**

HCBS Personal Care Attendant Module

**Provider Qualifications****License (specify):**

Home and Community Based Services Provider Licensing Standards-LAC 48:1, Chapter 50; January 20, 2012

**Certificate (specify):**

N/A

**Other Standard (specify):**

National organization for specific conditions; State or local organization recognized as an expert in specific conditions or care modalities;  
 Training must be provided by national organization or disease specific organization that is certified and accredited.  
 Documentation of requested training description, pamphlets, and course objective as well as trainers qualification are reviewed prior to approval.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana Department of Health(Health Standards Section)

**Frequency of Verification:**

Initially, annually, and as necessary

**Appendix C: Participant Services****C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Hippotherapy

**HCBS Taxonomy:****Category 1:**

11 Other Health and Therapeutic Services

**Sub-Category 1:**

11130 other therapies

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:**

**Service Definition (Scope):**

Hippotherapy requires therapy session that are one on one with a Licensed Physical Therapist, a Licensed Speech Therapist and/or a Licensed Occupational Therapist who work closely with the horse professional in developing treatment strategies. A Licensed therapist must be present during therapy sessions. Hippotherapy improves muscle tone, balance, posture, coordination; motor development as well as motor planning that can be used to improve sensory integration skills and attention skills. Specially trained therapy professional evaluate each potential participant on an individual basis to determine the appropriateness of including Hippotherapy as a treatment strategy. Hippotherapy must be ordered by a Physician with implementation of service, treatment strategies and goals developed by Licensed Therapist. Services must be included in participant's plan of care. Hippotherapy treatment strategies must be directed by a Licensed Physical Therapist, a Licensed Speech Therapist and/or a Licensed Occupational Therapist.

Individual with Disabilities Education Act (IDEA; 20 U.S.C. 1401 et seq.) services address educational needs of child in a school setting with adaptive educational programs specially designed for students with disabilities. This waiver service differs as it addresses the therapeutic needs of a child which are designed to increase participant's independence, participation and productivity in the home and community. Services cannot be provided in a school setting.

All available Medicaid State Plan and IDEA services must be utilized before accessing this service. All services must be outlined on the Plan of Care to prevent duplication of services.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

Requires Prior Authorization

Services cannot be provided same day at same time as any other waiver or state plan services. Services cannot be provided in school setting.

Medicaid will pay for hippotherapy only if a licensed physical therapist, licensed occupational therapist and/or licensed speech therapist is present.

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Physical Therapy
Individual	Occupational Therapist
Individual	Speech Therapy

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Hippotherapy**

**Provider Category:**

Individual

**Provider Type:**

Physical Therapy

**Provider Qualifications****License (specify):**

Physical Therapist - License Title

State Board of Examiners for Physical Therapy-LA R.S.37:2401-2421

**Certificate (specify):**

Physical Therapist certified in hippotherapy/Therapeutic horseback riding using it as a treatment modality.

**Other Standard (specify):**

Physical Therapist who work closely with the horse professional to manipulate various aspects of the horses movement, position, management styles, equipment and types of activities to generate effective remediation protocols and to promote functional outcomes

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana State Board of Physical Therapy Examiners for the state license

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Hippotherapy****Provider Category:**

Individual

**Provider Type:**

Occupational Therapist

**Provider Qualifications****License (specify):**

Occupational Therapist - License Title

LA State Board of Medical Examiners for State of Louisiana- LA R.S.37:3001-3014

**Certificate (specify):**

Occupational Therapist certified in hippotherapy/Therapeutic horseback riding using it as a treatment modality.

**Other Standard (specify):**

Occupational Therapist who work closely with the horse professional to manipulate various aspects of the horses movement, position, management styles, equipment and types of activities to generate effective remediation protocols and to promote functional outcomes.

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana State Board of Medical Examiners for the State of Louisiana for state license Occupational Therapy)

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service****Service Name: Hippotherapy****Provider Category:**

Individual

**Provider Type:**

Speech Therapy

**Provider Qualifications****License (specify):**

Speech Therapist - License Title

Examiners of Speech and Language Pathology and Audiology La R.S.37:2650-2666

**Certificate (specify):**

Speech Therapist certified in hippo therapy/Therapeutic horseback riding using it as a treatment modality.

**Other Standard (specify):**

Speech Therapist who work closely with the horse professional to manipulate various aspects of the horses movement, position, management styles, equipment and types of activities to generate effective remediation protocols and to promote functional outcomes

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Examiners of Speech and Language Pathology and Audiology- for the state license

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Housing Stabilization Service

**HCBS Taxonomy:****Category 1:**

17 Other Services

**Sub-Category 1:**

17030 housing consultation

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:**

**Category 4:****Sub-Category 4:**


**Service Definition (Scope):**

Housing Stabilization Service enables waiver participants to maintain their own housing as set forth in the participant's approved plan of care (POC). Services must be provided in the home or a community setting. The service includes the following components:

1. Conduct a housing assessment identifying the participant's preferences related to housing (type, location, living alone or with someone else, accommodations needed, other important preferences) and needs for support to maintain housing (including access to, meeting terms of lease, and eviction prevention), budgeting for housing/living expenses, obtaining/accessing sources of income necessary for rent, home management, establishing credit and understanding and meeting obligations of tenancy as defined in lease terms.
2. Assist participant to view and secure housing as needed. This may include arranging or providing transportation. Assist participant to secure supporting documents/records, completing/submitting applications, securing deposits, locate furnishings.
3. Develop an individualized housing stabilization service provider plan based upon the housing assessment that includes short and long-term measurable goals for each issue, establishes the participant's approach to meeting the goal, and identifies where other provider(s) or services may be required to meet the goal.
4. Participate in the development of the plan of care, incorporating elements of the housing stabilization service provider plan. Participate in plan of care renewal and updates as needed.
5. Provide supports and interventions per the individualized housing stabilization service provider plan. If additional supports or services are identified as needed outside the scope of Housing Stabilization Services, communicate the needs to the Support Coordinator.
6. Communicate with the landlord or property manager regarding the participant's disability, accommodations needed, and components of emergency procedures involving the landlord or property manager.
7. If at any time the participant's housing is placed at risk (eg.,eviction, loss of roommate or income), Housing Stabilization Services will provide supports to retain housing or locate and secure housing to continue community based supports including locating new housing, sources of income, etc.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Available only to participants who:

- Are residing in a State of Louisiana Permanent Supportive Housing unit or
- Are linked for the State of Louisiana Permanent Supportive Housing selection process

Limited to:

- No more than 165 combined units of this service and the Housing Stabilization Transition service (units can only be exceeded with written approval from OCDD)

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Agency	Permanent Supportive Housing Agency

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Housing Stabilization Service**

**Provider Category:**

Agency

**Provider Type:**

Permanent Supportive Housing Agency

**Provider Qualifications**

**License (specify):**

**Certificate (specify):**

**Other Standard (specify):**

Permanent Supportive Housing (PSH) Agency under contract and enrolled with the Louisiana Department of Health Statewide Management Organization for Behavioral Health Services plus either:

1. meeting requirements for completion of training program as verified by the PSH director; or
2. have at least one year of completion of housing support team experience in the PSH program as verified by the PSH director.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

**Frequency of Verification:**

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Housing Stabilization Transition Service

**HCBS Taxonomy:**

**Category 1:**

17 Other Services

**Sub-Category 1:**

17030 housing consultation

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Housing Stabilization Transition Service enable participants who are transitioning into a PSH unit, including those transitioning from institutions, to secure their own housing. The service is provided while the participant is in an institution and preparing to exit the institution using the waiver. The service includes the following components:

1. Conduct a housing assessment identifying the participant's preferences related to housing (type, location, living alone or with someone else, accommodations needed, other important preferences) and needs for support to maintain housing (including access to, meeting terms of lease, and eviction prevention), budgeting for housing/living expenses, obtaining/accessing sources of income necessary for rent, home management, establishing credit and understanding and meeting obligations of tenancy as defined in lease terms.
2. Assist participant to view and secure housing as needed. This may include arranging or providing transportation. Assist participant to secure supporting documents/records, completing/submitting applications, securing deposits, locate furnishings.
3. Develop an individualized housing stabilization service provider plan based upon the housing assessment that includes short and long-term measurable goals for each issue, establishes the participant's approach to meeting the goal, and identifies where other provider(s) or services may be required to meet the goal.
4. Participate in the development of the plan of care, incorporating elements of the housing stabilization service provider plan.
5. Look for alternatives to housing if permanent supportive housing is unavailable to support completion of transition.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

Available only to participants who:

- Are residing in a State of Louisiana Permanent Supportive Housing unit or
- Are linked for the State of Louisiana Permanent Supportive Housing selection process

Limited to:

- No more than 165 combined units of this service and the Housing Stabilization service (units can only be exceeded with written approval from OCDD)

**Service Delivery Method (check each that applies):****Participant-directed as specified in Appendix E****Provider managed****Remote/via Telehealth****Specify whether the service may be provided by (check each that applies):****Legally Responsible Person****Relative****Legal Guardian****Provider Specifications:**

Provider Category	Provider Type Title
Agency	Permanent Supportive Housing Agency

## Appendix C: Participant Services

### C-1/C-3: Provider Specifications for Service

**Service Type:** Other Service

**Service Name:** Housing Stabilization Transition Service

**Provider Category:**

Agency

**Provider Type:**

Permanent Supportive Housing Agency

**Provider Qualifications**

**License** (*specify*):

**Certificate** (*specify*):

**Other Standard** (*specify*):

Permanent Supportive Housing (PSH) Agency under contract and enrolled with the Louisiana Department of Health Statewide Management Organization for Behavioral Health Services plus either:

1. meeting requirements for completion of training program as verified by the PSH director; or
2. have at least one year of completion of housing support team experience in the PSH program as verified by the PSH director.

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

**Frequency of Verification:**

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Music Therapy

**HCBS Taxonomy:**

**Category 1:**

11 Other Health and Therapeutic Services

**Sub-Category 1:**

11130 other therapies

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Music Therapy is used to promote wellness, manage stress, alleviate pain, express feelings, enhance memory, improve communication and promote physical rehabilitation. Individuals who benefit from music therapy include children and adolescents with mental health needs, developmental and learning disabilities, brain injuries, physical disabilities and acute and chronic pain. Music Therapy can be part of a stress management program or used in conjunction with exercise and is used in a variety of health care settings. Music therapies help clients improve their cognitive functioning, motor skills, emotional and affective development, behavior and social skills and quality of life. Music therapy assists special learners to strengthen non-musical areas such as communication skills and physical coordination skills which are important for daily life.

Individual with Disabilities Education Act (IDEA; 20 U.S.C. 1401 et seq.) services address educational needs of child in a school setting with adaptive educational programs specially designed for students with disabilities. This waiver service differs as it addresses the therapeutic needs of a child which are designed to increase participant's independence, participation and productivity in the home and community. Services cannot be provided in a school setting.

All available Medicaid State Plan and IDEA services must be utilized before accessing this service. All services must be outlined on the Plan of Care to prevent duplication of services.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

Requires Prior Authorization

Services cannot be provided same day at same time as any other waiver or state plan services. Services cannot be provided in school setting.

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Music Therapist

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**  
**Service Name: Music Therapy**

**Provider Category:**

Individual

**Provider Type:**

Music Therapist

**Provider Qualifications****License (specify):**

Board Certified Music Therapist (MT-BC)

**Certificate (specify):**

Board Certified Music Therapist (MT-BC)

**Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:**

The Certification Board for Music Therapist - CBMT

**Frequency of Verification:**

Must be recertified every five (5) years

## Appendix C: Participant Services

### C-1/C-3: Service Specification

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Sensory Integration

**HCBS Taxonomy:****Category 1:**

11 Other Health and Therapeutic Services

**Sub-Category 1:**

11130 other therapies

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:**

**Category 4:****Sub-Category 4:****Service Definition (Scope):**

Sensory Integration is used to improve the way the brain processes and adapts to sensory information, as opposed to teaching specific skills. Sensory Integration involves activities that provide vestibular, proprioceptive and tactile stimuli which are selected to match specific sensory processing deficits of the participant. Proposed use as a treatment of developmental disorders where there is an established dysfunction of sensory processing, for example: children with autism, attention deficit hyperactivity disorder (ADHD), brain injuries, fetal alcohol syndrome, neurotransmitter diseases, etc. Activities provided are based on reliable evidence and not experimental.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

Requires Prior Authorization

Services cannot be provided same day at same time as any other waiver or state plan services. Services cannot be provided in school setting.

Services may be provided in the home, clinical settings, and/or community.

**Service Delivery Method (check each that applies):**

**Participant-directed as specified in Appendix E**

**Provider managed**

**Remote/via Telehealth**

**Specify whether the service may be provided by (check each that applies):**

**Legally Responsible Person**

**Relative**

**Legal Guardian**

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Physical Therapy
Individual	Occupational Therapy

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service**

**Service Type: Other Service**

**Service Name: Sensory Integration**

**Provider Category:**

Individual

**Provider Type:**

Physical Therapy

**Provider Qualifications****License (specify):**

Physical Therapist - License Title

State Board of Examiners for Physical Therapy-LA R.S.37:2401-2421

**Certificate (specify):**

Physical Therapist certified in Sensory Integration Therapy

**Other Standard (specify):**

**Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana State Board of Physical Therapy Examiners for the state license

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Provider Specifications for Service****Service Type: Other Service****Service Name: Sensory Integration****Provider Category:**

Individual

**Provider Type:**

Occupational Therapy

**Provider Qualifications****License (specify):**

Occupational Therapist - License Title

LA State Board of Medical Examiners for State of Louisiana- LA R.S.37:3001-3014

**Certificate (specify):**

Occupational Therapist certified in Sensory Integration Therapy

**Other Standard (specify):****Verification of Provider Qualifications****Entity Responsible for Verification:**

Louisiana State Board of Medical Examiners for the State of Louisiana for state license Occupational Therapy)

**Frequency of Verification:**

Initially and annually for the state license, certification

**Appendix C: Participant Services****C-1/C-3: Service Specification**

State laws, regulations and policies referenced in the specification are readily available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

**Service Type:**

Other Service

As provided in 42 CFR §440.180(b)(9), the State requests the authority to provide the following additional service not specified in statute.

**Service Title:**

Therapeutic Horseback Riding

**HCBS Taxonomy:****Category 1:**

11 Other Health and Therapeutic Services

**Sub-Category 1:**

11130 other therapies

**Category 2:****Sub-Category 2:****Category 3:****Sub-Category 3:****Category 4:****Sub-Category 4:****Service Definition (Scope):**

Therapeutic Horseback Riding is used to promote the use of the movement of the horse as a treatment strategy in physical, occupational and speech-language therapy sessions for people living with disabilities. The movement of the horse provides physical and sensory input, which is variable, rhythmic and repetitive. Equine movement coerces the client to use muscles and body systems in response to movement of the horse. Equine movement can be used to facilitate the neurophysiologic systems that support all functional daily living skill. The client passively responds to and interacts with the horse's movement making it purely the horse's movement that influences the client's response. Therapeutic Horseback Riding teaches riding skills in addition to improving muscle tone, balance, posture coordination and motor development. Specially trained therapy professional evaluate each potential patient on an individual basis to determine the appropriateness of including Therapeutic Horseback riding as a treatment strategy. Therapeutic horseback riding therapy sessions does not required the licensed therapist to be present during sessions and may be completed one on one or in groups up to 4 per sessions.

**Specify applicable (if any) limits on the amount, frequency, or duration of this service:**

No limits on the amount/ frequency of services other than approved POC budget limit. Children's Choice is a capped waiver. Maximum amount of services provided cannot exceed annual waiver cap per plan of care year.

Requires Prior Authorization

Services cannot be provided same day at same time as any other waiver or state plan services. Services cannot be provided in school setting.

**Service Delivery Method (check each that applies):**

Participant-directed as specified in Appendix E

Provider managed

Remote/via Telehealth

**Specify whether the service may be provided by (check each that applies):**

Legally Responsible Person

Relative

Legal Guardian

**Provider Specifications:**

Provider Category	Provider Type Title
Individual	Therapeutic Horseback Riding

**Appendix C: Participant Services**

### C-1/C-3: Provider Specifications for Service

**Service Type: Other Service**

**Service Name: Therapeutic Horseback Riding**

**Provider Category:**

Individual

**Provider Type:**

Therapeutic Horseback Riding

**Provider Qualifications**

**License (specify):**

Professional Association of Therapeutic Horsemanship International (PATH Intl)

**Certificate (specify):**

Professional Association of Therapeutic Horsemanship International (PATH Intl)

**Other Standard (specify):**

**Verification of Provider Qualifications**

**Entity Responsible for Verification:**

The PATH Organization and Certified Horseman Association

**Frequency of Verification:**

Must be recertified annually

## Appendix C: Participant Services

### C-1: Summary of Services Covered (2 of 2)

**b. Provision of Case Management Services to Waiver Participants.** Indicate how case management is furnished to waiver participants (*select one*):

**Not applicable** - Case management is not furnished as a distinct activity to waiver participants.

**Applicable** - Case management is furnished as a distinct activity to waiver participants.

*Check each that applies:*

**As a waiver service defined in Appendix C-3.** *Do not complete item C-1-c.*

**As a Medicaid state plan service under section 1915(i) of the Act (HCBS as a State Plan Option).** *Complete item C-1-c.*

**As a Medicaid state plan service under section 1915(g)(1) of the Act (Targeted Case Management).** *Complete item C-1-c.*

**As an administrative activity.** *Complete item C-1-c.*

**As a primary care case management system service under a concurrent managed care authority.** *Complete item C-1-c.*

**As a Medicaid state plan service under section 1945 and/or section 1945A of the Act (Health Homes Comprehensive Care Management).** *Complete item C-1-c.*

**c. Delivery of Case Management Services.** Specify the entity or entities that conduct case management functions on behalf of waiver participants and the requirements for their training on the HCBS settings regulation and person-centered planning requirements:

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**d. Remote/Telehealth Delivery of Waiver Services.** Specify whether each waiver service that is specified in Appendix C-1/C-3 can be delivered remotely/via telehealth.

**No services selected for remote delivery**

## Appendix C: Participant Services

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### C-2: General Service Specifications (1 of 3)

**a. Criminal History and/or Background Investigations.** Specify the state's policies concerning the conduct of criminal history and/or background investigations of individuals who provide waiver services (select one):

**No. Criminal history and/or background investigations are not required.**

**Yes. Criminal history and/or background investigations are required.**

Specify: (a) the types of positions (e.g., personal assistants, attendants) for which such investigations must be conducted; (b) the scope of such investigations (e.g., state, national); and, (c) the process for ensuring that mandatory investigations have been conducted. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid or the operating agency (if applicable):

In accordance with Home and Community Based Services Provider Licensing Standards-LAC 48:1, Chapter 50, January 20, 2012 and Louisiana R.S. 40:1300.52 and 40:1300.53, criminal history/background checks are conducted on all unlicensed persons. The background checks are not conducted by the operating agency, but are done by the Louisiana State Police (LSP) or their authorized agent. A state wide check is performed.

- New employee background checks/security checks are reviewed by Health Standards Section during licensing and monitoring reviews.

All persons who provide direct waiver services for children and adults who have disabilities are monitored by Health Standards Section for compliance with applicable laws as follows:

- Children's Code Title VI, Chapter 1, Article 601–606 and Title VI, Chapter 5, Article 609-611;
- LA. R.S. 14:403, abuse of children;
- LA R.S. 14:403.2 XI-B; abuse and neglect of adults (includes disabled adults); and
- LA R.S. 40:1300.53, "Criminal History Checks on Non-licensed Persons and Licensed Ambulance Personnel"

The LA R.S. 40:1300.52 statute was amended by Act 816 of the 2006 Regular Legislative Session which required the criminal background check to now include a security check. The security check will search the national sex offender public registry. All direct support provider agencies are encouraged to become familiar with, and have on hand, the above mentioned statutes as a reference when hiring.

- ACT 816 finalized in 6/30/2006 added security checks for identification of sex offenders & authorized release of potential employees results to the employer.

- ACT 35 finalized in 6/15/2009 prohibited providers hiring any staff with a conviction for a list of 17 crimes (non-waivable offenses).

- Home & Community-Based Services Providers Minimum Licensing Standards (LAC 48: I Chapter 50) June 20, 2011 Emergency Rule with a final Rule published on January 20, 2012 Louisiana Register Vol. 38. No.1 January 20, 2012. This final HCBS Licensing rule includes:

- o Criminal background checks on all unlicensed persons providing direct care and services to clients.
- o Includes providers being prohibited in hiring any staff without a criminal background and security check and cannot hire any staff with the specific convictions that are non- waivable (17 specific non-waivable convictions) and;
- o Includes employee is not to work with client until results of criminal background check and security check is back and eligible for employment.

- Health Standards Section State Survey Agency conducts Investigations for Complaints and Monitoring for licensing surveys and reviews the staff's criminal background/security checks as well as the criminal background/security checks on the owners.

- The Fiscal Agent is also responsible for assuring that criminal background checks are conducted on each self-directed DSW.

**b. Abuse Registry Screening.** Specify whether the state requires the screening of individuals who provide waiver services through a state-maintained abuse registry (select one):

**No. The state does not conduct abuse registry screening.**

**Yes. The state maintains an abuse registry and requires the screening of individuals through this registry.**

Specify: (a) the entity (entities) responsible for maintaining the abuse registry; (b) the types of positions for which abuse registry screenings must be conducted; (c) the process for ensuring that mandatory screenings have been conducted; and (d) the process for ensuring continuity of care for a waiver participant whose service provider was added to the abuse registry. State laws, regulations and policies referenced in this description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

The state maintains a registry that includes the names of all direct service workers that have had findings of abuse, neglect or misappropriation of property placed against them. Providers are required to check this registry prior to hiring a worker and every six months to assure that no existing workers have had a finding placed against them.

-The Louisiana Department of Health, Health Standards Section has a contractor that maintains the Direct Service Worker Abuse Registry for the state. Health Standards Program Manager administers the Direct Service Worker Abuse Registry Program with oversight of the contractor.

-Each licensed provider is required to conduct the screening against the registry to assure a finding is not placed prior to employment and every six months thereafter to assure a finding is not placed in accordance with the Direct Service Worker Registry Final Rule published on December 20, 2012 in the Louisiana Register Vol. 38, number 12.

-On each survey conducted at a provider agency a sample of employee personnel files are pulled. Those files will be reviewed for compliance with any screenings that are required by the regulations. If the provider is found not in compliance with the requirements, they will be cited and an acceptable plan of correction to assure on-going compliance will be required.

## Appendix C: Participant Services

### C-2: General Service Specifications (2 of 3)

**Note:** Required information from this page is contained in response to C-5.

## Appendix C: Participant Services

### C-2: General Service Specifications (3 of 3)

**d. Provision of Personal Care or Similar Services by Legally Responsible Individuals.** A legally responsible individual is any person who has a duty under state law or regulations to care for another person (e.g., the parent (biological or adoptive) of a minor child or the guardian of a minor child who must provide care to the child). At the option of the state and under extraordinary circumstances specified by the state, payment may be made to a legally responsible individual for the provision of personal care or similar services. *Select one:*

**No. The state does not make payment to legally responsible individuals for furnishing personal care or similar services.**

**Yes. The state makes payment to legally responsible individuals for furnishing personal care or similar services when they are qualified to provide the services.**

Specify: (a) the types of legally responsible individuals who may be paid to furnish such services and the services they may provide; (b) the method for determining that the amount of personal care or similar services provided by a legally responsible individual is "*extraordinary care*", exceeding the ordinary care that would be provided to a person without a disability or chronic illness of the same age, and which are necessary to assure the health and welfare of the participant and avoid institutionalization; (c) the state policies to determine that the provision of services by a legally responsible individual is in the best interest of the participant; (d) the state processes to ensure that legally responsible individuals who have decision-making authority over the selection of waiver service providers use substituted judgement on behalf of the individual; (e) any limitations on the circumstances under which payment will be authorized or the amount of personal care or similar services for which payment may be made; (f) any additional safeguards the state implements when legally responsible individuals provide personal care or similar services; and, (g) the procedures that are used to implement required state oversight, such as ensuring that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 the personal care or similar services for which payment may be made to legally responsible individuals under the state policies specified here.*

The state ensures that the provision of services by a legally responsible individual is in the best interest of the participant using the team approach and must be on the plan of care.

Any service may be provided by a member of the participant's family, provided that the family member passes all background checks. A maximum of 40 hours a week, per family member that lives in the same home with the individual is allowed. Family members that may provide services include parents of an adult child, siblings, grandparents, aunts, uncles, and cousins, in-laws. The family member must become an employee of the participant's agency of choice and must meet the same standards as direct support staff that are not related to the individual. Payment for services rendered are approved by prior and post authorization as outlined in the POC. During periods of emergency, participants may live with their direct support staff on a temporary basis as allowed, in writing, by the OCDD Assistant Secretary/designee.

Extraordinary care is defined as: care that is extraordinary from that of a child without a disability of the same age. The State further defines extraordinary care as behavioral or nursing care needs such as but not limited to tube feeding, suctioning or diapers after age 3, behavioral care requiring the intervention of a neurologist, psychologist or other specialist. When a Legally Responsible Individual (LRI) provides a paid service, this will be discussed in the person-centered planning meeting, including meeting established criteria for provision of extraordinary care vs. ordinary care, and included in the Comprehensive Plan of Care. The support coordinator or other designated party will ensure discussion held with the participant when LRI or other family member is not present on at least an annual basis to ensure this is the wishes of the participant; which will be documented per Guidelines for Support Planning. When a relative living in the home or a LRI provides a paid service, all support coordination visits will be conducted face-to-face, with no option for virtual visits. Payments to family members living in the home and LRIs will be audited on a semi-annual basis to ensure payment for services rendered.

- e. Other State Policies Concerning Payment for Waiver Services Furnished by Relatives/Legal Guardians.** Specify state policies concerning making payment to relatives/legal guardians for the provision of waiver services over and above the policies addressed in Item C-2-d. *Select one:*

**The state does not make payment to relatives/legal guardians for furnishing waiver services.**

**The state makes payment to relatives/legal guardians under specific circumstances and only when the relative/guardian is qualified to furnish services.**

Specify the types of relatives/legal guardians to whom payment may be made, the services for which payment may be made, the specific circumstances under which payment is made, and the method of determining that such circumstances apply. Also specify any limitations on the amount of services that may be furnished by a relative or legal guardian, and any additional safeguards the state implements when relatives/legal guardians provide waiver services. Specify the state policies to determine that the provision of services by a relative/legal guardian is in the best interests of the individual. When the relative/legal guardian has decision-making authority over the selection of providers of waiver services, specify the state's process for ensuring that the relative/legal guardian uses substituted judgement on behalf of the individual. Specify the procedures that are employed to ensure that payments are made only for services rendered. *Also, specify in Appendix C-1/C-3 each waiver service for which payment may be made to relatives/legal guardians.*

**Relatives/legal guardians may be paid for providing waiver services whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.**

Specify the controls that are employed to ensure that payments are made only for services rendered.

Services may be provided by a member of the participant's family. Family members that may provide services include parents of an adult child, siblings, grandparents, aunts, uncles, and cousins. The family member must become an employee of the participant's agency of choice and must meet the same standards as direct support staff that are not related to the individual. Payment for services rendered are approved by prior and post authorization as outlined in the POC.

When a Legally Responsible Individual (LRI) provides a paid service, this will be discussed in the person-centered planning meeting, including meeting established criteria for provision of extraordinary care vs. ordinary care, and included in the Comprehensive Plan of Care. The support coordinator or other designated party will ensure discussion held with the participant when LRI or other family member is not present on at least an annual basis to ensure this is the wishes of the participant; which will be documented per Guidelines for Support Planning. When a relative living in the home or a LRI provides a paid service, all support coordination visits will be conducted face-to-face, with no option for virtual visits. Payments to family members living in the home and LRIs will be audited on a semi-annual basis to ensure payment for services rendered.

**Other policy.**

Specify:

**f. Open Enrollment of Providers.** Specify the processes that are employed to assure that all willing and qualified providers have the opportunity to enroll as waiver service providers as provided in 42 CFR § 431.51:

- Willing and qualified Licensed HCBS providers can access information on becoming an enrolled waiver service provider several ways:
  - o. Via the Louisiana Medicaid website;
  - o. Through state facilitated stakeholder meetings regarding waiver services; and
  - o. Through state facilitated meetings with provider organizations such as ARC of Louisiana, Community and Residential Services Association, Alliance of Direct Support Professionals, and Alliance of Support Coordinators.
- To date, Louisiana has not had a problem finding enough willing and qualified providers to enroll as waiver service providers.
- As per the Interagency Agreement between the Medicaid Bureau of Health Services Financing (BHSF) and the OCDD:
  - o. All willing and qualified providers have the opportunity to enroll as waiver service providers by first obtaining a license for the specific service they wish to provide through the Louisiana Department of Health, Health Standards Section (HSS);
  - o. BHSF/HSS trains all DD waiver providers in licensing and certification procedures and requirements;
  - o. After obtaining a license, the provider applicant must complete a Medicaid Enrollment Application and sign a Louisiana Provider Enrollment form (PE-50) to enroll and participate in the Medicaid program;
  - o. BHSF, or its designee, reviews all information, and makes a determination whether to enroll the provider in the Medicaid program;
  - o. BHSF, or its designee, assigns each new enrolled provider a unique Medicaid provider number and sends the OCDD/HSS this information;
  - o. The provider's name is then added to the Freedom of Choice list;
  - o. BHSF, OCDD, or its agent train DD waiver providers in the proper procedures to follow in submitting claims to the Medicaid program BHSF handles all questions concerning the submission of claims;
  - o. BHSF/HSS is responsible for insuring that DD waiver providers remain in compliance with all rules and regulations required for participation in the Medicaid program; and
  - o. HSS, or its designee notifies OCDD State Office in the event any previously enrolled waiver services provider is removed from the active Medicaid provider files. This notification includes the effective date of the closure and the reason.

All prospective providers must go through a licensing and a Medicaid provider enrollment on-site visit. The provider is listed on the Provider Freedom of Choice form for regions of the state for which they have completed enrollment and licensure. HSS (Health Standards Section) notifies the OCDD State Office when an enrolled provider is removed from the active Medicaid provider file and requires removal from the Freedom of Choice list. Notification will include the reason and the date of closure.

The time frame for obtaining a license is approximately three to four months once a provider has submitted a completed application and paid the required fee. Once the licensing process is completed, the enrollment process takes fifteen (15) working days from receipt of a completed enrollment application form.

Once the licensing process is completed, the enrollment process proceeds.

Prior to enrolling in Medicaid, Fiscal Employer Agent providers must complete the following process:

1. Obtain readiness review approval from Medicaid.
2. Sign the Medicaid Performance Agreement
3. Once the above are reviewed and approved by Medicaid, complete Medicaid provider enrollment through LDH's fiscal intermediary at the following link:

[https://www.lamedicaid.com/Provweb1/Provider\\_Enrollment/ProviderEnrollmentIndex.htm](https://www.lamedicaid.com/Provweb1/Provider_Enrollment/ProviderEnrollmentIndex.htm)

Following completion of the above steps, the provider is listed on the Provider Freedom of Choice form for the appropriate service area.

**g. State Option to Provide HCBS in Acute Care Hospitals in accordance with Section 1902(h)(1) of the Act.** Specify whether the state chooses the option to provide waiver HCBS in acute care hospitals. *Select one:*

**No, the state does not choose the option to provide HCBS in acute care hospitals.**

**Yes, the state chooses the option to provide HCBS in acute care hospitals under the following conditions.** *By checking the boxes below, the state assures:*

**The HCBS are provided to meet the needs of the individual that are not met through the provision of acute care hospital services;**

The HCBS are in addition to, and may not substitute for, the services the acute care hospital is obligated to provide;

The HCBS must be identified in the individual's person-centered service plan; and

The HCBS will be used to ensure smooth transitions between acute care setting and community-based settings and to preserve the individual's functional abilities.

*And specify:* (a) The 1915(c) HCBS in this waiver that can be provided by the 1915(c) HCBS provider that are not duplicative of services available in the acute care hospital setting; (b) How the 1915(c) HCBS will assist the individual in returning to the community; and (c) Whether there is any difference from the typically billed rate for these HCBS provided during a hospitalization. If yes, please specify the rate methodology in Appendix I-2-a.

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## Appendix C: Participant Services

### Quality Improvement: Qualified Providers

*As a distinct component of the state's quality improvement strategy, provide information in the following fields to detail the state's methods for discovery and remediation.*

#### a. Methods for Discovery: Qualified Providers

*The state demonstrates that it has designed and implemented an adequate system for assuring that all waiver services are provided by qualified providers.*

##### i. Sub-Assurances:

- a. *Sub-Assurance: The state verifies that providers initially and continually meet required licensure and/or certification standards and adhere to other standards prior to their furnishing waiver services.*

##### Performance Measures

*For each performance measure the state will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

##### Performance Measure:

**C.a.i.a.1. Number and percentage of new HCBS providers who meet HCBS licensing standards prior to furnishing waiver services. Percentage = Number of HCBS providers who meet HCBS licensing standards prior to furnishing waiver services. / Total number of initial HCBS providers**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Aspen**

Responsible Party for	Frequency of data	Sampling Approach
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<b>data collection/generation</b> (check each that applies):	<b>collection/generation</b> (check each that applies):	(check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div></div>
<b>Other</b> Specify: <div>Health Standards Section</div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify: <div></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div>Health Standards Section</div>	<b>Annually</b>

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

**Performance Measure:**

**C.a.i.a.2. Number and percentage of HCBS providers that continually meet HCBS licensing standards. Percentage = Number of HCBS providers that continually meet HCBS licensing standards / Total number of licensed HCBS providers surveyed**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

ASPEN

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; padding: 2px; display: inline-block;">95%</div>
<b>Other</b> Specify: <div style="border: 1px solid black; padding: 2px; display: inline-block;">Health Standards Section</div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:

		Combination of complaint surveys and licensures
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	

**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis (check each that applies):	Frequency of data aggregation and analysis(check each that applies):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
<b>Other</b> Specify: <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Health Standards Section</div>	Annually
	Continuously and Ongoing
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

**b. Sub-Assurance: The state monitors non-licensed/non-certified providers to assure adherence to waiver requirements.**

*For each performance measure the state will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**C.a.i.b.2-Number and percentage of Self-Direction employees who cleared criminal background checks prior to waiver services. Numerator=Number of Self-Directions employees who cleared criminal background checks prior to waiver services;**

**Denominator=Total number of hired self-direction employees reviewed in the sample.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Fiscal Agent Report Review**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; padding: 5px; margin-top: 5px;">             10% random sampling review of all background check reports.           </div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

**Performance Measure:**

**C.a.i.b.1. Number and percentage of unlicensed providers who meet Medicaid enrollment requirements. Numerator = Number of unlicensed providers who meet Medicaid enrollment requirements; Denominator = Total number of unlicensed provider applicants.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Medicaid Fiscal Intermediary**

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div></div>

<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group:  <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  <input type="text"/>
	<b>Other</b> Specify:  <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**c. Sub-Assurance:** *The State implements its policies and procedures for verifying that provider training is conducted in accordance with state requirements and the approved waiver.*

*For each performance measure the state will use to assess compliance with the statutory assurance, complete the following. Where possible, include numerator/denominator.*

For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**C.a.i.c.1. The number and percentage of HCBS licensed providers meeting annual provider training requirements in accordance with state laws/policies. Percentage = Numerator = Number of HCBS licensed providers meeting annual provider training requirements in accordance with state laws/policies; Denominator= Total number of licensed HCBS providers surveyed**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Training verification records**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95%</div>
<b>Other</b> Specify: <div>Health Standards Section</div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div>Combination of complaint surveys and licensures</div>
	<b>Other</b> Specify:	

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**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text" value="Health Standards Section"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the state to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

C.a.i.c.1: LDH is required to maintain a registry of individuals to include information concerning any documentation of any investigation for findings of abuse, neglect, extortion, exploitation and misappropriation of property, including a summary of findings after an action is final. Employers must use the registry to determine if a prospective hire is registered and if there is a finding of abuse, neglect or misappropriation. An individual may not be hired unless s/he is in good standing or s/he is a trainee enrolled in a training program of a provider or school with an approved training curriculum.

C.a.i.a.2: A provisional license may be issued to a provider that has deficiencies which are not a danger to the health and welfare of clients. They are issued for a period up to six months. A license may not be renewed or may be revoked when applicable licensing standards are not met.

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the state's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction and the state's method for analyzing information from individual problems, identifying systemic deficiencies, and implementing remediation actions. In addition, provide information on the methods used by the state to document these items.

For services provided in the Children's Choice, the general remediation procedure the State utilizes if for the LGE staff to review data on corrective actions and identify which items are unclear or need revision. Staff work with the provider to ensure that the corrective action plan is clear, reasonable and has been implemented to address the concerns.

C.a.i.a.1 and C.a.i.a.2: For every deficiency cited, the provider must submit a plan of correction. If acceptable, a follow up survey will be conducted. This will be accomplished either via onsite visit or via written evidence submitted by the provider, depending on the deficiency(ies). The plan of correction will require the provider to give a completion date (no more than 60 days) for each deficiency as well as the staff person responsible for monitoring and assuring continued compliance. Failure to come into substantial compliance could result in non-renewal, license revocation with cancellation of

the Medicaid provider agreement. Civil monetary penalties may be imposed for deficiencies resulting in abuse, neglect, actual harm or death to a client or when there are repeat deficiencies within 18 months. Failure to pay the fine results in withholding the money from vendor payment.

C.a.i.a.2: If a provisional license is issued, the provider will be reviewed at the end of the provisional license period to determine compliance. If the provider is still not in compliance, the license may not be renewed or license revocation may be initiated.

C.a.i.b.2: OCDD will monitor a random sample of 10% of newly hired staff for participant's who have chosen the self-direction option to ensure that background screenings have been done. If it is found that staff was allowed to work without a background screening, remediation will be required from the Fiscal Agent.

FEAs will be expected to comply with all items in the performance agreement. The performance agreement will be used as the monitoring tool. FEAs will be given a corrective action plan and/or may be required to pay a penalty. Medicaid will monitor all FEA providers annually.

## ii. Remediation Data Aggregation

### Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party( <i>check each that applies</i> ):	Frequency of data aggregation and analysis ( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

## c. Timelines

When the state does not have all elements of the quality improvement strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Qualified Providers that are currently non-operational.

No

Yes

Please provide a detailed strategy for assuring Qualified Providers, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix C: Participant Services

### C-3: Waiver Services Specifications

Section C-3 'Service Specifications' is incorporated into Section C-1 'Waiver Services.'

## Appendix C: Participant Services

**a. Additional Limits on Amount of Waiver Services.** Indicate whether the waiver employs any of the following additional limits on the amount of waiver services (*select one*).

**Not applicable-** The state does not impose a limit on the amount of waiver services except as provided in Appendix C-3.

**Applicable** - The state imposes additional limits on the amount of waiver services.

When a limit is employed, specify: (a) the waiver services to which the limit applies; (b) the basis of the limit, including its basis in historical expenditure/utilization patterns and, as applicable, the processes and methodologies that are used to determine the amount of the limit to which a participant's services are subject; (c) how the limit will be adjusted over the course of the waiver period; (d) provisions for adjusting or making exceptions to the limit based on participant health and welfare needs or other factors specified by the state; (e) the safeguards that are in effect when the amount of the limit is insufficient to meet a participant's needs; (f) how participants are notified of the amount of the limit. (*check each that applies*)

**Limit(s) on Set(s) of Services.** There is a limit on the maximum dollar amount of waiver services that is authorized for one or more sets of services offered under the waiver.  
*Furnish the information specified above.*

**Prospective Individual Budget Amount.** There is a limit on the maximum dollar amount of waiver services authorized for each specific participant.  
*Furnish the information specified above.*

**Budget Limits by Level of Support.** Based on an assessment process and/or other factors, participants are assigned to funding levels that are limits on the maximum dollar amount of waiver services.  
*Furnish the information specified above.*

**Other Type of Limit.** The state employs another type of limit.  
*Describe the limit and furnish the information specified above.*

## Appendix C: Participant Services

### C-5: Home and Community-Based Settings

Explain how residential and non-residential settings in this waiver comply with federal HCB Settings requirements at 42 §§ CFR 441.301(c)(4)-(5) and associated CMS guidance. Include:

1. Description of the settings in which 1915(c) HCBS are received. (*Specify and describe the types of settings in which waiver services are received.*)

2. Description of the means by which the state Medicaid agency ascertains that all waiver settings meet federal HCB Setting requirements, at the time of this submission and in the future as part of ongoing monitoring. *(Describe the process that the state will use to assess each setting including a detailed explanation of how the state will perform on-going monitoring across residential and non-residential settings in which waiver HCBS are received.)*

3. By checking each box below, the state assures that the process will ensure that each setting will meet each requirement:

**The setting is integrated in and supports full access of individuals receiving Medicaid HCBS to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid HCBS.**

**The setting is selected by the individual from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board. *(see Appendix D-1-d-ii)***

**Ensures an individual's rights of privacy, dignity and respect, and freedom from coercion and restraint.**

**Optimizes, but does 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.**

**Facilitates individual choice regarding services and supports, and who provides them.**

**Home and community-based settings do not include a nursing facility, an institution for mental diseases, an intermediate care facility for individuals with intellectual disabilities, a hospital; or any other locations that have qualities of an institutional setting.**

**Provider-owned or controlled residential settings. *(Specify whether the waiver includes provider-owned or controlled settings.)***

**No, the waiver does not include provider-owned or controlled settings.**

**Yes, the waiver includes provider-owned or controlled settings. *(By checking each box below, the state assures that each setting, in addition to meeting the above requirements, will meet the following additional conditions):***

**The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the state, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the state must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS participant, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law.**

**Each individual has privacy in their sleeping or living unit:**

**Units have entrance doors lockable by the individual.**

**Only appropriate staff have keys to unit entrance doors.**

**Individuals sharing units have a choice of roommates in that setting.**

**Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.**

**Individuals have the freedom and support to control their own schedules and activities.**

**Individuals have access to food at any time.**

**Individuals are able to have visitors of their choosing at any time.**

**The setting is physically accessible to the individual.**

**Any modification of these additional conditions for provider-owned or controlled settings, under § 441.301(c)(4)(vi)(A) through (D), must be supported by a specific assessed need and justified in the person-centered service plan(see Appendix D-1-d-ii of this waiver application).**

## **Appendix D: Participant-Centered Planning and Service Delivery**

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### **D-1: Service Plan Development (1 of 8)**

#### **State Participant-Centered Service Plan Title:**

Comprehensive Plan of Care (CPOC)
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- a. Responsibility for Service Plan Development.** Per 42 CFR § 441.301(b)(2), specify who is responsible for the development of the service plan and the qualifications of these individuals. Given the importance of the role of the person-centered service plan in HCBS provision, the qualifications should include the training or competency requirements for the HCBS settings criteria and person-centered service plan development. *(Select each that applies):*

**Registered nurse, licensed to practice in the state**

**Licensed practical or vocational nurse, acting within the scope of practice under state law**

**Licensed physician (M.D. or D.O)**

**Case Manager** (qualifications specified in Appendix C-1/C-3)

**Case Manager** (qualifications not specified in Appendix C-1/C-3).

*Specify qualifications:*

Louisiana identifies “Case Management” as “Support Coordination.” Support Coordinators' qualifications are the same as case managers.

Case Manager (CM) must meet the following:

Case Manager Qualifications: Must meet the following:

1. A bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education; or
2. A currently licensed registered nurse (RN); or
3. A bachelor's or master's degree in a human service field which includes; psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation; or
4. A bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in a human service field which includes; psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehab services, child development, substance abuse, gerontology, and vocational rehabilitation

Case Management Supervisor qualifications include an additional two years of paid post degree experience in providing case management services.

1. A bachelor's or master's degree in social work from a program accredited by the Council on Social Work Education and two years of paid post degree experience in providing support coordination services; or
2. A currently licensed registered nurse with at least two years of paid nursing experience; or
3. A bachelor's or master's degree in a human service related field which includes psychology, education, counseling, social services, sociology, philosophy, family and consumer sciences, criminal justice, rehabilitation services, child development, substance abuse, gerontology, and vocational rehabilitation and two years of paid post degree experience in providing support coordination services; or
4. A bachelor's degree in liberal arts or general studies with a concentration of at least 16 hours in one of the fields listed in #3 and two years of paid post degree experience in providing support coordination services.

#### **Social Worker**

*Specify qualifications:*

#### **Other**

*Specify the individuals and their qualifications:*

## **Appendix D: Participant-Centered Planning and Service Delivery**

### **D-1: Service Plan Development (2 of 8)**

- b. Service Plan Development Safeguards.** Providers of HCBS for the individual, or those who have interest in or are employed by a provider of HCBS; are not permitted to have responsibility for service plan development except, at the option of the state, when providers are given responsibility to perform assessments and plans of care because such individuals are the only willing and qualified entity in a geographic area, and the state devises conflict of interest protections. *Select one:*

**Entities and/or individuals that have responsibility for service plan development may not provide other direct waiver services to the participant.**

**Entities and/or individuals that have responsibility for service plan development may provide other direct waiver services to the participant. Explain how the HCBS waiver service provider is the only willing and**

*qualified entity in a geographic area who can develop the service plan:*

*(Complete only if the second option is selected)* The state has established the following safeguards to mitigate the potential for conflict of interest in service plan development. *By checking each box, the state attests to having a process in place to ensure:*

- Full disclosure to participants and assurance that participants are supported in exercising their right to free choice of providers and are provided information about the full range of waiver services, not just the services furnished by the entity that is responsible for the person-centered service plan development;**
- An opportunity for the participant to dispute the state's assertion that there is not another entity or individual that is not that individual's provider to develop the person-centered service plan through a clear and accessible alternative dispute resolution process;**
- Direct oversight of the process or periodic evaluation by a state agency;**
- Restriction of the entity that develops the person-centered service plan from providing services without the direct approval of the state; and**
- Requirement for the agency that develops the person-centered service plan to administratively separate the plan development function from the direct service provider functions.**

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (3 of 8)

- c. Supporting the Participant in Service Plan Development.** Specify: (a) the supports and information that are made available to the participant (and/or family or legal representative, as appropriate) to direct and be actively engaged in the service plan development process and (b) the participant's authority to determine who is included in the process.

Following selection of and linkage to a Support Coordinator agency, the assigned Support Coordinator explains all available services in the waiver during the initial contact so that the participant and his/her family/legal representatives can make informed choices. The participant/family is also informed of any procedural safeguards, their rights and responsibilities, how to request a change of Support Coordination agencies or Direct Service Providers, and the grievance and/or complaint procedures. Printed information is given to the participant/family at this visit. The Support Coordinator provides assistance in gaining access to the full range of needed services including medical, social, educational, and/or other supports as identified by the participant/family.

The initial planning meeting is conducted in a face-to-face visit in the participant's/family's place of residence. Virtual meeting may be allowed if criteria is met as defined in the OCDD Policy and Procedures manual. If a virtual meeting is held, electronic verification is acceptable. During this visit, the participant/family chooses who will be part of his/her planning process as his/her support team. The Support Coordinator assists the participant/family in contacting the team members with the date(s) and time(s) of meeting(s). The Support Coordinator facilitates the planning meeting with the participant/family driving the planning process.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (4 of 8)

- d. i. Service Plan Development Process.** In four pages or less, describe the process that is used to develop the participant-centered service plan, including: (a) who develops the plan, who participates in the process, and the timing of the plan; (b) the types of assessments that are conducted to support the service plan development process, including securing information about participant needs, preferences and goals, and health status; (c) how the participant is informed of the services that are available under the waiver; (d) how the plan development process ensures that the service plan addresses participant goals, needs (including health care needs), and preferences; (e) how waiver and other services are

coordinated; (f) how the plan development process provides for the assignment of responsibilities to implement and monitor the plan; (g) how and when the plan is updated, including when the participant's needs changed; (h) how the participant engages in and/or directs the planning process; and (i) how the state documents consent of the person-centered service plan from the waiver participant or their legal representative. State laws, regulations, and policies cited that affect the service plan development process are available to CMS upon request through the Medicaid agency or the operating agency (if applicable):

#### a. PLAN OF CARE DEVELOPMENT AND TIMING

The process from Linkage to certification is 90 days.

Support Coordinator (SC) makes initial contact with the participant/family, and begins the development of the Plan of Care (POC).

The SC contacts the participant/family to arrange a planning meeting at a time and location convenient to the participant/family.

The POC is developed through a collaborative support team process involving the participant, family, friends or other support systems, legal representatives, the SC, appropriate professionals/service providers, and others who the participant/family chooses to be involved.

The POC must be approved prior to the expiration of the previous POC.

The LGE staff have ten (10) working days in which to review the information, complete the precertification home visit and approve the POC prior to waiver services beginning.

Every 6-9 months, the SC and the participant/family, and others the participant/family chooses to be present, review the POC to determine if the goals identified on the POC are being achieved, the participant's/family's needs, including health and welfare are being addressed, and to make any adjustments or changes to the POC as necessary.

The entire team meets annually to review and revise the POC for the upcoming service year. The annual date of the POC does not change, even if there has been a recent meeting to revise the services.

#### b. ASSESSMENTS

Personal interviews are conducted with each participant/family during the POC development process.

During the assessment process the SC collects the following information:

- i. The personal outcomes envisioned, defined and prioritized by the participant/family;
- ii. Medical/physical information and documentation; psychosocial/behavioral information and documentation such as, school evaluations, DD SNAP, ICAP and all available documentation.
- iii. Developmental/intellectual information and documentation;
- iv. Socialization/recreational information and documentation, including relationships that are important to the participant/family and the social environment of the participant/family;
- v. Patterns of the participant's/family everyday life;
- vi. Identification of natural supports;
- vii. Information and documentation on financial resources;
- viii. Educational/vocational information and documentation;
- ix. Information on the current status of housing and the physical environment;
- x. Information about previously successful and unsuccessful strategies to achieve the participant's family's desired personal outcomes; and
- xi. Any other information relevant to understanding the supports and services needed by the participant/family to achieve the desired personal outcomes.

A reassessment may be conducted at any time, particularly with a significant change, but must be completed within seven (7) calendar days of notice of a change in the participant's status. The assessment process is ongoing, and designed to reflect changes in the participant's life, individual needs, and changing personal outcomes, including strengths, needs, preferences, abilities, and resources.

#### c. HOW PARTICIPANTS ARE INFORMED OF AVAILABLE SERVICES

The participant and his/her legal representatives are informed of available waiver services during the initial contact with the SC and again during the POC development process.

#### d. INCORPORATION OF PARTICIPANT GOALS/NEEDS/PREFERENCES IN PLAN

The POC must incorporate the following required components:

- i. The participant's needs, preferences, prioritized personal outcomes and specific strategies to achieve or maintain the desired personal outcomes, focusing first on natural/community supports and, if needed, paid services;
- ii. An action plan which will lead to the implementation of strategies to address the participant's needs and achieve his/her desired personal outcomes, including action steps, review dates and individuals who will be responsible for specific steps, ensuring that the steps which are incorporated empower and help the participant to develop independence, growth, and self-management;

- iii. Budget payment mechanism, as applicable;
- iv. Target/resolution dates for the achievement/maintenance of personal outcomes;
- v. Frequency and location of the SC's face-to-face contacts with the participant/family, service providers, and others in the support network;
- vi. Identification of the preferred formal and informal service providers and specification of the service arrangements; and
- vii. Identification of individuals who will assist the SC in planning, building/implementing supports, or direct services; and
- viii. Signatures on the POC from the participant/family and all support team members present indicating their agreement with the POC.

It is the requirement of this information and its inclusion in the POC that ensures the participant's/family's goals, needs, including health care needs, and preferences are addressed.

#### e. COORDINATION OF WAIVER SERVICES

Waiver and other identified services on the POC are coordinated through the SC.

SC's are required to make monthly contact with each participant/family, and make a face-to-face visit once every 6 - 9 months. During these contacts SC reviews information on the POC, tracks progress on identified goals and time lines, and gets updated information on the progress of natural supports identified on the POC.

The participant and his/her legal representatives may contact the SC at any time for assistance. Formal monthly contacts offer another opportunity for the participant and his/her legal representatives to request a support team meeting in order to make formal revisions to the POC, and for the SC to request to do a reassessment or provide for a new evaluation.

#### f. ASSIGNMENT OF RESPONSIBILITIES TO IMPLEMENT AND MONITOR PLAN

Each goal identified on the POC has a time frame for accomplishment. The SC is responsible for monitoring the progress of goals to ensure that they are completed or revisions are made as necessary when identified goals change, or cannot be accomplished within the identified time frames.

During the development of the POC different support team members volunteer, or are asked to take on roles and responsibilities to facilitate linkage of the participant/family to the identified services and supports that are outside of the paid Medicaid services. The SC gets information on the progress of these assignments during monthly contacts with the participant and his/her legal representatives.

#### g. HOW AND WHEN PLAN IS UPDATED

The POC is revised annually or as necessary to meet the needs of the participant / family and submitted to the Support Coordination supervisor or LGE as defined in OCDD policy no later than thirty five (35) calendar days prior to expiration.

SC supervisor will approve the annual POC of participants whose health and welfare can be assured with current amounts of waiver services and POC that have no changes in services and are meeting the service needs of the participant. All plan approval documentation must be submitted to LGE.

The SC contacts the participant/family to arrange a POC meeting at a time and location convenient to the participant/family.

Changes must be reflected in a POC revision submitted to the appropriate LGE.

Emergency POC revisions must be submitted within twenty-four hours (24), or the next working day of the occurrence.

Routine POC revisions, such as vacations or family schedules, must be submitted seven (7) working days prior to the change.

The participant/family may request a complete POC review by LGE staff at any time during POC year if they believe current POC to be unsatisfactory or is inadequate in meeting their service needs.

- ii. HCBS Settings Requirements for the Service Plan. *By checking these boxes, the state assures that the following will be included in the service plan:*

**The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board.**

For provider owned or controlled settings, any modification of the additional conditions under 42 CFR § 441.301(c)(4)(vi)(A) through (D) must be supported by a specific assessed need and justified in the person-centered service plan and the following will be documented in the person-centered service plan:

A specific and individualized assessed need for the modification.

Positive interventions and supports used prior to any modifications to the person-centered service plan.

Less intrusive methods of meeting the need that have been tried but did not work.

A clear description of the condition that is directly proportionate to the specific assessed need.

Regular collection and review of data to measure the ongoing effectiveness of the modification.

Established time limits for periodic reviews to determine if the modification is still necessary or can be terminated.

Informed consent of the individual.

An assurance that interventions and supports will cause no harm to the individual.

## Appendix D: Participant-Centered Planning and Service Delivery

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### D-1: Service Plan Development (5 of 8)

**e. Risk Assessment and Mitigation.** Specify how potential risks to the participant are assessed during the service plan development process and how strategies to mitigate risk are incorporated into the service plan, subject to participant needs and preferences. In addition, describe how the service plan development process addresses backup plans and the arrangements that are used for backup.

Information from various assessments conducted during the planning process is used to identify any potential risks, which are then addressed through mitigation strategies that are included in the POC.

In addition, information gained during interviews with the participant and his/her legal representatives and support team members, as well as information from the LGE pre-certification visit is also used during the initial planning process to identify potential risks to the participant.

The participant and all support team members are given informed choice regarding the inclusion of any strategies recommended to be included in an initial or revised POC. The initial or revised POC with the included strategies must be signed and dated by all support team members.

Recommendations from support team members on strategies to mitigate specific risk are incorporated into the POC. LGE reviews recommendations, makes additional recommendations, and/or refers the issue to the OCDD State Office for input prior to approval of an initial or revised POC.

## BACK-UP PLANS

All enrolled providers of waiver services must possess the capacity to provide the support and services required by the participant in order to insure the participant's health and welfare as outlined in the POC, and are required to have functional Individualized Back-Up Plans consistent with the participant's POC. When paid supports are scheduled to be provided by an enrolled provider of waiver services, that provider is responsible for providing all necessary staff to fulfill the health and welfare needs of the participant, including times when scheduled direct support staff is absent, unavailable or unable to work for any reason.

The identified enrolled provider of waiver services cannot use the participant's informal support system as a means of meeting the agency's individualized back-up plan, and/or emergency evacuation response plan requirements unless agreed to by the participant/family because the family prefers to make other arrangements.

The identified enrolled provider of waiver services must have in place policies and procedures that outline the protocols the agency has established to assure that back-up direct support staff are readily available, lines of communication and chain-of-command have been established, and procedures are in place for dissemination of the back-up plan information to participants, their legal representatives, and SC.

It is the identified enrolled provider of waiver services' responsibility to develop the back-up plan and provide it to the SC in a time frame that will allow it to be submitted for review/approval as a part of the POC.

The SC is responsible for working with the participant, his/her family, friends, and providers during initial and subsequent POC meetings to establish plans to address these situations.

The SC assists the participant and the support team members to identify individuals who are willing and able to provide a back-up system during times when paid supports are not scheduled on the participant's POC.

All back-up plans must include detailed strategies and person-specific information that addresses the specialized care and supports needed by the participant as identified in the POC. Back-up POC must be updated no less than annually to assure information is kept current and applicable to the participant's needs at all times.

## EMERGENCY EVACUATION PLANS

An Emergency Evacuation Response Plan must be developed in addition to the individual back-up POC, be included in the participants POC, and reviewed a minimum of once each POC year.

An Emergency Evacuation Response Plan provides detailed information for responding to potential emergency situations such as fires, hurricanes, hazardous materials release, tropical storms, flash flooding, ice storms, and terrorist acts.

The Emergency Evacuation Response Plan must include at a minimum the following components:

- Individualized risk assessment of potential health emergencies;

- Geographical and natural disaster emergencies, as well as potential for any other emergency conditions;

- A detailed plan to address participant's individualized evacuation needs, including a review of individualized backup POC;

- Policies and procedures outlining the agency's protocols regarding implementation of Emergency Evacuation Response Plans and how these plans are coordinated with the local Office of Emergency Preparedness and Homeland Security;

- Establishment of effective lines of communication and chain-of-command, and procedures for dissemination of Emergency Response Plan to participants and SC's; and

- Protocols outlining how and when direct support staff and participants are to be trained in Emergency Evacuation Response Plan implementation and post emergency protocols.

- Training for direct support staff must occur prior to any worker being solely responsible for the support of the

participant, and participants must be provided with regular, planned opportunities to practice the Emergency Evacuation Response Plan.

Support coordinators and providers assess participants and identify factors that put waiver participants at risk and affect or may affect their health and/or welfare through the initial medical certification, and the plan of care (POC) process with input from the participant, family and provider initially, annually and whenever a significant change in status occurs. Ongoing monitoring assesses the effectiveness of the support strategies and identifies changes in the participant's needs and/or other health and welfare concerns. The frequency and intensity of the monitoring must be adjusted to meet the needs of the participant and corresponds to the level of identified risk.

Support Coordinators are also required to develop an all-hazards emergency preparedness plan and monitor that it is current and viable. Direct care providers must provide a back-up staffing plan for every individual served to be used for back up if a direct support worker is not available as scheduled. SCs are required to monitor whether the individualized Back-up Staffing Plan is current and viable. To further lessen participant risk, the State assures continuous participant and service provider access to support coordination through 24/7 emergency telephone contact number on the support coordination level.

For self-direction, the participant's support coordinator assists the participant in developing a functional back-up plan, which may include the use of direct care providers or other viable support systems, to ensure participants' continuity of services.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (6 of 8)

**f. Informed Choice of Providers.** Describe how participants are assisted in obtaining information about and selecting from among qualified providers of the waiver services in the service plan.

The participant and his/her legal representative(s) are informed of the services available under the waiver during the initial contact.

Part of this contact involves a discussion of Freedom of Choice of enrolled waiver providers, the availability of all services, as well as what the participant and his/her legal representatives require from SC. The Freedom of Choice list includes all providers in the participants region that are enrolled to provide specific waiver services.

The participant and his/her legal representative are encouraged by the SC to interview or visit each provider agency they are interested in, in order to make informed choices.

The SC can assist the participant/family in setting up appointments to interview the different provider agencies, they can assist the participant/family regarding what questions they can ask the potential providers, and they can refer them to Families Helping Families or other advocacy groups. The SC will assist with any other needs the participant/family may have in selecting a qualified provider.

The SC is not allowed to make recommendations and does not coerce the participant/family in making their decision.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (7 of 8)

**g. Process for Making Service Plan Subject to the Approval of the Medicaid Agency.** Describe the process by which the service plan is made subject to the approval of the Medicaid agency in accordance with 42 CFR § 441.301(b)(1)(i):

Through a Memorandum of Understanding (MOU) with OCDD and HSA/D now referred to as the LGE, the Medicaid agency (BHSF) has delegated approval of POC. BHSF will receive data reports quarterly and/or conduct reviews of documents (which may include plans of care) as part of the BHSF's oversight activities. This is done to assure that the operating agency is complying with all HCBS regulations related to service planning, is following the Children's Choice Waiver application requirements, and is identifying areas of deficiency on the POC and implementing appropriate corrective actions. OCDD and/or LGE and BHSF will collaborate on any corrective actions as needed.

The LGE through delegation contained in the MOU, reviews and approves 100% of all initial and revisions to the POC. Annual plans of care may be approved by the SC or LGE based on OCDD Policy and Procedures. LGE staff will review annual POC during SC monitoring. LGE staff conducts these reviews to assure the following:

- That all supports and services needed by the participant to achieve his/her goals, regardless of funding source or availability are identified on the POC;
- Information from any standardized assessments is included;
- Information in the POC is compatible with the LOC;
- Potential risks are identified and strategies are included to mitigate risks; and
- Personal outcomes are identified and the POC includes actions to achieve/maintain priority personal goals of the participant.

## Appendix D: Participant-Centered Planning and Service Delivery

### D-1: Service Plan Development (8 of 8)

- h. Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update, when the individual's circumstances or needs change significantly, or at the request of the individual, to assess the appropriateness and adequacy of the services as participant needs change. Specify the minimum schedule for the review and update of the service plan:

**Every three months or more frequently when necessary**

**Every six months or more frequently when necessary**

**Every twelve months or more frequently when necessary**

**Other schedule**

*Specify the other schedule:*

- i. Maintenance of Service Plan Forms.** Written copies or electronic facsimiles of service plans are maintained for a minimum period of 3 years as required by 45 CFR § 92.42. Service plans are maintained by the following (*check each that applies*):

**Medicaid agency**

**Operating agency**

**Case manager**

**Other**

*Specify:*

## Appendix D: Participant-Centered Planning and Service Delivery

### D-2: Service Plan Implementation and Monitoring

- a. Service Plan Implementation and Monitoring.** Specify: (a) the entity (entities) responsible for monitoring the implementation of the service plan, participant health and welfare, and adherence to the HCBS settings requirements under 42 CFR §§ 441.301(c)(4)-(5); (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

The SC is responsible for monitoring the implementation of the POC, the participant's health and welfare and the effectiveness of the POC in meeting the participant's needs and preferences.

The SC contacts the participant/family within ten (10) working days after the initial POC is approved to assure the appropriateness and adequacy of service delivery.

SC makes monthly contacts with each participant/family. One contact per 6-9 months must be a face-to-face visit or complete a virtual visit.

During these contacts the SC checks to make sure that:

- There is access to waiver and non-waiver services identified in the POC, including access to health services;
  - The services outlined on the POC meet the needs of the participant;
  - The participant/family is satisfied with the service providers he/she has chosen;
  - Services are being furnished in accordance with the POC;
  - The participant's health and welfare needs are being met; and
  - Back-up POC, if utilized, are effective.
- Information from SC monitoring is maintained at the SC agency's physical office. SC's must refer any findings during contacts or visits that appear to be out of compliance with federal or state regulations, and OCDD policies to the LGE for review and recommendations. If the finding cannot be resolved at the local level, the LGE office will refer it to the OCDD State Office to be resolved.
  - Revisions to the POC reflect the results of the monitoring. During the monitoring of POC implementation, if changes are needed a revision to the POC will be completed. All revisions must be reviewed and prior approved by LGE. Emergency revisions to the POC must be submitted to LGE within 24 hours or next business day. Routine revisions must be submitted to LGE within at least seven (7) days prior to the change.

- b. Monitoring Safeguard.** Providers of HCBS for the individual, or those who have interest in or are employed by a provider of HCBS; are not permitted to have responsibility for monitoring the implementation of the service plan except, at the option of the state, when providers are given this responsibility because such individuals are the only willing and qualified entity in a geographic area, and the state devises conflict of interest protections. *Select one:*

**Entities and/or individuals that have responsibility to monitor service plan implementation, participant health and welfare, and adherence to the HCBS settings requirements may not provide other direct waiver services to the participant.**

**Entities and/or individuals that have responsibility to monitor service plan implementation, participant health and welfare, and adherence to the HCBS settings requirements may provide other direct waiver services to the participant because they are the only the only willing and qualified entity in a geographic area who can monitor service plan implementation.** (*Explain how the HCBS waiver service provider is the only willing and qualified entity in a geographic area who can monitor service plan implementation.*)

(*Complete only if the second option is selected*) The state has established the following safeguards to mitigate the potential for conflict of interest in monitoring of service plan implementation, participant health and welfare, and adherence to the HCBS settings requirements. *By checking each box, the state attests to having a process in place to ensure:*

**Full disclosure to participants and assurance that participants are supported in exercising their right to free choice of providers and are provided information about the full range of waiver services, not just the services furnished by the entity that is responsible for the person-centered service plan development;**

**An opportunity for the participant to dispute the state's assertion that there is not another entity or individual**

that is not that individual's provider to develop the person-centered service plan through a clear and accessible alternative dispute resolution process;

Direct oversight of the process or periodic evaluation by a state agency;

Restriction of the entity that develops the person-centered service plan from providing services without the direct approval of the state; and

Requirement for the agency that develops the person-centered service plan to administratively separate the plan development function from the direct service provider functions.

## Appendix D: Participant-Centered Planning and Service Delivery

### Quality Improvement: Service Plan

As a distinct component of the state's quality improvement strategy, provide information in the following fields to detail the state's methods for discovery and remediation.

#### a. Methods for Discovery: Service Plan Assurance/Sub-assurances

*The state demonstrates it has designed and implemented an effective system for reviewing the adequacy of service plans for waiver participants.*

##### i. Sub-Assurances:

- a. *Sub-assurance: Service plans address all participants' assessed needs (including health and safety risk factors) and personal goals, either by the provision of waiver services or through other means.*

##### Performance Measures

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

##### Performance Measure:

**D.a.i.a.2. Number and percentage of plans of care in which services and supports align with the participant's assessed risk. Percentage = Number of plans of care that meet the assessed risks of waiver participants / Total number of plans of care reviewed in the sample.**

**Data Source** (Select one):

**Analyzed collected data (including surveys, focus group, interviews, etc)**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/- 5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify: <div></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div></div>

**Performance Measure:**

**D.a.i.a.1. Number and percentage of plans of care in which services and supports align with the participants' assessed needs. Numerator = Number of plans of care that meet the assessed needs of waiver participants; Denominator = Total number of plans of care reviewed in the sample.**

**Data Source (Select one):**

**Analyzed collected data (including surveys, focus group, interviews, etc)**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/- 5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify: <div></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

**Performance Measure:**

**D.a.i.a.3. Number and percentage of plans of care that address participants' personal goals. Numerator = Number of plans of care that address participants' personal goals; Denominator = Total number of plans of care reviewed in the sample.**

**Data Source** (Select one):

**Analyzed collected data (including surveys, focus group, interviews, etc)**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; padding: 2px; display: inline-block;">95% +/- 5%</div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%; margin-top: 5px;"></div>

	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

- b. Sub-assurance:** *Service plans are updated/revised at least annually, when the individual's circumstances or needs change significantly, or at the request of the individual.*

**Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

- c. *Sub-assurance: Services are delivered in accordance with the service plan, including the type, scope, amount, duration, and frequency specified in the service plan.*

### Performance Measures

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

### Performance Measure:

**D.a.i.c.2 Number and percentage of participants whose plans of care were reviewed and revised to address changing needs. Number of plans of care revised to address changing needs/total number of participants whose quarterly contact indicated a changing need.**

**Data Source** (Select one):

**Analyzed collected data (including surveys, focus group, interviews, etc)**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/- 5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify:	

	<input type="text"/>	
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**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <input type="text"/>	Annually
	Continuously and Ongoing
	Other Specify: <input type="text"/>

**Performance Measure:**

**D.a.i.c.1** Number and percentage of annual plans of care received prior to the expiration date of the approved plan of care. Percentage = Number of annual plans of care received by due date / Total number of plans of care due during reporting period.

**Data Source** (Select one):

**Analyzed collected data** (including surveys, focus group, interviews, etc)

If 'Other' is selected, specify:

Responsible Party for data collection/generation ( <i>check each that applies</i> ):	Frequency of data collection/generation ( <i>check each that applies</i> ):	Sampling Approach ( <i>check each that applies</i> ):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative

		<b>Sample</b> Confidence Interval = <div>           Confidence Interval            =95% +/-5%         </div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify: <div></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
<b>Other</b> Specify: <div></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div></div>

**d. Sub-assurance: Participants are afforded choice between/among waiver services and providers.****Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**D.a.i.d.2 Number and percent of participants who received services in the scope, amount, frequency and duration specified in the plan of care. Numerator = Number of participants who received services in the scope, amount, frequency and duration specified in the plan of care; Denominator = Total number of participants.**

**Data Source** (Select one):

**Other**

If 'Other' is selected, specify:

**Medicaid Data Contractor**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div></div>
<b>Other</b> Specify: <div>Medicaid Data Contractor</div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>

	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 150px; margin-top: 10px;"></div>	
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**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
<b>Other</b> Specify: <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">Medicaid Data Contractor</div>	Annually
	Continuously and Ongoing
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 200px; margin-top: 10px;"></div>

**Performance Measure:**

**D.a.i.d.1. Number and percentage of participants who received all types of services specified in the plan of care. Numerator = Number of participants who received all types of services specified in the plan of care; Denominator = Total number of participants.**

**Data Source (Select one):****Other**

If 'Other' is selected, specify:

**Medicaid Data Contractor**

Responsible Party for data collection/generation ( <i>check each that applies</i> ):	Frequency of data collection/generation ( <i>check each that applies</i> ):	Sampling Approach ( <i>check each that applies</i> ):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text" value="Medicaid Data Contractor"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

- e. *Sub-assurance: The state monitors service plan development in accordance with its policies and procedures.*

### Performance Measures

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

### Performance Measure:

**D.a.i.e.2. Number and percentage of waiver participants with a valid signature, defined as the participants/authorized representative's signature, on the plan of care which verifies that available services were discussed with the waiver participants.**

**Percentage = Number of participants with a valid signature on the plan of care/**

**Number of participants reviewed in the sample.**

**Data Source** (Select one):

**Record reviews, on-site**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/-5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b>	

	Specify: <div></div>	
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**Data Aggregation and Analysis:**

Responsible Party for data aggregation and analysis ( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

**Performance Measure:**

**D.a.i.e.1. Number and percentage of waiver participants with a valid signature,** defined as the participant's/authorized representative's signature, on the plan of care which verifies that the freedom of choice was offered among waiver providers.  
**Percentage = Number of waiver participants with a valid signature on the plan of care/ Total number of participants reviewed in the sample.**

**Data Source (Select one):****Record reviews, on-site**

If 'Other' is selected, specify:

Responsible Party for data collection/generation ( <i>check each that applies</i> ):	Frequency of data collection/generation ( <i>check each that applies</i> ):	Sampling Approach ( <i>check each that applies</i> ):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review

<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div>95% +/- 5%</div>
<b>Other</b> Specify: <div></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div></div>
	<b>Other</b> Specify: <div></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div></div>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the state to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

For all performance measures except D.a.i.c.1(Updated prior to plan expire), D.a.i.d.1, and D.a.i.d.2, OCDD LGE staff perform monitoring of support coordination agencies at least annually utilizing the OCDD Support Coordination Monitoring Tools: Participant Interview, Participant Record Review, Support Coordinator Interview, and Agency Review. The sample size will be large enough for a confidence level of 95% + or – 5%. The number of participants from the statewide sample to be included in each support coordination agency (SCA) sample will be proportional to the percentage of participants linked to each agency on the date the sample is generated. An SCA's sample size will be determined separately for each region in which the SCA operates.

For all performance measures except D.a.i.c.1, D.a.i.d.1 and D.a.i.d.2., the specific criteria for these measures are found in the OCDD Interpretive Guidelines for the OCDD Participant Record Review with a parallel set of guidelines entitled "Guidelines for Support Planning" for support coordinators.

D.a.i.c.1 measures the first part of sub-assurance c., whether the service plan was updated at least annually. The Medicaid Data contractor is responsible for prior authorization of services and authorizes services based up receipt of an approved service plan. Data is then entered into the contractor data system which provides 100% representativeness for this measure.

D.a.i.c.2 measures the second part of sub-assurance c., whether service plans are updated when warranted by changes in the waiver participant's needs. The data source is the OCDD Participant Record Review and the responsible party for data collection/generation is the LGE.

D.a.i.d.1, and D.a.i.d.2: the Medicaid data contractor prior authorizes services according the approved service plan and enters post authorization of service once a provider has verified service delivery. This data is utilized to determine whether the participant received the type, scope, amount, duration, and frequency specified in the service plan. The method for validating this information is collected by the Support Coordination Agency during the quarterly reviews in the home and entered into the Louisiana Service Reporting System (LaSRS) which is accessed by the Medicaid Data Contractor to validate if the services have been delivered in the type, amount, frequency, duration, of services identified in the plan of care. The Support Coordination Agency and the LGE review the data quarterly for these measures.

Regarding D.a.i.e.1 and D.a.i.e.2, a valid signature on the service plan is either the signature of a participant with the capacity to approve the plan or a person who has been designated on the OCDD Authorized Representative Form as such.

## **b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the state's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction and the state's method for analyzing information from individual problems, identifying systemic deficiencies, and implementing remediation actions. In addition, provide information on the methods used by the state to document these items.

The State's method for addressing individual problems identified through performance measures D.a.i.c.1., D.a.i.d.1., D.a.i.d.2 is as follows:

D.a.i.c.1: The LGE receives quarterly reports from the Medicaid Data Contractor for review. If the participant's annual Plan of Care (POC) was not submitted within the required timeline, the LGE will contact the support coordination agency. The support coordination agency will have 10 days to respond identifying why the plans of care were not timely submitted. Depending upon the scope and persistence of such problems, OCDD may pursue sanctions as outlined in the Support Coordination Performance Agreement including withholding payment.

D.a.i.d.1: The LGE receives quarterly reports from the Medicaid Data Contractor in order to review trends and patterns of under-utilization of services. If this appears to be an isolated event, the LGE will follow up with the support coordination agency to determine the reason and the support coordinator shall revise the POC as necessary. If the POC revision is not submitted within the timeframe, OCDD shall pursue sanctions as outlined in the Support Coordination Performance Agreement. If this appears to be widespread, the LGE will consult with OCDD State Office who will then bring the issue to the Performance Review Committee and the OCDD Executive Management team for review and resolution.

D.a.i.d.2: The LGE receives quarterly reports from the Medicaid Data Contractor in order to review trends and patterns of under-utilization of services. If the LGE discovers under-utilization due to a particular agency, among certain services, lack of availability of services, etc., the LGE will consult with OCDD State Office who will then bring the issue to the Performance Review Committee and the OCDD Executive Management Team for review and resolution.

The State's method for addressing individual problems identified through the remaining performance measures is as follows: LGE staff perform monitoring of Support Coordinator Agencies (SCA) at least annually utilizing the OCDD Support Coordination Monitoring Tools: Participant Interview; Participant Record Review; Support Coordinator Interview; and Agency Review. The processes for scoring and determining the necessity for corrective actions are located in the "Updated Guidelines for Scoring, Corrective Action and Follow-up Monitoring." After all elements are assessed and scored, the LGE reviewer documents the findings, including the Statement of Determination which delineates every POC remediation required and required responses/plans of correction expected from the SCA. Based on the scope and severity of findings, the SCA is assigned a Statement of Determination at Level I, Level II, or Level III. The LGE and/or State Office follow-up according to timelines associated with each level to ensure that plans of correction are implemented and effective. Level III determinations are those having the actual or potential for immediate jeopardy. In these cases, the SCA must develop a plan of correction that includes the identification of the problem; full description of the underlying causes of the problem; actions/interventions that target each underlying cause; responsibility, timetable, and resources required to implement interventions; measurable indicators for assessing performance; and plans for monitoring desired progress and reporting results. In addition, OCDD takes enforcement action to assure the health and safety of participants. Actions include, but are not limited to: transfer of participants who are/may be in jeopardy; removal of SCA agency from the freedom of choice list; suspension of all new admissions; financial penalties; suspension of contract/certifications as a provider of SC services.

If a Plan of Correction, Progress Report and/or Follow-up Report remains unapproved by the time of the next annual review the agency placed on the next level with more stringent requirements. With a finding of satisfactory or a recommendation for improvement no remediation is required. These remediation activities will be documented through tracking events in the Support Coordination Monitoring database.

Training will be necessary when trends are detected in plans of care that do not address: participant goals, needs (including health care needs), and preferences; how waiver and other services are coordinated; and identification of responsibilities to implement the plan. The training requirements depend on the Support Coordination Monitoring findings and are based on the criteria found in OCDD Interpretive Guidelines for the OCDD Participant Record Review with a parallel set of guidelines entitled "Guidelines for Support Planning" for support coordinators.

An unsatisfactory plan of care is one with criteria "not met" according to the OCDD Interpretive Guidelines for the OCDD Participant Record Review and parallel set of guidelines entitled "Guidelines for Support Planning" for support coordinators.

## ii. Remediation Data Aggregation

### Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party( <i>check each that applies</i> ):	Frequency of data aggregation and analysis ( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify: <div></div>	Annually
	Continuously and Ongoing
	Other Specify: <div></div>

**c. Timelines**

When the state does not have all elements of the quality improvement strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Service Plans that are currently non-operational.

**No**

**Yes**

Please provide a detailed strategy for assuring Service Plans, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix E: Participant Direction of Services

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**Applicability** (from Application Section 3, Components of the Waiver Request):

**Yes. This waiver provides participant direction opportunities.** Complete the remainder of the Appendix.

**No. This waiver does not provide participant direction opportunities.** Do not complete the remainder of the Appendix.

*CMS urges states to afford all waiver participants the opportunity to direct their services. Participant direction of services includes the participant exercising decision-making authority over workers who provide services, a participant-managed budget or both.*

## Appendix E: Participant Direction of Services

---

### E-1: Overview (1 of 13)

- a. Description of Participant Direction.** In no more than two pages, provide an overview of the opportunities for participant direction in the waiver, including: (a) the nature of the opportunities afforded to participants; (b) how participants may take advantage of these opportunities; (c) the entities that support individuals who direct their services and the supports that they provide; and, (d) other relevant information about the waiver's approach to participant direction.

Self-Direction is a service delivery option which allows participants (or their authorized representative) to exercise Employer Authority in the delivery of their authorized self-directed services (Individual Family Support).

Participants are informed of all available services and service delivery options, including Self-Direction, at the time of the initial assessment, annually, or as requested by participants or their authorized representative. Participants, who are interested in Self-Direction, need only notify their Support Coordinator who will facilitate the enrollment process.

A Medicaid enrolled fiscal/employer agent is responsible for processing the participant's employer-related payroll, withholding and depositing the required employment-related taxes, and sending payroll reports to the participant or his/her authorized representative.

Support Coordinators assist participants by providing the following activities:

Providing Freedom of Choice for Self-Direction FEA

- The development of the participant's Plan of Care;
- Organizing the unique resources the participant needs;
- Training participants on their employer responsibilities;
- Completing required forms for participation in Self-Direction;
- Back-up service planning;
- Budget planning;
- Verifying that potential employees meet program qualifications; and
- Ensuring participant's' needs are being met through services.

## Appendix E: Participant Direction of Services

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### E-1: Overview (2 of 13)

**b. Participant Direction Opportunities.** Specify the participant direction opportunities that are available in the waiver.  
*Select one:*

**Participant: Employer Authority.** As specified in *Appendix E-2, Item a*, the participant (or the participant's representative) has decision-making authority over workers who provide waiver services. The participant may function as the common law employer or the co-employer of workers. Supports and protections are available for participants who exercise this authority.

**Participant: Budget Authority.** As specified in *Appendix E-2, Item b*, the participant (or the participant's representative) has decision-making authority over a budget for waiver services. Supports and protections are available for participants who have authority over a budget.

**Both Authorities.** The waiver provides for both participant direction opportunities as specified in *Appendix E-2*. Supports and protections are available for participants who exercise these authorities.

**c. Availability of Participant Direction by Type of Living Arrangement.** *Check each that applies:*

Participant direction opportunities are available to participants who live in their own private residence or the home of a family member.

Participant direction opportunities are available to individuals who reside in other living arrangements where services (regardless of funding source) are furnished to fewer than four persons unrelated to the proprietor.

The participant direction opportunities are available to persons in the following other living arrangements

Specify these living arrangements:

## Appendix E: Participant Direction of Services

### E-1: Overview (3 of 13)

**d. Election of Participant Direction.** Election of participant direction is subject to the following policy (*select one*):

Waiver is designed to support only individuals who want to direct their services.

The waiver is designed to afford every participant (or the participant's representative) the opportunity to elect to direct waiver services. Alternate service delivery methods are available for participants who decide not to direct their services.

The waiver is designed to offer participants (or their representatives) the opportunity to direct some or all of their services, subject to the following criteria specified by the state. Alternate service delivery methods are available for participants who decide not to direct their services or do not meet the criteria.

*Specify the criteria*

To be eligible, the participant must:

- Be able to participate in the Self-Direction option without a lapse in or decline in quality of care or an increased risk to health and welfare. Health and welfare safeguards are articulated in Appendix G of this document and include the application of a comprehensive monitoring strategy and risk assessment and management system.
  - Complete the training programs (e.g. initial enrollment training) designated by OCDD.
  - Understand the rights, risks, and responsibilities of managing his/her own care, effectively managing his/her Plan of Care; or if unable to make decisions independently have a willing decision maker (authorized representative as listed on the participant's Plan of Care) who understands the rights, risks, and responsibilities of managing the care and supports of the participant within their Plan of Care.
- 3.

## Appendix E: Participant Direction of Services

### E-1: Overview (4 of 13)

- e. Information Furnished to Participant.** Specify: (a) the information about participant direction opportunities (e.g., the benefits of participant direction, participant responsibilities, and potential liabilities) that is provided to the participant (or the participant's representative) to inform decision-making concerning the election of participant direction; (b) the entity or entities responsible for furnishing this information; and, (c) how and when this information is provided on a timely basis.

Participants are informed of the Self-Direction option at the time of the initial assessment, annually, or as requested by participants or their authorized representative. If the participant is interested, the support coordinator will then provide more information on the principles of self-determination, the services that can be self-directed, the roles and responsibilities of each service option, the benefits and risks of each service option, and the process for enrolling in Self-Direction.

Prior to enrolling in Self-Direction, the participant or his/her authorized representative is trained by the support coordinator on the material contained in the Self-Direction Employer Handbook. This includes training the participant (or his/her authorized representative) on the process for completing the following duties:

1. Best practices in recruiting, hiring, training, and supervising staff.
2. Determining and verifying staff qualifications;
3. The process for obtaining criminal background checks on staff;
4. Determining the duties of staff based on the service specifications;
5. Determining the wages for staff within the limits set by the state;
6. Scheduling staff and determining the number of staff needed.
7. Orienting and instructing staff in duties;
8. Best practices for evaluating staff performance;
9. Verifying time worked by staff and approving timesheets;
10. Terminating staff, as necessary;
11. Emergency Evacuation Plan,
12. Back-up planning.

This training also includes a discussion on the differences between Self-Direction and other service delivery options (which includes the benefits, risks, and responsibilities associated with each service option) and the roles and responsibilities of the employer, support coordinator, and fiscal/employer agent.

Participants who choose Self-Direction are provided with a copy of the Self-Direction Employer Handbook by the support coordinator or OCDD. Participants verify that they have received the required training from their support coordinator and a copy of the Self-Direction Employer Handbook by signing the "Service Agreement" form.

The Self-Direction Employer Handbook was developed through contribution and feedback from participants and families to ensure that the information included is easy-to-understand and addresses participants' perspectives.

## Appendix E: Participant Direction of Services

### E-1: Overview (5 of 13)

**f. Participant Direction by a Representative.** Specify the state's policy concerning the direction of waiver services by a representative (*select one*):

**The state does not provide for the direction of waiver services by a representative.**

**The state provides for the direction of waiver services by representatives.**

Specify the representatives who may direct waiver services: (*check each that applies*):

**Waiver services may be directed by a legal representative of the participant.**

**Waiver services may be directed by a non-legal representative freely chosen by an adult participant.**

Specify the policies that apply regarding the direction of waiver services by participant-appointed representatives, including safeguards to ensure that the representative functions in the best interest of the participant:

Participants have the right to have a non-legal authorized representative perform the employer or managing employer responsibilities. The support coordinator is responsible to ensure that the selected authorized representative agrees to fulfill the responsibilities of the employer or managing employer by ensuring the completion of the standard agreement form. If an authorized representative is desired by the participant, they must:

- Effectuate the decision the participant would make for himself/herself;
- Accommodate the participant, to the extent necessary that they can participate as fully as possible in all decisions that affect them;
- Give due consideration to all information including the recommendations of other interested and involved parties; and
- Embody the guiding principles of self-determination.

A participant may designate any person 21 years of age or older as an authorized representative unless a legal representative has been designated by a court or is otherwise limited by existing or pending legal action prohibiting someone from serving as an authorized representative.

An authorized representative may not receive payment for functioning as an authorized representative, nor may they receive payment for any waiver service provided to support the participant.

The employer should act in the best interest of the participant hiring staff to meet his/her needs providing safeguard against exploration of the participant.

The support coordinator must recognize the participant's authorized representative as a decision-maker, and provide the authorized representative with all of the information, training, and support the support coordinator would typically provide to a participant who is self-directing. The support coordinator must fully inform the authorized representative of the rights and responsibilities of an authorized representative in accordance with established procedures. The support coordinator must have the authorized representative review and sign a standard agreement form, which must be given to the authorized representative and maintained by the support coordinator. The agreement lists the roles and responsibilities of the authorized representative; asserts that the authorized representative accepts the roles and responsibilities of this function; and asserts that the authorized representative will abide by Medicaid Waiver policies and procedures.

Service plan monitoring takes place with each participant. Several questions on the standard service plan monitoring tool can prompt the identification of any issues with the authorized representative not acting in the best interest of the participant. Issues noted on the monitoring tool are addressed by Supports Coordinators, LGE and OCDD.

The support coordinator is required to address and report any issues identified with the authorized representative's performance including but not limited to compliance to Medicaid Waiver policies on incident reporting and report any incident of suspected fraud or abuse.

- g. Participant-Directed Services.** Specify the participant direction opportunity (or opportunities) available for each waiver service that is specified as participant-directed in Appendix C-1/C-3.

Waiver Service	Employer Authority	Budget Authority
Family Support Services		

## Appendix E: Participant Direction of Services

### E-1: Overview (7 of 13)

- h. Financial Management Services.** Except in certain circumstances, financial management services are mandatory and integral to participant direction. A governmental entity and/or another third-party entity must perform necessary financial transactions on behalf of the waiver participant. *Select one:*

**Yes. Financial Management Services are furnished through a third party entity.** *(Complete item E-1-i).*

Specify whether governmental and/or private entities furnish these services. *Check each that applies:*

**Governmental entities**

**Private entities**

**No. Financial Management Services are not furnished. Standard Medicaid payment mechanisms are used.** *Do not complete Item E-1-i.*

## Appendix E: Participant Direction of Services

### E-1: Overview (8 of 13)

- i. Provision of Financial Management Services.** Financial management services (FMS) may be furnished as a waiver service or as an administrative activity. *Select one:*

**FMS are covered as the waiver service specified in Appendix C-1/C-3**

**The waiver service entitled:**

Financial Management Services

**FMS are provided as an administrative activity.**

**Provide the following information**

- i. Types of Entities:** Specify the types of entities that furnish FMS and the method of procuring these services:

Fiscal management services are provided by a Medicaid enrolled fiscal/employer agency.

- ii. Payment for FMS.** Specify how FMS entities are compensated for the administrative activities that they perform:

Fiscal Management entity bills services monthly to the Fiscal Intermediary.

- iii. Scope of FMS.** Specify the scope of the supports that FMS entities provide *(check each that applies):*

Supports furnished when the participant is the employer of direct support workers:

Assist participant in verifying support worker citizenship status

Collect and process timesheets of support workers

Process payroll, withholding, filing and payment of applicable federal, state and local employment-

**related taxes and insurance**

**Other**

*Specify:*

---

Supports furnished when the participant exercises budget authority:

---

**Maintain a separate account for each participant's participant-directed budget**

**Track and report participant funds, disbursements and the balance of participant funds**

**Process and pay invoices for goods and services approved in the service plan**

**Provide participant with periodic reports of expenditures and the status of the participant-directed budget**

**Other services and supports**

*Specify:*

---

Additional functions/activities:

---

**Execute and hold Medicaid provider agreements as authorized under a written agreement with the Medicaid agency**

**Receive and disburse funds for the payment of participant-directed services under an agreement with the Medicaid agency or operating agency**

**Provide other entities specified by the state with periodic reports of expenditures and the status of the participant-directed budget**

**Other**

*Specify:*

- iv. Oversight of FMS Entities.** Specify the methods that are employed to: (a) monitor and assess the performance of FMS entities, including ensuring the integrity of the financial transactions that they perform; (b) the entity (or entities) responsible for this monitoring; and, (c) how frequently performance is assessed.

The Bureau of Health Services Financing (BHSF) is responsible for the monitoring of the performance and financial integrity of FMS. BHSF performs monitoring of the fiscal/employer agent's claims payment activities, billing history, and adherence to the terms of Medicaid enrollment and performance agreement on an on-going basis. OCDD provides BHSF with any data or other relevant information regarding the fiscal/employer agent's performance. If any problems are identified (regardless of origination of issue), BHSF will require a corrective action plan from the fiscal/employer agent and will monitor its implementation.

Semi-monthly statements of participants' employer-related payroll activities are sent to the participant, BHSF, and the OCDD for review to monitor the utilization of plan of care units and payments.

In addition, BHSF requires that the fiscal/employer agent submit an annual independent audit by a Certified Public Accountant (CPA) to verify that expenditures are accounted for and disbursed according to generally accepted accounting principles

## Appendix E: Participant Direction of Services

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### E-1: Overview (9 of 13)

**j. Information and Assistance in Support of Participant Direction.** In addition to financial management services, participant direction is facilitated when information and assistance are available to support participants in managing their services. These supports may be furnished by one or more entities, provided that there is no duplication. Specify the payment authority (or authorities) under which these supports are furnished and, where required, provide the additional information requested (*check each that applies*):

**Case Management Activity.** Information and assistance in support of participant direction are furnished as an element of Medicaid case management services.

*Specify in detail the information and assistance that are furnished through case management for each participant direction opportunity under the waiver:*

Support Coordinators will inform participants of the Self-Direction option at the time of initial assessment, annually, and as requested by participants or their authorized representative. If participants or their authorized representative are interested, the Support Coordinator shall provide detailed information regarding the differences between service delivery options, roles and responsibilities in Self-Direction, and benefits and risks associated with Self-Direction. The Support Coordinator is responsible for providing the participant or their authorized representative with the Self-Direction Employer Handbook.

If the participant decides that he/she would like to participate in this option, the support coordinator shall notify the LGE office and the Self-Direction Program Manager. Once notified by LGE office that the participant is eligible to participate in Self-Direction, the Support Coordinator facilitates the scheduling of the initial Self-Direction planning meeting. Freedom of choice of FMS providers is offered to the waiver participant/authorized representative during this planning meeting.

Support coordinators will inform participants of the Self-Direction option at the time of initial assessment, annually, and as requested by participants or his/her authorized representative. If participants or his/her authorized representative are interested, the support coordinator shall provide detailed information regarding the differences between service delivery options, roles and responsibilities in Self-Direction, and benefits and risks associated with Self-Direction.

If the participant decides that he/she would like to participate in this option, the support coordinator shall notify the Local Governing Entity (LGE) and the Self-Direction Program Manager. Once notified by the LGE that the participant is eligible to participate in Self-Direction, the support coordinator facilitates the scheduling of the initial Self-Direction planning meeting.

The support coordinator will assist the participant and his/her authorized representative in determining direct care workers needed, preparing and completing of required forms as needed, determining what resources the participant will need to participate in Self-Direction, and arranging for other needed supports and services. The support coordinator will be responsible for training the participant (or his/her authorized representative) on the material contained in the Self-Direction Employer Handbook, which includes information on recruiting, hiring, and managing staff.

The support coordinator will then facilitate planning and preparation of the plan of care/revision, which will be submitted to the LGE for approval. Support coordinators are responsible for monitoring service delivery and implementation dates, and updating the participant's plan of care annually or as changes in service needs occur. LGE will approve changes as needed.

Support coordinators also act as a resource and advocate for the participant in identifying and obtaining formal and informal supports, assist the participant in working with the fiscal/employer agent, and provides employment support and training to participants inclusive of the duties specified in Appendix E-2-a-ii.

#### **Waiver Service Coverage.**

Information and assistance in support of

participant direction are provided through the following waiver service coverage(s) specified in Appendix C-1/C-3 (check each that applies):

<b>Participant-Directed Waiver Service</b>	<b>Information and Assistance Provided through this Waiver Service Coverage</b>
<b>Art Therapy</b>	
<b>Hippotherapy</b>	
<b>Housing Stabilization Service</b>	
<b>Music Therapy</b>	
<b>Aquatic Therapy</b>	
<b>Therapeutic Horseback Riding</b>	
<b>Family Training</b>	

Participant-Directed Waiver Service	Information and Assistance Provided through this Waiver Service Coverage
Specialized Medical Equipment and Supplies	
Center-Based Respite	
Housing Stabilization Transition Service	
Financial Management Services	
Family Support Services	
Support Coordination	
Sensory Integration	
Environmental Accessibility Adaptations	

**Administrative Activity.** Information and assistance in support of participant direction are furnished as an administrative activity.

*Specify (a) the types of entities that furnish these supports; (b) how the supports are procured and compensated; (c) describe in detail the supports that are furnished for each participant direction opportunity under the waiver; (d) the methods and frequency of assessing the performance of the entities that furnish these supports; and, (e) the entity or entities responsible for assessing performance:*

## Appendix E: Participant Direction of Services

### E-1: Overview (10 of 13)

**k. Independent Advocacy** (*select one*).

**No. Arrangements have not been made for independent advocacy.**

**Yes. Independent advocacy is available to participants who direct their services.**

*Describe the nature of this independent advocacy and how participants may access this advocacy:*

All waiver participants have access to independent advocacy through the Disability Rights Louisiana formerly the Advocacy Center of Louisiana.

The Disability Rights Louisiana has a multi-disciplinary staff of lawyers, paralegals, client advocates and support staff who provide the following services: legal representation, advocacy assistance, information and referral, systems advocacy, education and training, self-advocacy, publications, and outreach.

The Disability Rights Louisiana is Louisiana's protection and advocacy system. Federal law requires that a protection and advocacy system operate in every state to protect the rights of persons with mental or physical disabilities. The Disability Rights Louisiana is also funded by the state to provide legal assistance to people residing in nursing homes in Louisiana and to advocate for the rights of group home and nursing home residents.

The Disability Rights Louisiana helps to give individuals the skills and knowledge to act on their own behalf. The Disability Rights provides a variety of booklets, reports, flyers, and other resources pertaining to persons with disabilities.

The Disability Rights Louisiana does not provide other direct services or perform waiver functions that have a direct impact on a participant.

Support coordinators are responsible for informing participants of the availability of independent advocacy.

## Appendix E: Participant Direction of Services

### E-1: Overview (11 of 13)

- l. Voluntary Termination of Participant Direction.** Describe how the state accommodates a participant who voluntarily terminates participant direction in order to receive services through an alternate service delivery method, including how the state assures continuity of services and participant health and welfare during the transition from participant direction:

Selection of Self-Direction option is strictly voluntary and the participant may choose at any time to withdraw and return to traditional payment option. Withdrawal requires a revision of the POC, eliminating the FMS and indicating the Medicaid-enrolled waiver service provider of choice. Procedures must follow those outlined in the Support Coordination Manual. Proper arrangements will be made by the support coordinator to ensure that there is no lapse in services.

Should the request for voluntary withdrawal occur, the participant will receive counseling and assistance from their support coordinator immediately upon identification of issues or concerns in any of the above situations.

## Appendix E: Participant Direction of Services

### E-1: Overview (12 of 13)

- m. Involuntary Termination of Participant Direction.** Specify the circumstances when the state will involuntarily terminate the use of participant direction and require the participant to receive provider-managed services instead, including how continuity of services and participant health and welfare is assured during the transition.

Involuntary termination may occur for the following reasons:

1. If the participant does not receive self-directed services for ninety days or more.
2. If at any time OCDD determines that the health, safety, and welfare of the participant is compromised by continued participation in the Self-Direction option, the participant will be required to return to the traditional payment option.
3. If there is evidence that the participant is no longer able to direct his/her own care and there is no responsible representative to direct the care and the support coordinator agrees, then the participant will be required to return to the traditional payment option.
4. If the participant or the authorized representative consistently:
  - a. Permits employees to work over the hours approved in the participant's plan of care or allowed by the participant's program
  - b. Places barriers to the payment of the salaries and related state and federal payroll taxes of direct support staff, as documented by the fiscal/employer agent.
  - c. Fails to provide required documentation of expenditures and related items, or fails to cooperate with the fiscal/employer agent or support coordinator in preparing any additional documentation of expenditures, as documented by the fiscal/employer agent and/or the support coordinator.
  - d. Violates Medicaid program rules or guidelines of the of the Self-Direction option.
5. If the participant becomes ineligible for Medicaid and/or home and community-based waiver services, the applicable rule for case closure/discharge will be applied; and/or
6. If there is proof of misuse of public funds.

When action is taken to terminate a participant from Self-Direction involuntarily, the support coordinator immediately assists the participant in accessing needed and appropriate services through the CC Waiver and other available programs, ensuring that no lapse in necessary services occurs for which the participant is eligible. There is no denial of services, only the transition to a different payment option. The participant and support coordinator are provided with a written notice explaining the reason for the action and citing the policy reference.

## Appendix E: Participant Direction of Services

### E-1: Overview (13 of 13)

**n. Goals for Participant Direction.** In the following table, provide the state's goals for each year that the waiver is in effect for the unduplicated number of waiver participants who are expected to elect each applicable participant direction opportunity. Annually, the state will report to CMS the number of participants who elect to direct their waiver services.

Table E-1-n

	Employer Authority Only	Budget Authority Only or Budget Authority in Combination with Employer Authority
Waiver Year	Number of Participants	Number of Participants
Year 1	943	
Year 2	943	
Year 3	970	
Year 4	1024	
Year 5	1078	

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant Direction (1 of 6)

**a. Participant - Employer Authority** Complete when the waiver offers the employer authority opportunity as indicated in

*Item E-1-b:***i. Participant Employer Status.** Specify the participant's employer status under the waiver. *Select one or both:*

**Participant/Co-Employer.** The participant (or the participant's representative) functions as the co-employer (managing employer) of workers who provide waiver services. An agency is the common law employer of participant-selected/recruited staff and performs necessary payroll and human resources functions. Supports are available to assist the participant in conducting employer-related functions.

Specify the types of agencies (a.k.a., agencies with choice) that serve as co-employers of participant-selected staff:

**Participant/Common Law Employer.** The participant (or the participant's representative) is the common law employer of workers who provide waiver services. An IRS-approved Fiscal/Employer Agent functions as the participant's agent in performing payroll and other employer responsibilities that are required by federal and state law. Supports are available to assist the participant in conducting employer-related functions.

**ii. Participant Decision Making Authority.** The participant (or the participant's representative) has decision making authority over workers who provide waiver services. *Select one or more decision making authorities that participants exercise:*

**Recruit staff**

**Refer staff to agency for hiring (co-employer)**

**Select staff from worker registry**

**Hire staff common law employer**

**Verify staff qualifications**

**Obtain criminal history and/or background investigation of staff**

Specify how the costs of such investigations are compensated:

The cost of criminal background checks are paid for by the BHSF upon receipt of monthly invoice of expenses from the FMS.

**Specify additional staff qualifications based on participant needs and preferences so long as such qualifications are consistent with the qualifications specified in Appendix C-1/C-3.**

Specify the state's method to conduct background checks if it varies from Appendix C-2-a:

As referenced in C-2a, the FMS is responsible for assuring that criminal background checks are conducted on all prospective self direction employees. Once the FMS verifies that the employee has cleared the background check, the employee is approved to provide services.

**Determine staff duties consistent with the service specifications in Appendix C-1/C-3.**

**Determine staff wages and benefits subject to state limits**

**Schedule staff**

**Orient and instruct staff in duties**

**Supervise staff**

**Evaluate staff performance**

**Verify time worked by staff and approve time sheets**

Discharge staff (common law employer)

Discharge staff from providing services (co-employer)

Other

Specify:

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (2 of 6)

**b. Participant - Budget Authority** *Complete when the waiver offers the budget authority opportunity as indicated in Item E-1-b:*

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**Answers provided in Appendix E-1-b indicate that you do not need to complete this section.**

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**i. Participant Decision Making Authority.** When the participant has budget authority, indicate the decision-making authority that the participant may exercise over the budget. *Select one or more:*

Reallocate funds among services included in the budget

Determine the amount paid for services within the state's established limits

Substitute service providers

Schedule the provision of services

Specify additional service provider qualifications consistent with the qualifications specified in Appendix C-1/C-3

Specify how services are provided, consistent with the service specifications contained in Appendix C-1/C-3

Identify service providers and refer for provider enrollment

Authorize payment for waiver goods and services

Review and approve provider invoices for services rendered

Other

Specify:

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (3 of 6)

**b. Participant - Budget Authority**

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**Answers provided in Appendix E-1-b indicate that you do not need to complete this section.**

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**ii. Participant-Directed Budget** Describe in detail the method(s) that are used to establish the amount of the participant-directed budget for waiver goods and services over which the participant has authority, including how the method makes use of reliable cost estimating information and is applied consistently to each participant. Information about these method(s) must be made publicly available.

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (4 of 6)

#### b. Participant - Budget Authority

Answers provided in Appendix E-1-b indicate that you do not need to complete this section.

- iii. **Informing Participant of Budget Amount.** Describe how the state informs each participant of the amount of the participant-directed budget and the procedures by which the participant may request an adjustment in the budget amount.

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (5 of 6)

#### b. Participant - Budget Authority

Answers provided in Appendix E-1-b indicate that you do not need to complete this section.

- iv. **Participant Exercise of Budget Flexibility.** *Select one:*

**Modifications to the participant directed budget must be preceded by a change in the service plan.**

**The participant has the authority to modify the services included in the participant directed budget without prior approval.**

Specify how changes in the participant-directed budget are documented, including updating the service plan. When prior review of changes is required in certain circumstances, describe the circumstances and specify the entity that reviews the proposed change:

## Appendix E: Participant Direction of Services

### E-2: Opportunities for Participant-Direction (6 of 6)

#### b. Participant - Budget Authority

Answers provided in Appendix E-1-b indicate that you do not need to complete this section.

- v. **Expenditure Safeguards.** Describe the safeguards that have been established for the timely prevention of the premature depletion of the participant-directed budget or to address potential service delivery problems that may be associated with budget underutilization and the entity (or entities) responsible for implementing these safeguards:

## Appendix F: Participant Rights

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### Appendix F-1: Opportunity to Request a Fair Hearing

The state provides an opportunity to request a Fair Hearing under 42 CFR Part 431, Subpart E to individuals: (a) who are not given the choice of home and community-based services as an alternative to the institutional care specified in Item 1-F of the request; (b) are denied the service(s) of their choice or the provider(s) of their choice; or, (c) whose services are denied, suspended, reduced or terminated. The state provides notice of action as required in 42 CFR §431.210.

**Procedures for Offering Opportunity to Request a Fair Hearing.** Describe how the individual (or his/her legal representative) is informed of the opportunity to request a fair hearing under 42 CFR Part 431, Subpart E. Specify the notice(s) that are used to offer individuals the opportunity to request a Fair Hearing. State laws, regulations, policies and notices referenced in the description are available to CMS upon request through the operating or Medicaid agency.

The Louisiana Medicaid Eligibility Manual states, “Every applicant for and enrollee of Louisiana Medicaid benefits has the right to appeal any agency action or decision and has the right to a fair hearing in the presence of an impartial hearing officer”. (Medicaid Eligibility Manual, T-100/Fair Hearings/General Information).

Both applicants and participants are afforded the right to request a fair hearing for services which have been denied, not acted upon with reasonable promptness, suspended, terminated, reduced or discontinued, La. R.S. 46:107. In accordance with La. R.S. 28.454.16, a person may file an administrative appeal to the Division of Administrative Law - LA Department of Health Section regarding the following determinations:

- 1) A finding by the office that the person does not qualify for system entry;
- 2) Termination of a support or service;
- 3) Discharge from the system; and/or
- 4) Other cases as stated in office policy or as promulgated in regulation.

During the initial assessment process, which must begin within seven (7) calendar days of referral/linkage of the participant to the support coordination agency, the support coordinator will give a participant and his/her legal representatives an OCDD information sheet entitled “Rights and Responsibilities for Applicants/Participants of a Home and Community Based Waiver” which includes information on how to file a complaint, grievance, or appeal with the Louisiana Department of Health. A copy of this information sheet is kept in the participant’s record at the support coordination agency’s physical location of business. In addition, the plan of care contains a section that addresses the right to a fair hearing within ten (10) days, and how to request a fair hearing, if the participant and his/her legal representatives disagree with any decision rendered regarding approval of the plan. Dated signatures of the participant, his/her legal representatives, and a witness are required on this section. Copies of the plan of care, including this section are kept in the appropriate Local Governing Entity (LGE) and the support coordination agency’s physical location of business.

If an individual does not receive the Louisiana Medicaid Long Term Care Choice of Service form offering the choice of home and community based services as an alternative to institutional care, and/or the Freedom of Choice form for support coordination and/or direct service providers, he/she or his/her legal representatives may request a fair hearing with the Division of Administrative Law in the Louisiana Department of Health in writing, by phone or e-mail. The LGE is responsible for giving information to the individual and his/her legal representatives of how to contact the Louisiana Department of Health Division of Administrative Law by writing, phone or e-mail, and how to contact The The Disability Rights of Louisiana (DRLA) by phone or mail. This is done at the time of enrollment and at any other time the participant and his/her legal representative requests the number(s).

BHSF utilizes the Adequate Notice of Home and Community Based Services Waiver Decision Form 18-W to notify individuals by mail if they have not been approved for Home and Community Based Waiver services due to financial ineligibility. A separate page is attached to this form entitled “Your Fair Hearing Rights.” This page contains information on how to request a fair hearing, how to obtain free legal assistance, and a section to complete if the individual is requesting a fair hearing. If the individual does not return this form, it does not prohibit his right to appeal and receive a fair hearing.

In accordance with 42CFR 431.206, 210 and 211, participants receiving waiver services, and their legal representatives are sent a certified letter with return receipt to ensure the participant receives it by the appropriate LGE providing ten (10) days advance and adequate notification of any proposed denial, reduction, or termination of waiver services. Included in the letter are instructions for requesting a fair hearing, and notification that an oral or written request must be made within ten (10) days of receipt of a proposed adverse action by the LGE in order for current waiver services to remain in place during the appeal process. If the appeal request is not made within ten (10) days, but is made within thirty (30) days, all Medicaid waiver services are discontinued on the eleventh (11) day; services that are continued until the final decision is rendered are not billable under the Medicaid waiver. If the final decision of the Administrative Law Judge is favorable to the appellant, services are re-implemented from the date of the final decision. An appeal hearing is not granted if the appeal request is made later than thirty (30) days following receipt of a proposed adverse action sent by the LGE. Once a request for an appeal is received, the LGE must submit the request to the Division of Administrative Law no later than seven (7) calendar days after receipt. A copy of the letter and the response/request is kept in the participant’s record at the appropriate LGE.

During an appeal request and/or fair hearing the Support Coordinator provides:

- Assistance as requested by the participant and his/her legal representatives;
- Documentation in progress notes of the status of the appeal; and
- Information the participant and his/her legal representatives need to complete the appeal or prepare for a fair hearing.

Anyone requesting an appeal has the right to withdraw the appeal request at any time prior to the hearing. The appellant may contact the Division of Administrative Law directly or may request withdrawal through the LGE office. Requests for withdrawal are kept in the participant's record at the appropriate LGE office.

Enrolled providers of waiver services provide participants and their legal representative notice in writing at least fifteen (15) days prior to the transfer or discharge from the provider agency with the proposed date of the transfer/discharge, the reason for the action, and the names of personnel available to assist the participant throughout the process. The enrolled provider of waiver services must also provide the participant and his/her legal representative with information on how to request an appeal of a decision for involuntary discharge. A copy of the notice of intent to transfer/discharge, and information that was provided on how to access the appeal process is kept in the participant's record at the enrolled provider of waiver services physical location of business.

All Administrative Hearings are conducted in accordance with the Louisiana Administrative Procedure Act, La. R.S. 49:950 et seq. Any party may appear and be heard at any appeals proceeding through an attorney at law or through a designated representative.

## Appendix F: Participant-Rights

### Appendix F-2: Additional Dispute Resolution Process

**a. Availability of Additional Dispute Resolution Process.** Indicate whether the state operates another dispute resolution process that offers participants the opportunity to appeal decisions that adversely affect their services while preserving their right to a Fair Hearing. *Select one:*

**No. This Appendix does not apply**

**Yes. The state operates an additional dispute resolution process**

- **Description of Additional Dispute Resolution Process.** Describe the additional dispute resolution process, including: (a) the state agency that operates the process; (b) the nature of the process (i.e., procedures and timeframes), including the types of disputes addressed through the process; and, (c) how the right to a Medicaid Fair Hearing is preserved when a participant elects to make use of the process: State laws, regulations, and policies referenced in the description are available to CMS upon request through the operating or Medicaid agency.

## Appendix F: Participant-Rights

### Appendix F-3: State Grievance/Complaint System

**a. Operation of Grievance/Complaint System.** *Select one:*

**No. This Appendix does not apply**

**Yes. The state operates a grievance/complaint system that affords participants the opportunity to register grievances or complaints concerning the provision of services under this waiver**

- **Operational Responsibility.** Specify the state agency that is responsible for the operation of the grievance/complaint system:

The Louisiana Department of Health, Health Standards Section (HSS) is responsible for the operation of the grievance/complaint system that involves licensing.

The OCDD and/or LGE is responsible for receiving, reporting, and responding to customer complaints received for people supported through their office including those supported through the waiver.

- **Description of System.** Describe the grievance/complaint system, including: (a) the types of grievances/complaints

that participants may register; (b) the process and timelines for addressing grievances/complaints; and, (c) the mechanisms that are used to resolve grievances/complaints. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

The OCDD and/or LGE is responsible for receiving, reporting and responding to customer complaints received from individuals supported through their office including those supported through the waiver in which the allegations involve alleged violations of waiver policy by the direct service provider and/or non-regulatory matters that are not handled by Health Standards. A complaint is a concern, dissatisfaction, or dispute expressed through written or verbal communication or expressed through other means, such as assistive devices, regarding: care, supports and services, action or inaction of staff, department or agency requirement, regulation or policy or other circumstances affecting quality of care or quality of life, including allegations of rights of violations. Each OCDD entity including LGE and State Office are responsible for receiving, reporting, and responding to customer complaints. Each OCDD entity is responsible for training their staff, participants, their families, and providers regarding OCDD's policy on customer complaints. A complaint may be made in person or by phone, fax, e-mail or mail to an OCDD entity. When a complaint is received by OCDD and/or LGE the complaint is reviewed to determine if the complaint can be resolved by OCDD or if the complaint needs to be referred to another agency (Bureau of Health, Protective Services etc.) for action/resolution. The initiation of the complaint review and follow-up occurs within two (2) business days of receipt of the complaint. Actions to resolve the complaint will be completed within thirty (30) calendar days of receipt of the complaint. A written response describing the actions in response to the complaint is mailed to the complainant within five (5) business days of the complaint action/resolution. OCDD and/or LGE will continue to follow up with other agencies regarding complaint action/resolution. All complaints are entered into a data base for tracking of complaints and quality management purposes.

Actions to resolve the complaint will be completed within fifteen calendar days of receipt of the complaint, unless an extension is granted.

The Louisiana Department of Health, Health Standards Section (HSS) is responsible for the operation of the Home and Community Based Waiver Complaint Line regarding complaints against licensed providers.

- The HSS complaint line is the central point of entry for all complaints regarding the waiver. The HSS maintains an established complaint line with a toll free number for participants and their legal representatives.
- The nature and scope of the complaint is at the discretion of the individual registering the complaint.
- The complaint line number is printed on business cards, brochures, and fact sheets. It is given to participants and their legal representative(s) at intake by their support coordinator. During the pre-certification visit the LGE staff checks to make sure that the information has been given to them. The support coordinator reviews the information during quarterly face to face visits, and each year at the annual plan of care team meeting, or whenever it is requested by the participant and his/her legal representative(s).

HSS and LGE staff, as well as, support agencies (e.g. Families Helping Families), distribute the HSS complaint line information when assisting participants and their legal representative(s). Direct service providers are also required to give the complaint line number to all participants.

- Support coordinators are responsible for informing participants and their legal representative(s) initially, annually or whenever information about the system is requested that filing a grievance or complaint is not a pre-requisite or substitute for a Fair Hearing. LGE staff checks to make sure that this information has been relayed to them during the pre-certification visit.
- If the LGE or OCDD State Office staff is contacted by a participant/legal representative(s), other state agency, support coordinator or provider wishing to file a complaint, the LGE or OCDD State Office staff will refer the complaint by fax to the HSS complaint line within 24 hours for tracking and distribution.
- HSS triages all complaints in the following manner:
  - o. Provider non-compliance licensing issues are resolved by HSS.
  - o. Complaints identified as abuse, neglect, exploitation or extortion are referred immediately to the appropriate bureau of protective services (Child Protective Services, Adult Protective Services).
  - o. All other types of complaints are referred to OCDD State Office for incident resolution. Complaints identified as critical events or incidents are investigated by the appropriate office within thirty (30) days of receipt of such report.

Pursuant to Louisiana Revised Statutes 40:2009.14 if the complaint involves provider non-compliance, HSS will investigate by telephone, provider report, or at the time of the next scheduled visit to the provider's facility and send a written report to the complainant within forty-five (45) days of receipt of the completed investigation, if a response to the complaint is requested by the complainant.

**a. Critical Event or Incident Reporting and Management Process.** Indicate whether the state operates Critical Event or Incident Reporting and Management Process that enables the state to collect information on sentinel events occurring in the waiver program.*Select one:*

**Yes. The state operates a Critical Event or Incident Reporting and Management Process** (*complete Items b through e*)

**No. This Appendix does not apply** (*do not complete Items b through e*)

If the state does not operate a Critical Event or Incident Reporting and Management Process, describe the process that the state uses to elicit information on the health and welfare of individuals served through the program.

**b. State Critical Event or Incident Reporting Requirements.** Specify the types of critical events or incidents (including alleged abuse, neglect and exploitation) that the state requires to be reported for review and follow-up action by an appropriate authority, the individuals and/or entities that are required to report such events and incidents and the timelines for reporting. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Critical events or incidents that are required to be reported as required by Louisiana Revised Statute 14:403.2, which defines reporting criteria pertaining to any known or suspected abuse, neglect, exploitation or extortion, by the discoverer of the incident immediately upon discovery to the appropriate protective services agency for review and follow-up action are:

- Abuse (adult), as defined in Louisiana Revised Statute 15:503.
- Abuse (child), as defined in Louisiana Children's Code, Article 1003.
- Exploitation (adult), as defined in Louisiana Revised Statute 15:503.
- Extortion (adult), as defined in Louisiana Revised Statute 15:503.
- Neglect (adult), as defined in Louisiana Revised Statute 15:503.
- Neglect (child), as defined in Children's Code, Article 1003.

The following categories of incidents as defined in OCDD Operational Instruction #F-5: Critical Incident reporting, Tracking and Follow-up Activities for Waiver Services are required to be reported in the LDH incident reporting system by the provider or Support Coordinator:

- Death-determined by physician or coroner who issues the death certificate. All deaths are reportable
- Fall-occurs when the beneficiary is found on the floor or ground unintentionally or who comes to rest on the floor or ground unintentionally
- Involvement with Law Enforcement occurs when a participant, his/her staff, or others responsible for the participant's care, are involved directly or indirectly in an alleged criminal manner, resulting in law enforcement becoming involved.
- Loss or Destruction of Home- defined as damage to or loss of the participant's home that causes harm or the risk of harm to the participant.
- Major Behavioral Incident defined as an incident engaged in by a participant that is alleged, suspected, or witnessed by the reporter that can reasonably be expected to result in harm, or that may affect the safety and well-being of the participant
- Major Illness defined as any substantial change in health status, (suspected or confirmed) which requires medical treatment.
- Major Injury defined as any suspected or confirmed wound or injury to a participant of known or unknown origin requiring medical attention by a licensed health care provider.
- Missing-participant unable to be located
- Restraint Use defined as the application of a physical hold (personal restraints), mechanical device (mechanical restraint), and/or medication (chemical restraint) for the purpose of restricting or suppressing an individual's movement or preventing an individual access to their body.
- Medication Errors defined as the administration or self-administration of medication in an incorrect form, not as prescribed or ordered, or to the wrong person, or the failure to administer or self-administer a prescribed medication, which requires or results in medical attention by a physician, nurse, dentist, or any licensed health care provider

The provider must verbally notify the support coordinator of a critical incident as soon as possible after taking all necessary actions to protect the participant from further harm and responding to the emergency needs of the participant. The Coordinator: The provider or Support Coordinator must create a critical incident report via the LDH incident reporting system by the close of next business day after incident discovery.

When critical incidents involve abuse, neglect, exploitation, or extortion those incidents are reported to the respective protective service agencies as follows based on the age of the person:

- o 0-17 years of age

CONDITION- Perpetrator is a DSW

Verbally report the incident to local law enforcement and to Child Protection Services (CPS) 1-855-452-5437

Complete & forward the LDH OCDD hard copy Critical Incident Report Form to law enforcement & LDH Health Standards Section

CONDITION- Perpetrator is not a DSW

Verbally report to (CPS) 1-855-452-5437

Complete & forward LDH OCDD hard copy Critical Incident Report Form to CPS

- o 18 years of age and above

Immediately report all allegations of abuse and neglect to Adult Protective Services (APS) & complete HCBS Critical

## Incident Report Form

- o 60 years and older-

Report to Elderly Protective Services if perpetrator is natural support (not an employee of a licensed provider agency) and submit hard copy report to the SCA.

- c. Participant Training and Education.** Describe how training and/or information is provided to participants (and/or families or legal representatives, as appropriate) concerning protections from abuse, neglect, and exploitation, including how participants (and/or families or legal representatives, as appropriate) can notify appropriate authorities or entities when the participant may have experienced abuse, neglect or exploitation.

The state provides information on reporting ANE to the participant, his/her family, legal representative or authorized representative during initial waiver planning/certification and annually thereafter.

Abuse, neglect and exploitation is discussed with the participant and/or families or legal representative initially by the support coordination agency, the local governing entity, and the provider agency. During the initial planning process, participants receive information regarding their right to be free from abuse, neglect and exploitation and how to report suspected abuse, neglect, or exploitation or extortion. Each participant and their legal guardian or authorized representative receive a copy of the OCDD Participant Rights and Responsibility form which contains the phone number to the Health Standards Complaint line, the OCDD Complaint Line as well as and the phone numbers to the different protective services agencies: Elderly Protective Services (EPS), Adult Protective Services (APS) or Child Protective Services (CPS) or Department of Children and Family Services.

During the annual plan of care meeting process, the OCDD Rights and Responsibilities form is reviewed and discussed, which includes a conversation regarding abuse, neglect, and exploitation. A copy of the OCDD Rights and Responsibilities form is given to the participant/family and is retained in the home. The form contains the phone number to the Health Standards Complaint line as well as the phone number to the different protective services agencies. Elderly Protective Services (EPS), Adult Protective Services (APS) or Child Protected Services (CPS).

On a yearly basis, the Support Coordinator is required to conduct 2 in-person face-to-face visit as well as virtual visits with the participant (and/or families or legal representatives as appropriate). As part of the visit, the Support Coordinator ensures that the Health Standards Complaint line number, the OCDD Complaint Line number and the toll-free telephone numbers for the other protective services agencies are available to the participant.

OCDD will make on-line training modules available for provider agencies, support coordinators and waiver personnel. The modules will cover definitions of abuse, neglect and exploitation of minors and adults, the responsibility to report suspected abuse, neglect or exploitation, and the responsibilities of licensed providers and support coordinators to report, follow up and take corrective actions as deemed necessary by protective services. Initial and annual review attendance will be tracked by the OCDD Training Section.

Additionally, on a 6 to 9 month basis, the Support Coordinator is required to conduct a face to face or virtual visit with the participant (and/or families or authorized representatives as appropriate). As part of the visit, the Support Coordinator ensures that the Health Standards Complaint line number, the OCDD Complaint Line number and the toll-free telephone numbers for other protective services agencies are available to the participant.

OCDD will make on-line training modules available for provider agencies, support coordinators and waiver personnel. The modules will cover definitions of abuse, neglect and exploitation of minors and adults, the responsibility to report suspected abuse, neglect or exploitation, and the responsibilities of licensed providers and support coordinators to report, follow up and take corrective actions as deemed necessary by protective services. Initial and annual review attendance will be tracked by the OCDD Training Section.

- d. Responsibility for Review of and Response to Critical Events or Incidents.** Specify the entity (or entities) that receives reports of critical events or incidents specified in item G-1-a, the methods that are employed to evaluate such reports, and the processes and time-frames for responding to critical events or incidents, including conducting investigations.



When a critical incident occurs, the following actions are taken:

Provider:

- Takes immediate action to assure that the participant is protected from further harm and must respond to any emergency needs of the participant. The provider must review each critical incident and record remedial actions taken in response to the incident within twenty-four (24) hours of the discovery of the incident, including reports made to protective services or law enforcement.
- Enters critical incident report information into the incident reporting system by close of business the next business day after notification of a critical incident;
- Cooperates with the appropriate protective service agency once an investigation commences if abuse/neglect/exploitation/extortion is reported. Supplies relevant information, records, and access to members of the agency conducting the investigation.
- Participates in planning meetings to resolve each critical incident or to develop strategies to prevent or mitigate the likelihood of similar incidents in the future.
- Tracks critical incidents and outcomes in order to identify remediation needs and quality improvement goals and to determine the effectiveness of strategies employed for incident resolution.

Support Coordinator:

- Monitors critical incidents entered into the incident reporting system by the provider on a daily basis;
- Contacts the DSP within two (2) hours of discovery if the incident is discovered by the Support Coordinator,
- Reports incidents involving abuse, neglect, exploitation, and extortion to Protective Services.
- Enters follow-up case note by close of the sixth (6th) business day after initial report;
- Continues to follow up with the DSP agency, the participant, the participant's family or natural supports, the LGE waiver office and any other entities involved, as necessary, and updates in the incident reporting system with case notes until the incident is resolved and the case is closed;
- Submits to the LGE waiver office a request for extension of open case in circumstances defined in OCDD Operational Instruction F-5;
- Convenes any planning meetings that may be needed to address remediation of the critical incident or develop strategies to prevent or mitigate the likelihood of similar critical incidents occurring in the future, and revise the POC accordingly;
- Conducts final supervisory review and closure of critical incidents within thirty (30) calendar days in the categories specifically authorized in OCDD Operational Instruction F-5, excluding incidents of death, abuse, neglect or risk management incidents that have crossed the threshold for referral to OCDD Clinical Review Committee as defined in OCDD Operational Instruction F-5.
- Sends the participant and DSP a copy of the Incident Participant Summary within fifteen (15) days after support coordinator or LGE waiver office final supervisory review and closure. The Summary will not include the identity of the reporter or any sensitive or unsubstantiated allegations. The Participant Summary is not distributed in the event of deaths;
- For transfer of open cases, the transferring support coordination agency must supply the accepting support coordination agency with the incident number(s) at the time of transfer of records. Additionally, the transferring support coordination agency must notify the accepting LGE waiver office. The accepting agencies must review, assign, take actions to resolve the incident, and enter into the case record in the incident reporting system until closure of the incident.
- Tracks trends and patterns of critical incidents to identify remediation needs and quality improvement goals and to determine the effectiveness of strategies employed.

The Support Coordination Agency/ Support Coordinator is responsible for informing the waiver participants (or participant's family or legal representative, as appropriate) of investigation results due to abuse, neglect, and exploitation within (15) days after the final supervisor review and closure of an incident by the local governing entity.

OCDD Operational Instruction F-5 (V.c.10, page 5) directs the following actions:

(The Support Coordinator will) Send the participant a copy of the incident participant summary within fifteen (15) days after final supervisory review and closure by the local governing entity. The participant summary should not include the identity of the reporters or any sensitive or unsubstantiated allegations. In the event of the participant's death, the participant summary should be forwarded to the Medicaid-authorized representative or legal guardian.

Local Governing Entity (LGE):

- Reviews all new incoming critical incident reports in the incident reporting system on a daily basis, , and assigns incidents with categories specified in OCDD Operational Instruction F-5 (abuse, neglect, death, and missing person) to staff within 1 business day for monitoring /follow-up.

- Identifies critical incidents as defined in OCDD Operational Instruction F-8, Risk Management Process for Waiver Services: Critical Incident Reviews that have crossed threshold for any participant and refers cases to the OCDD Clinical Review Committee.
- Assures that all activities occur within required timelines as detailed in OCDD Operational Instruction F-5 and F-8;
- Provides technical assistance to the support coordinator when timelines are not being met or the support coordinator reports an inability to identify necessary resources. Assists in making referrals to additional referral resources as needed;
- Immediately reports the incident to the appropriate protective service agency if the LGE suspects or becomes aware that a critical incident meets the definition of abuse, neglect, exploitation or extortion, and there is no documentation that the allegation has been reported to the appropriate protective services agency;
- Conducts follow-up monitoring of a sample of critical incidents where remedial actions required revision of the plan of care;
- Closes critical incident cases for abuse, neglect, death, attempted suicide and missing person after all necessary follow-up has occurred and documented in the critical incident report, within thirty (30) days.
- Grants extensions to timelines for closure to open incidents in categories as permitted in OCDD Operational Instruction F-5.
- Tracks trends and patterns of critical incidents to identify systemic remediation needs and quality improvement goals and to determine the effectiveness of strategies employed.

Department of Children & Family Services/ Child Protective Services (DCFS/CPS): Investigates allegations or reports of abuse, neglect or exploitation by a family member or legal guardian involving a waiver participant aged 0-17 years, based upon CPS policies and guidelines,

- Develops a protective plan and retains the authority to remove the minor participant from the home setting for his/her safety. The LGE waiver offices will coordinate continued waiver services contingent on CPS plan of protection.

Office of Adult & Aging Services/Adult Protective Services (APS) Investigates allegations of abuse, neglect, exploitation, or extortion involving a participant aged 18-59 when the alleged perpetrator is a family member, legal guardian, or other natural support person not employed by a licensed provider agency, based upon APS policies and guidelines.

APS develops a protective plan and retains the authority to remove the participant from the home setting for his/her safety. The LGE waiver offices will coordinate continued waiver services contingent on APS plan of protection.

Elderly Protective Services (EPS):

Investigates allegations of abuse, neglect, exploitation and extortion involving a participant aged 60 or older when the alleged perpetrator is a family member, legal guardian, or other natural support person not employed by a licensed provider agency, based upon EPS policies and guidelines.

EPS develops a protective plan and retains the authority to remove the participant from the home setting for his/her safety. The LGE waiver offices will coordinate continued waiver services contingent on EPS plan of protection. Health Standards Section (HSS):

HSS investigates allegations or reports of abuse, neglect, exploitation, or extortion when the alleged perpetrator is a provider licensed agency owner or employee, based upon HSS internal policy and guidelines.

HSS determines the level of jeopardy to waiver participants, issues findings and deficiencies, and requires a plan of correction from the provider to remediate the conditions that caused the incident. The LGE and support coordination agency will coordinate waiver services contingent on the plan of correction.

Law Enforcement:

- The provider and support coordinator are required to ensure that they contact law enforcement in the event of any allegation of child abuse or neglect involving participants under the age of 18. Protective services contacts law enforcement in the event of a substantiated case of abuse or neglect according to their policies and procedures.
- In the event of a participant's arrest for a crime, the provider and support coordinator contact law enforcement to assure that information about the participant's health needs, medications or other risk factors are conveyed to assure safety while in police custody.

OCDD State Office:

- Provides technical assistance to LGEs when all attempts to mitigate harm have been exhausted;
- Collaborates with protective service agencies, Health Standards, law enforcement and the judicial system to assure coordination of activities to mitigate harm in individual cases;
- Monitors timely closure of critical incidents and adherence to OCDD critical incident operational instructions by the direct service providers, support coordinators and LGEs;
- Conducts Clinical Incident Review Committee (CIRC) case reviews for participants who experience repeated critical

incidents as defined in OCDD Operational Instruction #F-8 Risk Management Process for Waiver Services: Critical Incident Incident Reviews. CIRC has the authority to issue recommendations for further action to providers, support coordination agencies and LGEs when it is discovered that practices by any one or combination of these entities have not sufficiently assured mitigation of potential harm. CIRC may, at its discretion, request a follow-up report on progress towards mitigation within 60 day timeline;

- Conducts Mortality Review Committee (MRC) meetings to analyze deaths of waiver participants, as described in OCDD Operational Instruction #F-1 Mortality Review for Waiver Participants. MRC has the authority to issue a request for corrective action to providers, support coordination agencies and LGEs when it is discovered that practices by any one or combination of these entities could potentially affect other participants negatively. The MRC request for corrective action can be issued in conjunction with corrective action plans issued by HSS.

- e. Responsibility for Oversight of Critical Incidents and Events.** Identify the state agency (or agencies) responsible for overseeing the reporting of and response to critical incidents or events that affect waiver participants, how this oversight is conducted, and how frequently.

OCDD is the State entity responsible for overseeing the operation of the incident management system. A multi-agency Memorandum of Understanding between OCDD and LGEs delegates the day to day responsibility for oversight of the reporting and response to critical incidents or events that affect waiver participants.

OCDD maintains the services of support coordination agencies through contracts that stipulate the requirements for compliance with waiver regulations.

OCDD State Office Quality Section analyzes trends and patterns in critical incident reports to identify potential quality enhancement goals and utilizes the critical incident data to determine the effectiveness of OCDD Quality Enhancement strategies.

OCDD provides the State Medicaid Agency with aggregate quarterly reports which are used to identify trends and patterns.

The State Medicaid Agency oversees the maintenance and continual upgrading of the on-line critical incident reporting system.

Frequency of oversight activities:

The LGE, on a monthly basis, will pull a sample of critical incidents to review for adherence to policy including a review to determine if all necessary actions were taken to address and resolve critical incidents and perform annual analysis of data to determine the effectiveness of quality enhancement goals and activities.

OCDD State Office and the LGEs jointly participate in the Human Services Accountability and Implementation Plan (AIP) to measure performance, report outcome measures and develop and implement quality enhancement strategies. LGEs will report measures to OCDD quarterly and OCDD will conduct site visits to each LGE annually. The monitoring protocol and strategy for corrective action plans is described in OCDD Operational Instruction F-7: Quality Partnership: Reporting and Verification of Performance Measures and Quality Management Initiatives for Developmental Disability Services.

MPSW provides oversight and remediation enforcement of critical incident management through the Medicaid HCBS Oversight Committee which meets quarterly to review current performance reports for the all waiver assurances including health and welfare. Quality recommendations or issues which cannot be resolved at this level are placed on the agenda of the Medicaid/Program Offices Quarterly Meeting.

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (1 of 3)

- a. Use of Restraints.** *(Select one): (For waiver actions submitted before March 2014, responses in Appendix G-2-a will display information for both restraints and seclusion. For most waiver actions submitted after March 2014, responses regarding seclusion appear in Appendix G-2-c.)*

**The state does not permit or prohibits the use of restraints**

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restraints and how this oversight is conducted and its frequency:

**The use of restraints is permitted during the course of the delivery of waiver services.** Complete Items G-2-a-i and G-2-a-ii.

- i. Safeguards Concerning the Use of Restraints.** Specify the safeguards that the state has established concerning the use of each type of restraint (i.e., personal restraints, drugs used as restraints, mechanical restraints). State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

LDH BHSF HCBS Providers Minimum Licensing Standards(LAC 48:I.Chapter 50) §5029 establishes prohibitions to the use of chemical restraints, physical & mechanical restraints, seclusion or any procedure which denies food, drink, visits with family, or use of rest room facilities. Enrolled providers of waiver services are required to ensure that non-intrusive, positive approaches to address the meaning/origins of behaviors are used prior to the development of a restrictive plan, & cover any behavioral emergency & provide documentation of the event in an IR format. Restraint is a reportable CI as described in OCDD OI F-5: Critical Incident Reporting, Tracking & Follow-up Activities for Waiver Services.

It is the policy of the Office for Citizens with Developmental Disabilities (OCDD) to allow the use of restraints only when necessary to protect an individual or others from injury and at the direction of a treating professional who has considered all other less intrusive options to protect the individual/others.

- Restraints may only be used in response to a situation that represents an imminent and grave risk of injury to self or others and only when necessary as a health-related protection.
- The use of restraints that limit mobility or access is strongly discouraged and limited to use as a last resort when other methods have been determined to be ineffective in assuring health and safety.
- The use and type of restraints must be the least restrictive and intrusive to the person's dignity, liberty and autonomy that are effective in preventing injury.
- Restraints can only be used under written orders and supervision of a licensed treating clinician.
- Restraints that may be applied and monitored by provider staff are limited to the use of helmets, mittens, splints, bed rails or other equipment for the purposes of healing or protection from injury. All other medical restraints (i.e., use of a papoose board to complete a medical procedure) must be initiated by a physician or dentist (or their staff) in the physician/dentist's office/hospital under the supervision of the physician/dentist. No other forms of restraint, personal or mechanical, may be used in waiver services unless considered and approved under the requirements of section V.C. of this policy.
- Chemical restraints are prohibited in waiver services. All psychotropic medication must be prescribed by a treating licensed clinician to address a diagnosed behavioral health condition or specific target behaviors consistent with standard practice.

The following practices are prohibited:

- Restraints may not be used in lieu of appropriate treatment and/or behavioral supports, as coercion, discipline, punishment or for the convenience of or retaliation by staff.
- The use of prone containment (face down), horizontal physical holds, and multi-point mechanical devices to prohibit mobility are strictly prohibited within Waiver Supports and Services (WSS) settings.
- Restraints may not be used as part of a behavior support plan as a contingent consequence to effect a behavior change.
- The use of exclusionary time-out is strictly prohibited within WSS settings.
- The use of seclusion is strictly prohibited within WSS settings.

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of restraints and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

Providers are required to report measures implemented to mitigate the use of restraints and follow-up in regards to referrals to protective services (if necessary), changes to behavior supports, or staff training.

The provider is responsible for reviewing incidents for trends and patterns within its own agency caseload to determine what quality initiatives may be necessary to provide alternate means of addressing situations which result in restraint at least quarterly.

The support coordination agency is responsible for tracking trends in restraint incidents involving providers who serve participants on the support coordination agency caseload at least quarterly. The support coordinator is responsible for addressing behavioral needs on a quarterly basis and amending the plan of care to ensure positive support strategies are implemented.

LGEs are responsible for quarterly monitoring the reviews conducted by SCAs, to provide technical assistance and assist with referrals for additional services when necessary.

OCDD is responsible for reviewing aggregate data in the critical incident reporting system on the use of protective supports and procedures.

OCDD will present aggregate data to the OCDD Performance Review Committee to determine if any quality initiatives are necessary.

OCDD will provide MPSW with aggregate data and reports which are inclusive of any reported restraint use, remediation strategies and quality improvement initiatives and the results of quality improvement projects on a quarterly basis.

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (2 of 3)

**b. Use of Restrictive Interventions.** *(Select one):*

**The state does not permit or prohibits the use of restrictive interventions**

Specify the state agency (or agencies) responsible for detecting the unauthorized use of restrictive interventions and how this oversight is conducted and its frequency:

The State prohibits the use of restrictive interventions. The state strategies for detecting unauthorized use of restraints is through review of critical incident reports, complaints, support coordinator quarterly contacts with participants and families and support coordinator unannounced visits.

**The use of restrictive interventions is permitted during the course of the delivery of waiver services** Complete Items G-2-b-i and G-2-b-ii.

- i. Safeguards Concerning the Use of Restrictive Interventions.** Specify the safeguards that the state has in effect concerning the use of interventions that restrict participant movement, participant access to other individuals, locations or activities, restrict participant rights or employ aversive methods (not including restraints or seclusion) to modify behavior. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency.

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for monitoring and overseeing the use of restrictive interventions and how this oversight is conducted and its frequency:

## Appendix G: Participant Safeguards

### Appendix G-2: Safeguards Concerning Restraints and Restrictive Interventions (3 of 3)

- c. Use of Seclusion.** *(Select one): (This section will be blank for waivers submitted before Appendix G-2-c was added to WMS in March 2014, and responses for seclusion will display in Appendix G-2-a combined with information on restraints.)*

**The state does not permit or prohibits the use of seclusion**

Specify the state agency (or agencies) responsible for detecting the unauthorized use of seclusion and how this oversight is conducted and its frequency:

The State prohibits the use of seclusion. The state strategies for detecting unauthorized use of seclusion is through review of critical incident reports, complaints, support coordinator quarterly contacts with participants and families, and support coordinator unannounced visits.

**The use of seclusion is permitted during the course of the delivery of waiver services.** Complete Items G-2-c-i and G-2-c-ii.

- i. Safeguards Concerning the Use of Seclusion.** Specify the safeguards that the state has established concerning the use of each type of seclusion. State laws, regulations, and policies that are referenced are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

- ii. State Oversight Responsibility.** Specify the state agency (or agencies) responsible for overseeing the use of seclusion and ensuring that state safeguards concerning their use are followed and how such oversight is conducted and its frequency:

## Appendix G: Participant Safeguards

### Appendix G-3: Medication Management and Administration (1 of 2)

*This Appendix must be completed when waiver services are furnished to participants who are served in licensed or unlicensed living arrangements where a provider has round-the-clock responsibility for the health and welfare of residents. The Appendix does not need to be completed when waiver participants are served exclusively in their own personal residences or in the home of a family member.*

- a. Applicability.** Select one:

**No. This Appendix is not applicable** *(do not complete the remaining items)*

**Yes. This Appendix applies** *(complete the remaining items)*

- **Medication Management and Follow-Up**

**i. Responsibility.** Specify the entity (or entities) that have ongoing responsibility for monitoring participant medication regimens, the methods for conducting monitoring, and the frequency of monitoring.

If the participant does not self-administer, or if medication is not administered by family, a registered nurse shall authorize and monitor medication administration and noncomplex task performed by the DSW in accordance with LAC 48:I. Chapter 92 published in the Louisiana Register, Vol. 38, No. 12, December 20, 2012.

A Registered Nurse (RN) at the provider agency provides the oversight. A beneficiary's health status must be stable and predictable as determined by the RN. The DSW attending to the beneficiary receives a periodic assessment based on the beneficiary's health status and specified within the POC. The assessment must be at least annually and/or as needed. A comprehensive assessment performed for a beneficiary in accordance with policies and procedures established by an LDH program office may serve as the basis for the RN assessment but may not be used in lieu of the RN assessment. Medication administration can only be delegated to a DSW by an RN if the participant receives daily monitoring by a family member, direct service worker, and/or other health care providers for the purposes of collecting critical information needed to assure the individual's welfare. Additionally, the participant health status must be stable and predictable as determined by the RN.

The direct service worker attends to participants that receive periodic assessment by a RN based on the person's health status and specified within the plan of care; in no case shall the periodic assessment be less than annually. A comprehensive assessment performed for a client in accordance with policies and procedures established by Medicaid or by a DHH program office may serve as the basis of the RN assessment but may not be used in lieu of the RN assessment.

**ii. Methods of State Oversight and Follow-Up.** Describe: (a) the method(s) that the state uses to ensure that participant medications are managed appropriately, including: (a) the identification of potentially harmful practices (e.g., the concurrent use of contraindicated medications); (b) the method(s) for following up on potentially harmful practices; and, (c) the state agency (or agencies) that is responsible for follow-up and oversight.

The LDH Office of Management and Finance, Health Standards Section conducts a survey/monitoring of provider agencies, which includes a review of participant's records. This review includes an assessment of services provided and their outcomes. Types of services reviewed include medications and treatments ordered by physicians and medication administration by unlicensed direct service workers. For every provider agency surveyed, HSS ensures all licensing regulations are followed for participants records reviewed, including medication administration. If citations are issued due to non-compliance, HSS issues a statement of deficiency and requires a corrective action plan.

## Appendix G: Participant Safeguards

### Appendix G-3: Medication Management and Administration (2 of 2)

#### c. Medication Administration by Waiver Providers

**i. Provider Administration of Medications.** *Select one:*

**Not applicable.** *(do not complete the remaining items)*

**Waiver providers are responsible for the administration of medications to waiver participants who cannot self-administer and/or have responsibility to oversee participant self-administration of medications.** *(complete the remaining items)*

- **State Policy.** Summarize the state policies that apply to the administration of medications by waiver providers or waiver provider responsibilities when participants self-administer medications, including (if applicable) policies

concerning medication administration by non-medical waiver provider personnel. State laws, regulations, and policies referenced in the specification are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Louisiana Department of Health Bureau of Health Services Financing Direct Service Worker Registry (LAC 48:I. Chapter 92) provides for general requirements for the performance of medication administration and noncomplex tasks.

The Support Coordinator is responsible for including medications, entity responsible for medication administration, and oversight into the participant's plan of care.

Unlicensed direct care staff that performs administration of medications or procedures may currently do so under Registered Nurse (RN) delegation. The RN signs a written document which indicates the participant's procedures, medications, dosages, site of administration and instructions. This document verifies that the delegating RN has provided specific training and instructions to the direct care staff concerning the listed medications and/or procedures, and verifies that they are acting under the RN's authority. Each provider agency's administration has the responsibility for conducting on-site visits and assessments of all employees delegated by the RN to give medications. They must also provide oversight when a person self-medicates.

In addition, the LDH-OCDD administers the Certified Medication Attendant Program which provides for the training and certification of unlicensed direct care staff through certified nurse instructors who are also trained by LDH-OCDD. These persons are trained to administer medications to persons with developmental disabilities. The state statute provides for the qualifications of the drug administration course and course applicants/participants and specifies authorized and prohibited functions for such certified provider personnel. This program is available to both waiver and institutional providers of developmental disabilities services.

Waiver provider personnel are mandated to have a minimum of 16 hours of training prior to working with a participant in addition to continued education per licensing regulations including Nurse Delegation training.

- **Medication Error Reporting.** *Select one of the following:*

**Providers that are responsible for medication administration are required to both record and report medication errors to a state agency (or agencies).**

*Complete the following three items:*

- (a) Specify state agency (or agencies) to which errors are reported:

Medication errors are reported by waiver providers through the critical incident reporting system, which is accessed by the Health Standards Section and OCDD with follow-up for conducting corrective actions via the LGE staff and contracted Support Coordinators.

- (b) Specify the types of medication errors that providers are required to *record*:

The administration of medication:

- In an incorrect form;
- Administered to wrong person;
- Administered but not as prescribed (dose & route);
- Ordered to the wrong person; or
- The failure to administer a prescribed medication.

If the error does NOT result in medical attention by a physician, nurse, dentist or any licensed health care provider, then the provider is required to record the error, but is not required to report the error to the State via the critical incident reporting process.

- (c) Specify the types of medication errors that providers must *report* to the state:

Major medication incidents which include, the administration of medication in an incorrect form, not as prescribed or ordered to the wrong person or the failure to administer a prescribed medication, which requires or results in medical attention by a physician, nurse, dentist or any licensed health care provider must be reported to the State via the critical incident reporting process.

**Providers responsible for medication administration are required to record medication errors but make information about medication errors available only when requested by the state.**

Specify the types of medication errors that providers are required to record:

- **State Oversight Responsibility.** Specify the state agency (or agencies) responsible for monitoring the performance of waiver providers in the administration of medications to waiver participants and how monitoring is performed and its frequency.

LDH Office of Management and Finance, Health Standards Section (HSS) is the State agency responsible for monitoring waiver providers which includes the administration of medications for those clients included in the monitoring sample and to assure that there is no negative outcomes.

HSS identifies problems in provider performance through their licensing and survey reviews of all Medicaid enrolled direct service providers. This includes a review of medication administration records, policy, and reporting policy.

Medication errors are a reportable incident category in the OCDD critical incident reporting system. Direct service providers and support coordinators are responsible for reporting medication errors that result in the need for medical intervention for the participant, within timelines specified in OCDD operational instruction F-5. Resolution of the incident requires documentation of immediate actions taken by the direct service provider to assure health & safety of the participant as well as preventative actions that improve systemic performance within the direct service provider agency. Aggregate totals of medication errors are reviewed by the LGEs and OCDD Quality Enhancement Section on a quarterly basis to identify patterns. The OCDD Mortality Review Committee reviews all waiver deaths monthly and identifies any concerns regarding medication administration; unexplained errors on the part of direct service provider staff are referred to the HSS for investigation.

OCDD will disseminate reports to LGE waiver section management and the OCDD Performance Review Committee. These reports will be used to identify potentially harmful practices and implement training, technical assistance, and policy/procedural changes to improve quality statewide. The OCDD Quality Enhancement Section reports findings to the Medicaid agency (BHSF) quarterly.

OCDD's discovery of medication errors and related concerns may surface at any time and result from the support coordinator's and LGE's ongoing, real-time reviews of critical incident reports (which include medication errors), from LGE on-site visits or support coordinators quarterly on-site reviews and monthly contacts with participants, and from direct complaints lodged by participants, families or other stakeholders which may be phoned into OCDD State Office or the LGE. As these medication-related concerns surface, the LGE staff follow up to assure that appropriate corrective actions have been implemented by waiver providers. The LGE staff follow up to critical incidents involving medication is entered into the incident reporting system data base which is automatically accessible to the State Medicaid Agency (SMA) and Health Standards Section.

When discovery of medication-related critical incidents involve abuse/neglect, immediate jeopardy to participants, fraudulent claims or other serious licensing deficiencies, they are immediately reported to the respective LDH Bureau, Section or Program Office with legal authority to investigate, sanction, recoup or take other actions to protect waiver participants (i.e., Protective Services offices; Health Standards Section; BHSF/Program Integrity Section).

MPSW reviews aggregated critical incident reports from the operating agency on a quarterly basis to determine if they were resolved appropriately and timely and to determine trends and patterns that indicate further action by MPSW. MPSW also monitors the data reports to see if remediation activities were effective in improving data results from the previous time period. If remediation activities were not effective, the MPSW will meet with the operating agency to address any changes needed to remediation strategies in order to improve results. The MPSW will continue to follow up with the operating agency to evaluate remediation for effectiveness.

## Appendix G: Participant Safeguards

### Quality Improvement: Health and Welfare

As a distinct component of the state's quality improvement strategy, provide information in the following fields to detail the state's methods for discovery and remediation.

#### a. Methods for Discovery: Health and Welfare

*The state demonstrates it has designed and implemented an effective system for assuring waiver participant health and welfare.*

##### i. Sub-Assurances:

- a. *Sub-assurance: The state demonstrates on an ongoing basis that it identifies, addresses and seeks to prevent instances of abuse, neglect, exploitation and unexplained death.*

#### Performance Measures

For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

#### Performance Measure:

**G.a.i.a.2. Number and percentage of deaths requiring a corrective action plan where the corrective action plan was completed as measured by closure of the critical incident in the incident reporting system. Numerator = Number of deaths requiring a corrective action plan where the corrective action plan was completed; Denominator = Total number of deaths requiring corrective action plan.**

Data Source (Select one):

**Critical events and incident reports**

If 'Other' is selected, specify:

**Incident Reporting System**

Responsible Party for data collection/generation (check each that applies):	Frequency of data collection/generation (check each that applies):	Sampling Approach (check each that applies):
State Medicaid Agency	Weekly	100% Review
Operating Agency	Monthly	Less than 100% Review
Sub-State Entity	Quarterly	Representative Sample Confidence Interval = <div></div>

<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group:  <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify:  <input type="text"/>
	<b>Other</b> Specify:  <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:  <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:  <input type="text"/>

**Performance Measure:**

**G.a.i.a.3. Number &percent of abuse, neglect,exploitation,&unexplained death investigations that included evidence of effective resolution & preventative measures. Numerator= Number of investigations that included evidence of effective resolution and preventative measures; Denominator=All investigations completed and transferred to waiver staff.**

**Data Source** (Select one):

**Critical events and incident reports**

If 'Other' is selected, specify:

**Incident Reporting System**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

**Performance Measure:**

**G.a.i.a.1. Number and percentage of substantiated abuse, neglect or exploitation cases where required remediation is completed, as measured by case closure in the incident reporting system. Numerator = Number of substantiated incidents of abuse, neglect or exploitation where required remediation was completed; Denominator = Total number of substantiated allegations.**

**Data Source** (Select one):

**Critical events and incident reports**

If 'Other' is selected, specify:

<b>Responsible Party for data collection/generation</b> <i>(check each that applies):</i>	<b>Frequency of data collection/generation</b> <i>(check each that applies):</i>	<b>Sampling Approach</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>

	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

- b. Sub-assurance:** *The state demonstrates that an incident management system is in place that effectively resolves those incidents and prevents further similar incidents to the extent possible.*

**Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**G.a.i.b.1. Number and percentage of critical incidents where all follow-up was completed and proper actions were taken as measured by closure of the critical incident within OCDD's specified timelines. Numerator = Number of critical incidents with completed follow-up and proper action were taken as measured by closure of the critical incident; Denominator = Total number of critical incidents.**

**Data Source (Select one):**

**Critical events and incident reports**

If 'Other' is selected, specify:

**Incident Reporting System**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100px; margin-top: 5px;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; padding: 2px; width: 150px;">Incident Reporting System</div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 150px;"></div>

**c. Sub-assurance: The state policies and procedures for the use or prohibition of restrictive interventions (including restraints and seclusion) are followed.**

#### **Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

#### **Performance Measure:**

**G.a.i.c.1. Number&percent of reported misuse of restraints or seclusion where a prevention plan has been developed as a result of an incident. Number&percent of reported misuse of restraints or seclusion where a prevention plan was developed as a result of an incident/total number of incidents reporting misuse of restraints or seclusion.**

**Data Source** (Select one):

**Critical events and incident reports**

If 'Other' is selected, specify:

**Incident Reporting System**

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
<b>State Medicaid</b>	<b>Weekly</b>	<b>100% Review</b>

<b>Agency</b>		
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>
	<b>Other</b> Specify: <input type="text"/>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/> Incident Reporting System	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
	<div style="border: 1px solid black; height: 30px; width: 100%;"></div>

**Performance Measure:**

**G.a.i.c.2. Number and percent of reported use of restrictive interventions where a prevention plan has been developed as a result of an incident. Numerator= Number of reported use of restrictive interventions where a prevention plan has been developed as a result of an incident/Denominator= total number of incidents reporting use of restrictive interventions**

**Data Source** (Select one):

**Critical events and incident reports**

If 'Other' is selected, specify:

**Incident Reporting System**

<b>Responsible Party for data collection/generation</b> ( <i>check each that applies</i> ):	<b>Frequency of data collection/generation</b> ( <i>check each that applies</i> ):	<b>Sampling Approach</b> ( <i>check each that applies</i> ):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>
	<b>Other</b> Specify:	

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**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> <i>(check each that applies):</i>	<b>Frequency of data aggregation and analysis</b> <i>(check each that applies):</i>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%; margin-top: 5px;"></div>

- d. *Sub-assurance: The state establishes overall health care standards and monitors those standards based on the responsibility of the service provider as stated in the approved waiver.*

**Performance Measures**

*For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.*

*For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.*

**Performance Measure:**

**G.a.i.d.1 Number and percent of participants who received the coordination and support to access health care services identified in their service plan. Numerator = Number of participants who received the coordination and support to access health care services identified in their service plan; Denominator = Total number of participants reviewed.**

**Data Source (Select one):**

**Critical events and incident reports**

If 'Other' is selected, specify:

**Incident Reporting System**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b>	<b>Annually</b>

<b>Responsible Party for data aggregation and analysis</b> ( <i>check each that applies</i> ):	<b>Frequency of data aggregation and analysis</b> ( <i>check each that applies</i> ):
Specify: <div style="border: 1px solid black; padding: 5px; width: fit-content;">LASCA</div>	
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the state to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

Support coordination agencies periodically conduct unannounced visits to participant homes. If a concern is identified during the unannounced visit, then the LGE is notified by the SCA, and the LGE may request a plan of correction from the provider agency.

If a complaint is received by OCDD or the LGEs that has the potential to affect the health and welfare of a participant then the Support Coordinator is notified to conduct an unannounced health and welfare check of all CC participants served by the direct service provider. If additional problems are discovered that affect the health and safety of participants, then a complaint is reported to the Health Standards Section for follow-up.

#### **b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the state's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction and the state's method for analyzing information from individual problems, identifying systemic deficiencies, and implementing remediation actions. In addition, provide information on the methods used by the state to document these items.

For Performance Indicators G.a.i.a.1, G.a.i.a.2, G.a.i.b.1, G.a.i.c.1

There are several layers of remediation to address the issues identified in a Critical Incident Report (CIR). They include:

- Primary remediation occurs at the level of the provider agency, where immediate response is required in halting and correcting harmful, dangerous or potentially harmful or dangerous conditions at the time the condition is discovered.
- The support coordinator is responsible for determining any further remediation that can be implemented by way of strategies developed in team meetings with the participant and axillary support services
- The LGE waiver offices are responsible for reviewing individual critical incidents on a daily basis involving death, attempted suicide, and major illness resulting in hospitalization for pneumonia, bowel obstruction, and uncontrolled seizures and assuring that support coordinators follow through as described in the previous paragraph. The LGE provides technical support to support coordinators as necessary.
- OCDD State Office Quality Section conducts individual reviews of incidents involving waiver participants that meet the threshold for involvement at that level as required in OCDD policy. OCDD State Office generates recommendations to the LGE where each participant resides to further assist in remediation. All critical incidents are tracked for closure by OCDD State Office. If during the OCDD periodic review an LGE fails to close a CIR within the appropriate timelines, then OCDD may request a Corrective Action Plan for improvement.

Performance Indicator G.a.i.a.1

- Remediation of individual cases of substantiated abuse, neglect or exploitation is determined by the appropriate protective services agency (dependent on the waiver participant's age) and/or the LDH Health Standards Section as required in their policies and procedures.

Performance Indicator G.a.i.a.2

- The OCDD conducts individual reviews of all incidents resulting in the death of the waiver participant through the Mortality Review Committee. OCDD may determine the provider and/or support coordinator could improve services, and require a corrective action plan. Follow-up corrective action is also documented in the case file.

Performance Indicator G.a.i.d.1

LGE staff perform monitoring of Support Coordinator Agencies (SCA) at least annually utilizing the OCDD Support Coordination Monitoring Tools: Participant Interview; Participant Record Review; Support Coordinator Interview; and Agency Review. The processes for scoring and determining the necessity for corrective actions are located in the "Updated Guidelines for Scoring, Corrective Action and Follow-up Monitoring." After all elements are assessed and scored, the LGE reviewer documents the findings, including the Statement of Determination which delineates every POC remediation required and required responses/plans of correction expected from the SCA. Based on the scope and severity of findings, the SCA is assigned a Statement of Determination at Level I, Level II, or Level III. The LGE and/or State Office follow-up according to timelines associated with each level to ensure that plans of correction are implemented and effective. Level III determinations are those having the actual or potential for immediate jeopardy. In these cases, the SCA must develop a plan of correction that includes the identification of the problem; full description of the underlying causes of the problem; actions/interventions that target each underlying cause; responsibility, timetable, and resources required to implement interventions; measurable indicators for assessing performance; and plans for monitoring desired progress and reporting results. In addition, OCDD takes enforcement action to assure the health and safety of participants. Actions include, but are not limited to: transfer of participants who are/may be in jeopardy; removal of SCA agency from the freedom of choice list; suspension of all new admissions; financial penalties; suspension of contract/certifications as a provider of SC services. If a Plan of Correction, Progress Report and/or Follow-up Report remains unapproved by the time of the next annual review the agency placed on the next level with more stringent requirements. With a finding of satisfactory or a recommendation for improvement no remediation is required. These remediation activities will be documented through tracking events in the Support Coordination Monitoring database.

Training will be necessary when trends are detected in plans of care that do not address: participant goals, needs (including health care needs), and preferences; how waiver and other services are coordinated; and identification of responsibilities to implement the plan. The training requirements depend on the Support Coordination Monitoring findings and are based on the criteria found in OCDD Interpretive Guidelines for the OCDD Participant Record Review with a parallel set of guidelines entitled "Guidelines for Support Planning" for support coordinators.

An unsatisfactory plan of care is one with criteria "not met" according to the OCDD Interpretive Guidelines for the OCDD Participant Record Review and parallel set of guidelines entitled "Guidelines for Support Planning" for support coordinators.

## ii. Remediation Data Aggregation

### Remediation-related Data Aggregation and Analysis (including trend identification)

Responsible Party( <i>check each that applies</i> ):	Frequency of data aggregation and analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Other Specify:  <div></div>	Annually
	Continuously and Ongoing
	Other Specify:  <div></div>

## c. Timelines

When the state does not have all elements of the quality improvement strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of health and welfare that are currently non-operational.

No

**Yes**

Please provide a detailed strategy for assuring Health and Welfare, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

## Appendix H: Quality Improvement Strategy (1 of 3)

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Under Section 1915(c) of the Social Security Act and 42 CFR § 441.302, the approval of an HCBS waiver requires that CMS determine that the state has made satisfactory assurances concerning the protection of participant health and welfare, financial accountability and other elements of waiver operations. Renewal of an existing waiver is contingent upon review by CMS and a finding by CMS that the assurances have been met. By completing the HCBS waiver application, the state specifies how it has designed the waiver's critical processes, structures and operational features in order to meet these assurances.

- Quality improvement is a critical operational feature that an organization employs to continually determine whether it operates in accordance with the approved design of its program, meets statutory and regulatory assurances and requirements, achieves desired outcomes, and identifies opportunities for improvement.

CMS recognizes that a state's waiver quality improvement strategy may vary depending on the nature of the waiver target population, the services offered, and the waiver's relationship to other public programs, and will extend beyond regulatory requirements. However, for the purpose of this application, the state is expected to have, at the minimum, systems in place to measure and improve its own performance in meeting six specific waiver assurances and requirements.

It may be more efficient and effective for a quality improvement strategy to span multiple waivers and other long-term care services. CMS recognizes the value of this approach and will ask the state to identify other waiver programs and long-term care services that are addressed in the quality improvement strategy.

### Quality Improvement Strategy: Minimum Components

The quality improvement strategy (QIS) that will be in effect during the period of the approved waiver is described throughout the waiver in the appendices corresponding to the statutory assurances and sub-assurances. Other documents cited must be available to CMS upon request through the Medicaid agency or the operating agency (if appropriate).

In the QIS discovery and remediation sections throughout the application (located in Appendices A, B, C, D, G, and I) , a state spells out:

- The evidence based discovery activities that will be conducted for each of the six major waiver assurances; and
- The *remediation* activities followed to correct individual problems identified in the implementation of each of the assurances.

In Appendix H of the application, a state describes (1) the *system improvement* activities followed in response to aggregated, analyzed discovery and remediation information collected on each of the assurances; (2) the correspondent *roles/responsibilities* of those conducting assessing and prioritizing improving system corrections and improvements; and (3) the processes the state will follow to continuously *assess the effectiveness of the OIS* and revise it as necessary and appropriate.

If the state's QIS is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its QIS, including the specific tasks the state plans to undertake during the period the waiver is in effect, the major milestones associated with these tasks, and the entity (or entities) responsible for the completion of these tasks.

When the QIS spans more than one waiver and/or other types of long-term care services under the Medicaid state plan, specify the control numbers for the other waiver programs and/or identify the other long-term services that are addressed in the QIS. In instances when the QIS spans more than one waiver, the state must be able to stratify information that is related to each approved waiver program. Unless the state has requested and received approval from CMS for the consolidation of multiple waivers for the purpose of reporting, then the state must stratify information that is related to each approved waiver program, i.e., employ a representative sample for each waiver.

## Appendix H: Quality Improvement Strategy (2 of 3)

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### H-1: Systems Improvement

**a. System Improvements**

- i.** Describe the process(es) for trending, prioritizing, and implementing system improvements (i.e., design changes) prompted as a result of an analysis of discovery and remediation information.

The state of Louisiana utilizes a collaborative approach to develop and maintain the Quality Improvement System (QIS). The Medicaid agency in Louisiana, Bureau of Health Services Financing Medicaid Program Support and Waivers (BHSF/MPSW) has oversight for the implementation of Home and Community Based Services (HCBS) Waivers. The Office for Citizens with Developmental Disabilities (OCDD) is the operating agency, and the local operating arm for HCBS Waivers is the Local Governing Entity (LGE). The LGE provides oversight and monitoring of the contracted support coordination agencies; the contracted support coordination agencies provide oversight and monitoring of service utilization. All of the above mentioned entities also work collaboratively with Louisiana protective services agencies, Health Standards Section (HSS) and/or law enforcement as deemed necessary. The process of trending, prioritizing and implementing system improvement activities are required on all levels with upward reporting to the operating agency for oversight and management of the Quality Improvement System including a summary of root cause analysis completed at each level and recommendations for design changes or other system improvements. This approach provides opportunities for continued communication and review of performance measures, discovery and remediation activities.

The Quality Improvement System (QIS) for the Children's Choice Waiver is part of a cross-waiver function of the Office of Aging and Adult Services (OAAS) and the Office for Citizens with Developmental Disabilities (OCDD). The purpose of the QIS is to assess and promote the quality of waiver programs serving older persons and adults with physical, intellectual and developmental disabilities.

The QIS assures a consistent and high standard of quality across waiver programs through:

- Adoption of common standards and performance measures against which waiver programs are evaluated.
- Development of policies, tools, practices, training, protocols, contracts and agreements that embody sound approaches to managing, delivering and assessing HCBS services and supports. To the extent possible, HCBS waiver policies and practices have shared purposes, language and expectations.
- Streamlining and consolidation of functions to strengthen the collection and analysis of timely and reliable data on waiver performance.
- A transparent system of reporting performance data for use by program managers, policymakers, consumers, providers, and other stakeholders.
- A structured and coordinated process to identify improvement opportunities, set priorities, allocate resources, and implement effective strategies.
- A coordinated approach for evaluating the effectiveness of the QIS in meeting program goals.

OCDD has a multi-tiered system for quality improvement. Each level (Direct Service Provider Agency, Support Coordination Agency, Local Governing Entity, OCDD State Office, and BHSF) within the system is required to design and implement a Quality Management Strategy which is further described below.

Direct Service Provider and Support Coordination Agency Processes:

Direct Service Provider and Support Coordination Agencies are required to have a Quality Management Strategy that includes collecting information and data to learn about the quality of services, analyzing and reviewing data to identify trends and patterns, prioritizing improvement goals, implementing the strategies and actions on their quality enhancement plan, and evaluating the effectiveness of the strategies. At a minimum, agencies must review: 1) critical incident data, 2) complaint data, 3) data from case record reviews, and 4) interview/survey data from participants and families. The review process must include review by internal review team(s) composed of agency programmatic and management staff and an external review by the board of directors with stakeholder representation or a separate committee that includes stakeholders. Annually, agencies must submit to OCDD documentation to verify that they engage in ongoing, continuous quality review and enhancement activities.

OCDD LGE Processes:

The LGE is the operating arm for managing the New Opportunities Waiver (NOW), and they are also required to have a Quality Management Strategy. This entity represents the primary source for discovery and remediation information regarding the waiver. They are required to collect information on performance indicators, conduct remediation as needed, aggregate data and review to identify trends and patterns and areas in which improvement is needed, and prioritize needed improvements. They are required to design and implement quality enhancement strategies and evaluate the effectiveness of those strategies. Each LGE has a Quality Specialist whose function is to facilitate data analysis and review. Within each LGE, data review is conducted by programmatic and management staff and by the Regional Advisory Committee which is composed of stakeholders. OCDD State Office staff visit each LGE annually to validate the quarterly/annual data reported to State Office on performance

indicators, to assure that remediation and system improvements occur as needed, and to provide technical assistance. When performance falls below the outlined measure, the LGE submits evidence to the operating agency, OCDD, with documentation of the quality improvement activities that have been implemented to improve performance. If the performance is not improved as outlined in the established benchmark, technical assistance will be provided to the LGE.

#### OCDD State Office Processes:

Aggregate data for waiver performance indicators are reviewed for trends and patterns on a quarterly basis by the OCDD Waiver Section (program personnel) and Quality Section. These groups review data to ensure remediation is being completed by the LGE and to analyze the data for systemic concerns across waivers and across LGEs. Upon completion of the analysis, a representative from these teams presents data to the OCDD Performance Review Committee, with recommendations for system improvement. The OCDD Performance Review Committee is composed of designated members from each of the OCDD sections: Quality, Business Analytics, Clinical, Waiver, Early Intervention, and other members as designated by the OCDD Executive Management Staff. This provides the committee with expertise from several disciplines when reviewing recommendations. It also affords OCDD the opportunity to utilize existing expertise, processes, and tools to address new concerns, recommend strategies, and recommend systemic improvement that is best practice to ensure quality improvement and success. These recommendations are presented to OCDD Executive Management for consideration and approval. When significant system changes are proposed, the OCDD Core Stakeholder Group is convened and given the opportunity to review the proposed systemic changes and provide input regarding the recommendations. The Core Stakeholder Group is comprised of waiver participants, families of waiver participants, advocacy groups, including the state DD Council, and a representative from the Governor's office, and meets as needed based on system improvement activities. Recommendations, performance indicator data reports, and quality improvement initiatives status reports are also submitted to the Bureau of Health Services Financing (BHSF) on a quarterly basis.

#### BHSF/MPSW Processes:

**Medicaid/Program Offices Quarterly Meeting** – This group convenes at least quarterly to perform executive level oversight of the performance of HCBS waivers, assure their effectiveness and efficiency, and discuss any other programmatic issues common to the program offices and Medicaid. Goals are to act upon issues and recommendations received from the Medicaid HCBS Oversight Committee and other HCBS workgroups. This meeting is a forum for executive level problem resolution, planning, and development of quality redesign strategies. Members include representatives from MPSW, the Medicaid Director or Deputy Director, the OCDD Assistant Secretary or Deputy Assistant Secretary, and other designated staff.

**Medicaid HCBS Oversight Committee** – meets at least quarterly with the specific purpose to ensure proper oversight of the OAAS and OCDD operated HCBS Medicaid programs. Goals are to review current performance reports, determine need for new activities concerning quality and oversight in waiver programs, and ensure adequate remediation enforcement. Quality recommendations or issues which cannot be resolved at this level are placed on the agenda of the Medicaid/Program Offices Quarterly Meeting. Oversight members include HCBS quality management staff from MPSW and OCDD and are chaired by the MPSW Section Chief or designee. The committee meets at least quarterly with the following standing agenda items:

- OCDD operating agency staff present their analysis of all performance measure findings, remediation activities, and systemic improvements to MPSW as defined in the 1915© waiver quality strategy
- MPSW Section Chief or designee indicates approval or disapproval of quarterly/annual data and activities;
- Based on evidence presented, MPSW staff provides technical assistance, guidance, and support to the operating agency staff;
- MPSW performs administrative oversight functions for OCDD HCBS program.

**MPSW/OCDD/HCBS Data Contractor Meetings** – facilitates monthly meetings with OCDD and Medicaid data contractor to discuss waiver issues, problems, and situations which have arisen and do not comport with program policy. At these meetings, solutions are formulated, corrective actions are agreed upon, and follow-up implemented by OCDD as necessary in the form of internal policy or provider policy.

**Ad Hoc Cross-Population HCBS Oversight Meetings** – Additional meetings will be held jointly between MPSW, OCDD, and the Office of Aging and Adult Services (OAAS) on an as needed basis for the following purposes:

- Collaborate on design and implementation of a robust system of cross-population continuous quality improvement
- Present Quality Improvement Projects (QIP)
- Share ongoing communication of what works, doesn't work, and best practices.

## ii. System Improvement Activities

Responsible Party( <i>check each that applies</i> ):	Frequency of Monitoring and Analysis( <i>check each that applies</i> ):
State Medicaid Agency	Weekly
Operating Agency	Monthly
Sub-State Entity	Quarterly
Quality Improvement Committee	Annually
Other Specify:  Medicaid HCBS Oversight Committee	Other Specify:  

## b. System Design Changes

- i. Describe the process for monitoring and analyzing the effectiveness of system design changes. Include a description of the various roles and responsibilities involved in the processes for monitoring & assessing system design changes. If applicable, include the state's targeted standards for systems improvement.

### OCDD Process:

Following system design changes, data on performance indicators are reviewed by the Waiver and Quality program staff, as well as the OCDD Performance Review Committee to assure that the information is useful and accurate and to determine if performance has improved. Input is sought, as appropriate, from Support Coordination and Direct Service Provider Agencies, participants and their families, and other stakeholders, to determine whether the system design change is helping to improve efficiency and effectiveness of waiver supports and services. At this point, the Core Stakeholder Group may be convened, if needed, to address if system improvement has resulted from the system design/improvement activities.

### BHSF/MPSW Processes:

Medicaid HCBS Oversight Committee – meets at least quarterly with the specific purpose to ensure proper oversight of the OAAS and OCDD operated HCBS Medicaid programs. Goals are to review current performance reports, determine need for new activities concerning quality and oversight in waiver programs, and ensure adequate remediation enforcement. Quality recommendations or issues which cannot be resolved at this level are placed on the agenda of the Medicaid/Program Offices Quarterly Meeting. Oversight members include HCBS quality management staff from MPSW and OCDD and the committee is chaired by the MPSW Section Chief or designee. The committee meets at least quarterly with the following standing agenda items:

- OCDD operating agency staff present their analysis of all performance measure findings, remediation activities, and systemic improvements to MPSW as defined in the 1915© waiver quality strategy
- MPSW Section Chief or designee indicates approval or disapproval of quarterly/annual data and activities;
- Based on evidence presented, MPSW staff provides technical assistance, guidance, and support to the operating agency staff;
- MPSW performs administrative oversight functions for OCDD HCBS program.

- ii. Describe the process to periodically evaluate, as appropriate, the quality improvement strategy.

The Medicaid Program Support and Waivers Section works in collaboration with the operating agency, OCDD, to periodically review the quality improvement strategies. Meetings are held to review and evaluate the performance indicators, discovery methods, remediation strategies, systemic issues, policies, procedures and any other issues that have surfaced as a result monitoring activities. Technical assistance is provided to the operating agency as needed by Bureau of Health Services Financing Medicaid Program Support and Waivers (BHSF/MPSW).

The operating agency, OCDD, has a Performance Review Committee which meets at least quarterly and provides ongoing oversight and management of the Quality Improvement System.

OCDD participates in the annual National Core Indicator (NCI) surveys which are addressed to a random sample of participants and families of participants to gauge their satisfaction with OCDD waiver services, and with the performance of support coordinators, LGEs and providers. OCDD aggregates findings to identify areas of concern in service delivery in order to initiate quality improvement strategies.

Findings from this annual review will be analyzed by the Performance Review Committee to revise the QIS. Modifications may be made to quality standards and measures, data collection tools and methods, report formats documenting performance, or dissemination strategies for sharing performance data. New priority projects may be identified to better align the QIS to the needs of waiver managers, LGE program staff, support coordinators and providers and, most significantly, to improve desired outcomes for HCBS waiver participants. The modifications and priorities identified by the Performance Review Committee will be implemented or facilitated by the OCDD Quality Enhancement Section.

## Appendix H: Quality Improvement Strategy (3 of 3)

### H-2: Use of a Patient Experience of Care/Quality of Life Survey

- a. Specify whether the state has deployed a patient experience of care or quality of life survey for its HCBS population in the last 12 months (*Select one*):

No

Yes (*Complete item H.2b*)

- b. Specify the type of survey tool the state uses:

HCBS CAHPS Survey :

NCI Survey :

NCI AD Survey :

Other (*Please provide a description of the survey tool used*):

## Appendix I: Financial Accountability

### I-1: Financial Integrity and Accountability

**Financial Integrity.** Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

Electronic Visit Verification (EVV), electronically verifies service visit occurrences and documents the precise time services begin/end via web-enabled smart devices. The purpose of EVV is to verify individuals receive services authorized in their plans of care, reduce inappropriate billing/payment, safeguard against fraud and improve program oversight. The state contracts for its EVV solution and has an open system for providers. If a provider elects to use their own system instead of the state-sponsored EVV system, the provider and vendor must first complete testing with the state to demonstrate that they can transmit all required EVV data elements to the state. EVV is required for in-home personal care services (Family Support). The state defines compliance for EVV using a utilization threshold assessed over a 90-day look back period. If a provider doesn't meet the utilization threshold, the provider receives an alert message listing all non-EVV records. Non-EVV records outside of the allowed error rate will be blocked for payment until the provider reaches compliance (i.e. meets the EVV utilization threshold). Once compliance is reached, previously blocked service units will be released for payment. Providers who are routinely out of EVV compliance may be subject to further action including, but not limited to fines and sanctions.

*Overview:* To ensure compliance among Medicaid providers and prevent fraud and misuse in HCBS waiver programs, stringent measures are in place. The Single Audit Act obligates Medicaid providers to meet specific standards, with the Louisiana Legislative Auditor conducting periodic audits to maintain enrollment. Providers receiving certain funds must submit independent audits annually to retain Medicaid eligibility. Failure to do so can lead to disenrollment. Additionally, the Program Integrity's Surveillance and Utilization Review (SURS) Unit, part of the Louisiana Department of Health (LDH), conducts post-payment reviews of fee-for-service Medicaid providers, as per the Louisiana Surveillance and Utilization Review Subsystem (SURS) Rule and the Medical Assistance Program Integrity Law (MAPIL). This ensures proper use of Medicaid funds and eligible individuals receive healthcare.

The SURS Unit has four primary functions: Data Analytics, Prepayment Reviews, Special Investigations, and Auditing Services. Data Analytics involves skilled staff ensuring compliance with regulations, while Prepayment Reviews use coding checks to verify payments. Auditing Services conducts comprehensive audits and addresses fraud, waste, and abuse. Alerts, such as Provider Federal Exclusion Match and Beneficiary Duplicate Services, assist in detecting potential violations. The Provider Profile provides insights into waiver providers. An array of alerts is utilized, each serving a specific purpose, such as identifying provider billing patterns.

Preliminary investigations by LDH's Special Investigations team examine flagged cases for billing anomalies. SURS conducts preliminary investigations when complaints or questionable practices are identified. Law enforcement referrals and program assessments are also part of the process. Full investigations follow detailed audits, involving record acquisition, and aim to identify issues like overpayments, fraud, and medical necessity concerns. SURS is compliant with regulations, such as referring cases of suspected provider fraud to Medicaid fraud control units and verifying services with recipients. Providers can self-report policy violations to mitigate risk exposure.

*SURS Unit Functions:* The Data Analytics unit is comprised of highly technically skilled staff knowledgeable in systems, reporting, data warehousing, programming, statistical research, etc. as well as, acute, primary, and behavioral healthcare regulations. With these skill sets, the data analytics team is primarily responsible for all analytic/technical functions of Program Integrity and assisting, where appropriate, other sections within Medicaid. This unit insures that the state complies with 42 CFR §456.3, the System Admin will support the current SURS system to insure compliance. This regulation requires that the Medicaid agency implement a statewide surveillance and utilization control program safeguards against unnecessary or inappropriate use of Medicaid services and against excess payments, assesses the quality of those services, provides for the control of the utilization of all services provided under the plan in accordance with subpart B of this part; and provides for the control of the utilization of inpatient services in accordance with subparts C through I of this part.

The pre-payment review process in Medicaid claims aims to ensure the correct payment of Medicaid services before funds are released. The utilization of National Correct Coding Initiative (NCCI) edits and claim checks is central to this procedure. The National Correct Coding Initiative (NCCI) edits were instituted by the Centers for Medicare & Medicaid Services (CMS) to standardize coding practices and curb incorrect coding that could result in inappropriate payments. Central to this system are the Procedure-to-Procedure (PTP) Edits, which identify services that shouldn't be billed concurrently for the same beneficiary due to their inherent overlap or clinical improbability. Another key component is the Medically Unlikely Edits (MUEs), which set limits on the number of times a specific service can be billed for one beneficiary in a single day, reflecting its medical implausibility under regular circumstances. Complementing NCCI edits in the Medicaid pre-payment review process are claim checks. These automated checks ensure that the services billed align with the diagnosis given, are covered by Medicaid, and aren't duplicate bills for the same beneficiary by the same or different providers. Furthermore, these checks authenticate both the provider's authority to bill Medicaid and the beneficiary's eligibility for Medicaid on the service date. To bolster program integrity, the primary functions of Audit Services are carried out by experienced clinical staff, with the overarching objective being to shield Medicaid from fraud, waste, and abuse. Their responsibilities span a gamut of activities, including executing comprehensive audits, engaging in informal hearings and appeals, pinpointing and reclaiming overpayments, and educating providers. A key facet of their work revolves around comprehensive audits of Medicaid providers. Such audits demand a profound understanding of

Medicaid's diverse program policies, rules, and regulations. When preliminary examinations spotlight patterns of incorrect billing, full audits, as mandated by sections 42 CFR 455.15(c) and 42 CFR 455.16, are initiated. These meticulous reviews often involve procuring records, whether via mail or direct onsite visits. Upon completion of full reviews, potential issues such as overpayments, questions of medical necessity, suspected fraud, and system discrepancies are assessed. If improprieties are identified, several courses of action can be pursued as prescribed by 42 CFR 455.16 and La. R.S. 46:437.1. Actions might include issuing warning letters, suspending or terminating provider participation in Medicaid, reclaiming incorrect payments, or even implementing additional state-specific sanctions. The objective is to ensure that every case is thoroughly investigated and resolved, upholding the integrity and fiscal responsibility of the Medicaid program.

**Detecting Potential Violations:** In contrast to claim-processing subsystems that handle claims on an individual basis, the Surveillance Utilization Review Subsystem (SURS) distinguishes itself by its ability to analyze post-payment data for multiple claims simultaneously, facilitating the identification of suspicious provider billing patterns. This capability aligns with federal regulations mandating states to establish a post-payment review process empowering state personnel to construct and assess provider service profiles, including exception criteria. The State Utilization Review Subsystem (SURS) utilized by LDH (called Fraud Detect) employs provider profiles as essential resources. These profiles seamlessly integrate Medicaid data with third-party information to provide deep insights into waiver providers. They supply crucial demographic and customer data related to specific entities, facilitating the timely identification of potential signs of fraud or abuse linked to these entities. The Provider Profile encompasses a comprehensive array of information, including: Provider Demographics, Fraud, Waste, and Abuse (FWA) Indicators, Enrollment and Address Summaries, Provider Risk Score, Claims Summary, Claims Detail Report, Claims Visualizer, Provider Groups Information, Provider Profile Map, Alert Information, Complaints and Tips Data and Historical Audit Records. The multifaceted Provider Profile equips LDH with a comprehensive perspective on provider activities, enhancing their ability to identify and address potential risks and anomalies within the healthcare billing ecosystem. To bolster healthcare fraud detection and prevention, an extensive array of alerts has been meticulously developed. These alerts harness the power of machine learning algorithms, leveraging peer comparisons, statistical analysis, and outlier detection to serve as potent instruments in safeguarding against fraud, waste, and abuse within the healthcare system. Here is a concise compilation of these vital alerts:

- Provider Federal Exclusion Match:** This alert identifies providers listed on federal exclusion databases (LEIE or GSA SAM), with severity ranked by the total paid dollars associated with post-exclusion claims;
- Beneficiary Duplicate Services:** It detects beneficiaries with duplicate claims for specific services on the same date but with different billing providers, ranking them based on total paid dollars;
- 3. Provider Providers with High Volume of Traveling Beneficiaries (Treatment Based):** This alert flags providers with a significant percentage of beneficiaries traveling for treatment, with ranking determined by the paid amount for traveling beneficiaries;
- Provider Peer Comparison - Claims/Encounters Per Beneficiary:** It highlights providers with an unusually high number of claims or encounters per beneficiary compared to their peers. The top 1% providers with higher risk and above-average claims are identified;
- Provider Providers with Spikes in Billing Activity:** This alert identifies providers with substantial spikes in billed amounts relative to their historical billing, ranking them based on the magnitude of these spikes;
- Provider Overlapping Outpatient Services with Inpatient Stay:** It identifies providers with claims for outpatient services during inpatient hospital care (excluding admission/discharge dates), with ranking based on the total paid dollars for overlapping claims;
- Provider Physician Services Time Outlier:** This alert flags providers with an abnormal number of service dates with extended services, ranking them based on the total paid amount for excessive days;
- Provider Procedure-to-Procedure Conflicts:** It identifies providers billing for conflicting HCPCS codes that should not typically be reported together, ranking them based on the total paid dollars associated with claims/encounters in conflict;
- Beneficiary with High-Risk Drugs from Multiple Prescribers and/or Pharmacies:** This alert identifies beneficiaries with multiple opioid prescriptions from multiple prescribers and pharmacies, ranking them based on the quantities dispensed for opioid prescriptions;
- Provider Prescriber with Spikes in Prescribing Activity:** It detects prescribers with significant spikes in prescribing activity compared to historical data, with ranking indicating the extent of the spike.

Continued in optional section

## Appendix I: Financial Accountability

### Quality Improvement: Financial Accountability

As a distinct component of the state's quality improvement strategy, provide information in the following fields to detail the state's methods for discovery and remediation.

#### a. Methods for Discovery: Financial Accountability Assurance:

**The state must demonstrate that it has designed and implemented an adequate system for ensuring financial accountability of the waiver program.**

##### i. Sub-Assurances:

- a. Sub-assurance: The state provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered.**

**Performance Measures**

For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**I.a.i.a.1 # and % of waiver claims coded & paid for in accordance with the reimbursement methodology specified in the approved waiver application and only for those services rendered. Numerator=# of waiver claims coded and paid for in accordance with the reimbursement methodology specified in the approved waiver application and only for those services rendered; Denominator= Total # of claims paid.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**MPSW Tracking System**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <input type="text"/>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>	<b>Stratified</b> Describe Group: <input type="text"/>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <input type="text"/>

	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	
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**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 30px; width: 100%;"></div>

- b. Sub-assurance: The state provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.**

**Performance Measures**

For each performance measure the state will use to assess compliance with the statutory assurance (or sub-assurance), complete the following. Where possible, include numerator/denominator.

For each performance measure, provide information on the aggregated data that will enable the state to analyze and assess progress toward the performance measure. In this section provide information on the method by which each source of data is analyzed statistically/deductively or inductively, how themes are identified or conclusions drawn, and how recommendations are formulated, where appropriate.

**Performance Measure:**

**1.a.i.b.1 Number and percentage of rate changes that are approved by MPSW and consistent with the CMS approved rate methodology. Numerator= Number of rate changes approved by MPSW and consistent with the CMS approved rate methodology; Denominator= Total number of rate changes.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Medicaid Data Warehouse**

<b>Responsible Party for data collection/generation</b> (check each that applies):	<b>Frequency of data collection/generation</b> (check each that applies):	<b>Sampling Approach</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>	<b>100% Review</b>
<b>Operating Agency</b>	<b>Monthly</b>	<b>Less than 100% Review</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>	<b>Representative Sample</b> Confidence Interval = <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	<b>Annually</b>	<b>Stratified</b> Describe Group: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	<b>Continuously and Ongoing</b>	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>
	<b>Other</b> Specify: <div style="border: 1px solid black; height: 20px; width: 100%;"></div>	

**Data Aggregation and Analysis:**

<b>Responsible Party for data aggregation and analysis</b> (check each that applies):	<b>Frequency of data aggregation and analysis</b> (check each that applies):
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify:	<b>Annually</b>

<b>Responsible Party for data aggregation and analysis (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<input type="checkbox"/>	
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify: <input type="text"/>

- ii. If applicable, in the textbox below provide any necessary additional information on the strategies employed by the state to discover/identify problems/issues within the waiver program, including frequency and parties responsible.

**b. Methods for Remediation/Fixing Individual Problems**

- i. Describe the state's method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction and the state's method for analyzing information from individual problems, identifying systemic deficiencies, and implementing remediation actions. In addition, provide information on the methods used by the state to document these items.

I.a.i.a.1. BHSF determines all waiver payment amounts/rates in collaboration with OCDD, Division of Health Economics, and as necessary the Rate & Audit section. At the time of each requested rate change, MPSW and the Rate and Audit section reviews evidence that the rate adjustment was applied according to the methodology described in the waiver document. When a rate adjustment proposal is submitted without documentation which supports the current methodology it will not be approved and MPSW will offer technical guidance.

I.a.i.b.1 Upon annual review and analysis of all waiver claims payments through Medicaid Data Warehouse report generation, any discrepancies are resolved individually and systemically in collaboration with Medicaid Information Management Systems staff who oversee the Fiscal Intermediary.

**ii. Remediation Data Aggregation**

**Remediation-related Data Aggregation and Analysis (including trend identification)**

<b>Responsible Party (check each that applies):</b>	<b>Frequency of data aggregation and analysis (check each that applies):</b>
<b>State Medicaid Agency</b>	<b>Weekly</b>
<b>Operating Agency</b>	<b>Monthly</b>
<b>Sub-State Entity</b>	<b>Quarterly</b>
<b>Other</b> Specify: <input type="text"/>	<b>Annually</b>
	<b>Continuously and Ongoing</b>
	<b>Other</b> Specify:

<i>Responsible Party</i> (check each that applies):	<i>Frequency of data aggregation and analysis</i> (check each that applies):

**c. Timelines**  
When the state does not have all elements of the quality improvement strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

No

Yes  
Please provide a detailed strategy for assuring Financial Accountability, the specific timeline for implementing identified strategies, and the parties responsible for its operation.

Appendix I: Financial Accountability

I-2: Rates, Billing and Claims (1 of 3)

**a. Rate Determination Methods.** In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

*Rates for the payment of services are determined by the Office of Citizens with Developmental Disabilities (OCDD) upon approval by Medicaid. OCDD sets these rates with input from a group of interested parties, including but not limited to providers and or provider groups, program participants, advocates, and Medicaid representatives. Proposed service rates are promulgated through the Medicaid rulemaking process which includes opportunity for public input and comment. Final approval of proposed rates and oversight of the rate determination process is done by the Medicaid Director or his designee. Medicaid provides the oversight of the rate determination process.*

*The last rate adjustment occurred in October, 2021. Rates will be reviewed every two years.*

*Rates for each service are based on following:*

*Family Support and Respite (Center Based) rates were negotiated based upon the estimated provider cost of rendering the service. This estimated cost of the services are determined by cost reports established in 2014. The cost of services are then adjusted for age appropriateness and developmental disability considerations. The cost of this services is then adjusted based on the availability of state funding or LDH's ability to secure appropriation.*

*When the Family Support services are self-directed, the method of rate determination differs from when the service is provider managed. The provider-managed rate includes a cost component in addition to the rate paid for the services delivered. This additional cost component serves as an "administrative fee" which is payable to the Personal Care Attendant provider managed services and the Fiscal Employer Agent for self-directed services, for exercising oversight and monitoring. The CC Waiver participant determines the rate, within the approved parameters to be paid to his self-directed support worker. The State requires the Fiscal Employer Agent to cover payroll taxes for the participant's direct support workers. This means that we require the Fiscal Employer Agent to ensure that payroll taxes are paid with the money paid to them through the Medicaid claims payment system and that they do not pass the total payment through to the worker without withholding taxes. In non-self-directed services this is done by the provider agency, but with self-direction the Fiscal Employer Agent must do this for the worker and fiscal/employer. All payments for self-direction are processed through the Medicaid claims payment system and are subject to all edits and maximum rate parameters in the system as established by Medicaid.*

*The rate for support coordination services was established by committee with the service committee. The rate was then adjusted by consultant recommendation in 2012. Since that time, the only change in rate has been adjusting the rate from a fifteen minute unit to a flat monthly service unit, based upon the average monthly utilization. The cost of Support Coordination services is then adjusted based on the availability of state funding of LDH's ability to secure appropriations.*

*Environmental Accessibility Adaptations, Specialized Medical Equipment, Aquatic Therapy, Art Therapy, Hippotherapy/Therapeutic Horseback Riding, Music Therapy, Sensory Integration and Family Training are paid at the cost of the provision of the service within the annual waiver cap, according to a reasonable cost of this service based on comparable services provided in southern geographical areas and where services are provided through a CMS approved waiver in other states.*

*Both Housing Stabilization and Housing Stabilization Transition Service rates are based on the rate paid to support coordination agencies which employ individuals who have obtained a bachelor's degree and are qualified to provide two levels of supervision. An agency trainer or nurse consultant who meets the requirements as a support coordinator can also be reimbursed a per quarter hour rate for services provided. Administrative support, travel and office operating expenses are included in the 15 minute billing rate.*

*The state has several data sources that are used to indicate historical utilization. The first is a variant report of the CMS 372 that gives each of the data elements of the services listed on the 372 broken down by procedure code, services used, payments, and average cost per service. LDH also uses data on service utilization from the MARS Data Warehouse which is a 5 year claims extract repository. Data is pulled using SAS and analyzed for utilization trending. Cost projection models are then produced using this trend information.*

*All proposed rates are then plugged into a cost projection and model to produce an estimated total program cost and average cost per recipient which is then used to determine the effects of these rates on program cost effectiveness. Rates are then renegotiated or changed as needed.*

Payment rates are available to participants through provider agencies, support coordination agencies, as well as through publication in the Louisiana Register. Participants may also receive information on service rates by contacting the LGE office.

*Financial Management Services: The Medicaid agency determines the rate for Fiscal Management Services. The state uses the Fee Schedule model of rate setting for this service. The initial rate was determined in November 2022 using rates included in contracts executed as a result of the state's last Request for Proposal process in 2019. Rates for the two contractors were averaged to calculate the base rate for this service. An add-on to this rate was calculated to cover the cost of criminal background checks using six months of historical costs for background checks invoiced by the contractors. Each provider will submit its cost data at least every five years to determine if a change in the base rate is warranted. The add-on component for criminal background checks will be re-calculated using actual cost data from providers at least every five years. The ability to adjust rates is contingent on the availability of appropriated funding in the state budget.*

*The Non-federal funding sources for the value based payment incentives will be made from state general fund realized through the temporary 10 percentage point increase to the federal medical assistance percentage (FMAP) under section 9817 of the American Rescue Plan Act of 2021 (ARPA) Fund appropriated by Louisiana. Long term, permanent funding would be appropriated by the Louisiana legislature and reflected in the Department's existing operating budget.*

- b. Flow of Billings.** Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the state's claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

*Medicaid Data contractor post authorizes services which releases the services for payment to the fiscal intermediary. Once post authorized, the provider either electronically or on paper, bills the fiscal intermediary for payment. Payments are not billed directly to LDH Medicaid but go through the fiscal intermediary.*

*Self-direction time sheets are submitted to the fiscal agent for processing. After time sheets are reviewed, all-time records are submitted to the data contractor for post authorization of services. After prior authorizations are released, the fiscal agent will bill the Medicaid fiscal intermediary for payment of all prior authorized and approved services. Payments for services rendered will be submitted to the fiscal agent.*

*For services utilizing Electronic Visit Verification (EVV), the state's data and prior authorization contractor has incorporated the EVV data collection within the Louisiana Service Reporting System (LaSRS). The state has set a compliance level for EVV. If a provider does not meet the compliance level, an alert message to the provider is generated and includes the total threshold percentage of all records counted against the threshold for the month. Providers who do not meet compliance, service unit payment will be blocked for services manually entered over the set allowance via the post authorization process. These service units will not be forwarded to Fiscal Intermediary claims for payment processing. Once the provider begins reporting services through EVV within the set allowance to meet EVV compliance, previously blocked service unit payment will be released for payment with these units being processed through Fiscal Intermediary claims processing. Providers who are routinely out of EVV compliance will not have their service units forwarded to Fiscal Intermediary for claims process and will also be subject to further action including, but not limited to fines and sanctions.*

## Appendix I: Financial Accountability

### I-2: Rates, Billing and Claims (2 of 3)

- c. Certifying Public Expenditures** (select one):

*No. state or local government agencies do not certify expenditures for waiver services.*

*Yes. state or local government agencies directly expend funds for part or all of the cost of waiver services and certify their state government expenditures (CPE) in lieu of billing that amount to Medicaid.*

Select at least one:

***Certified Public Expenditures (CPE) of State Public Agencies.***

*Specify: (a) the state government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the state verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR § 433.51(b). (Indicate source of revenue for CPEs in Item I-4-a.)*

***Certified Public Expenditures (CPE) of Local Government Agencies.***

*Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the state verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR § 433.51(b). (Indicate source of revenue for CPEs in Item I-4-b.)*

***Appendix I: Financial Accountability***

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***I-2: Rates, Billing and Claims (3 of 3)***

**d. Billing Validation Process.** *Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant's approved service plan; and, (c) the services were provided:*

*OCDD will use a prior authorization and post authorization system to insure that services provided and paid for are in accordance with the Plan of Care (POC).*

*Medicaid eligibility for services is checked and reviewed by the prior authorization entity. The Children's Choice (CC) waiver uses a system of prior and post authorization to ensure that services provided to waiver participants are provided in the scope, duration, and frequency as outlined in the participants plan of care. Services are prior authorized by the POC in quarterly increments and post authorized for payment after services have been rendered. DHH currently uses a contracted entity for its prior and post-authorizations.*

*All Medicaid waiver services are paid through prior authorization. Before any payments are made for Medicaid services, the participant is checked for eligibility for waiver services by the state fiscal intermediary. If the date of service matches Medicaid and waiver eligibility, then the claim is paid. If not, the claim is denied and a denial code of service ineligibility is given for the claim.*

- 1. POC prescribed services are entered in the prior authorization system quarterly.*
- 2. Upon the provision of services to the CC waiver participant, the provider submits data on the services provided to our post authorization entity which checks the service record against the POC listed and prior authorized services.*
- 3. Services properly rendered to participants as prescribed by the POC are then eligible for payment and the post authorization for payments is released to the fiscal intermediary.*
- 4. The provider then submits claims for approved services to the fiscal intermediary for adjudication and payment.*
- 5. Services provided to the participant not listed on the prior authorization system are rejected and ineligible for payment until all discrepancies are resolved.*

*Additionally, through Program Integrity's Surveillance and Utilization Review (SUR) process, providers are reviewed to ensure that services are actually provided for claims that are paid. In addition, it is the responsibility of the providers to ensure that the services are provided in accordance with the approved plan of care, maintain adequate supporting documentation of services provided and to complete data entry into the data contractor's database that captures services provided and releases authorization for payment.*

- e. Billing and Claims Record Maintenance Requirement.*** *Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR § 92.42.*

## ***Appendix I: Financial Accountability***

### ***I-3: Payment (1 of 7)***

***a. Method of payments -- MMIS (select one):***

***Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS).***

***Payments for some, but not all, waiver services are made through an approved MMIS.***

*Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) and how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:*

***Payments for waiver services are not made through an approved MMIS.***

*Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64:*

***Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS.***

*Describe how payments are made to the managed care entity or entities:*

## ***Appendix I: Financial Accountability***

### ***I-3: Payment (2 of 7)***

***b. Direct payment.*** *In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (select at least one):*

***The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities.***

***The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program.***

***The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.***

*Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:*

*A fiscal/employer agent will provide fiscal management services to self-direction participants, as an administrative activity. Payments will be made to DSW's for family supports services provided to the waiver self-direction participants. The fiscal/employer agent will process participants' employer-related payroll and withhold and deposit the required employment-related taxes. The entities with a performance agreement to provide fiscal management services are Acumen Fiscal Agent and Morning Sun Financial Services.*

*Oversight is conducted through reports and since this is a contracted agent, oversight is conducted pursuant to all applicable state regulations for contracted services. Reports are submitted bi-weekly and include the amount paid to employees, amount of taxes withheld, and the employee rate of pay. These reports are reviewed to ensure the employee was paid appropriately.*

*The Medicaid enrolled fiscal employer agent will provide fiscal management services to self-direction participants. Payment will be made to employees for direct services to the waiver self-direction participants related to the family support service. The fiscal employer agent will process the participant's employer related payroll, withholding, and deposit the required employment related taxes. The operating agency and Medicaid will jointly oversee the fiscal agent by monitoring compliance with the performance agreement, provider manual, and Medicaid provider agreement.*

***Providers are paid by a managed care entity or entities for services that are included in the state's contract with the entity.***

*Specify how providers are paid for the services (if any) not included in the state's contract with managed care entities.*

**Appendix I: Financial Accountability**

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**I-3: Payment (3 of 7)**

**c. Supplemental or Enhanced Payments.** Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to states for expenditures for services under an approved state plan/waiver. Specify whether supplemental or enhanced payments are made. Select one:

**No. The state does not make supplemental or enhanced payments for waiver services.**

**Yes. The state makes supplemental or enhanced payments for waiver services.**

Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the state to CMS. Upon request, the state will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.

Louisiana Department of Health (LDH) through the Office for Citizens with Developmental Disabilities (OCDD) will implement eight incentive payments. The performance period will be on a calendar year cycle starting January 2025. The Non-federal funding sources will be made from state general fund realized through the temporary 10 percentage point increase to the federal medical assistance percentage (FMAP) under section 9817 of the American Rescue Plan Act for seven of the value based payment incentives and one of the incentives will be funded with the Money Follows the Person Capacity Building 100% federal funding. . Long term, permanent funding would be appropriated by the Louisiana legislature and reflected in the Department's existing operating budget.

The State distributed information to stakeholders through various communication channels and in-person/virtual meetings/webinars. Communication channels include: email blasts, social media platforms, newsletters, and provider relations distribution lists. In-person and virtual meetings. In addition, the department established a VBP Ad Hoc Committee with representatives from the provider, self-advocate/family and advocacy communities to provide feedback in input on all nine incentives, as well as distribute information. The State will continue to distribute information via the established channels described above as well as add VBP information in the provider enrollment process to educate new providers, Medicaid DD Provider Waiver Manual, and request ongoing feedback via surveys and continued engagement with the VBP Committee.

The Office for Citizens with Developmental Disabilities contractors will collect and monitor incentive data. The State is in the process of creating standard reporting templates based on stakeholder feedback, which providers will access for data reporting and collection. All providers will use the same submission process for data collection and reporting to maintain consistency. The State will have a uniform process to analyze data reported to ensure consistency in reports completed and provider notification protocol. The Office for Citizens with Developmental Disabilities will make the final determination that a payment is earned.

1. Establish Incentive Payments for LDH/OCDD direct support providers who demonstrate their staff is National Association for the Dually Diagnosed (NADD) certified direct support professionals.

- i. Payments are made to OCDD provider for each direct support professional who has completed the DSP Certification are recognized by meeting competencies through the certification process.
- ii. This incentive payment is applicable to direct support provider agencies who are licensed to provide at least one of the following: Individual and Family Supports, Community Living supports, Family Supports, Day Habilitation, Community Living Engagement, Supported Employment and Center-based Respite.
- iii. There will be three payments mechanisms available.

1. One payment of \$750 when the direct support worker meets the prerequisites to sit for the NADD online certification exam.

2. Another payment of \$750 upon certification.

3. A payment for \$500 in instances where a direct support provider employs a direct support professional who is NADD certified upon employment. The direct support professional must be employed at least six months.

iv. HCBS waiver providers retain all 100% of the value based payment incentive supplemental, including the Federal and State Share.

2. Establish Incentive Payments for LDH/OCDD direct support providers who demonstrate their non-licensed professional staff who deliver home and community based serves have maintained continuous employment for a certain time.

i. The incentive payment is applicable when a direct support provider maintains continuous employment of at least 60% of staff for at least 18 months with the same employer.

1. Staff must be currently employed and work at least 16 hours each month.

2. Staff also must have at least one electronic visit verification (EVV) clock in 30 days prior to the evaluation period.

3. LDH/OCDD will consider exceptions for staff employed but unable to work 30 days prior to the evaluation period.

4. Staff who provide direct care with or without supervisory responsibilities are considered employees.

5. Employees can be either full time or part time.

ii. LDH/OCDD will use EVV data to determine whether a provider has met the 60% retention threshold.

iii. This incentive payment is applicable to direct support provider agencies who are licensed to provide at least one of the following: Individual and Family Supports, Community Living supports, Family Supports, Day Habilitation, Community Living Engagement, Supported Employment and Center-based Respite.

iv. Incentive payment amount is equivalent to agency's pro rata percentage of population serviced during the evaluation period.

3. Establish incentive payments for direct support providers implementing person-centered hiring practices.
  - i. Incentive payments will be made to direct support providers who submit all of the following as evidence of person-centered hiring practices:
    1. examples of an individual staff matching tool used in hiring, evidence that the individual was included in the interview process
    2. examples of job descriptions with clear statements related to relationship building, emotional and physical wellness, meaningful work/volunteer contributions and learning
    3. Agency monitoring forms/policies and/or examples of staff evaluations that clearly show evaluative elements related to person centered outcomes related to relationship building, emotional and physical wellness, meaningful work/volunteer contributions and learning

## Appendix I: Financial Accountability

### I-3: Payment (4 of 7)

**d. Payments to state or Local Government Providers.** Specify whether state or local government providers receive payment for the provision of waiver services.

**No. State or local government providers do not receive payment for waiver services.** Do not complete Item I-3-e.

**Yes. State or local government providers receive payment for waiver services.** Complete Item I-3-e.

Specify the types of state or local government providers that receive payment for waiver services and the services that the state or local government providers furnish:

## Appendix I: Financial Accountability

### I-3: Payment (5 of 7)

**e. Amount of Payment to State or Local Government Providers.**

Specify whether any state or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the state recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. Select one:

**Answers provided in Appendix I-3-d indicate that you do not need to complete this section.**

**The amount paid to state or local government providers is the same as the amount paid to private providers of the same service.**

**The amount paid to state or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services.**

**The amount paid to state or local government providers differs from the amount paid to private providers of the same service. When a state or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the state recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report.**

Describe the recoupment process:

**Appendix I: Financial Accountability**

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**I-3: Payment (6 of 7)**

**f. Provider Retention of Payments.** Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. Select one:

**Providers receive and retain 100 percent of the amount claimed to CMS for waiver services.**

**Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment.**

Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the state.

**Appendix I: Financial Accountability**

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**I-3: Payment (7 of 7)****g. Additional Payment Arrangements**

**i. Voluntary Reassignment of Payments to a Governmental Agency.** Select one:

**No. The state does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency.**

**Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR § 447.10(e).**

Specify the governmental agency (or agencies) to which reassignment may be made.

**ii. Organized Health Care Delivery System.** Select one:

**No. The state does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR § 447.10.**

**Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR § 447.10.**

Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:

**iii. Contracts with MCOs, PIHPs or PAHPs.**

*The state does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.*

*The state contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of section 1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the state Medicaid agency.*

*Describe: (a) the MCOs and/or health plans that furnish services under the provisions of section 1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.*

*This waiver is a part of a concurrent section 1915(b)/section 1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The section 1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.*

*This waiver is a part of a concurrent section 1115/section 1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The section 1115 waiver specifies the types of health plans that are used and how payments to these plans are made.*

*If the state uses more than one of the above contract authorities for the delivery of waiver services, please select this option.*

*In the text box below, indicate the contract authorities. In addition, if the state contracts with MCOs, PIHPs, or PAHPs under the provisions of section 1915(a)(1) of the Act to furnish waiver services: Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the state Medicaid agency. Describe: (a) the MCOs and/or health plans that furnish services under the provisions of section 1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and, (d) how payments are made to the health plans.*

## Appendix I: Financial Accountability

### I-4: Non-Federal Matching Funds (1 of 3)

- a. State Level Source(s) of the Non-Federal Share of Computable Waiver Costs.** Specify the state source or sources of the non-federal share of computable waiver costs. Select at least one:

**Appropriation of State Tax Revenues to the State Medicaid Agency**

**Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency.**

*If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the state entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by state agencies as CPEs, as indicated in Item I-2-c:*

**Other State Level Source(s) of Funds.**

Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by state agencies as CPEs, as indicated in Item I-2-c:

## Appendix I: Financial Accountability

### I-4: Non-Federal Matching Funds (2 of 3)

**b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs.** Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. Select One:

**Not Applicable.** There are no local government level sources of funds utilized as the non-federal share.

**Applicable**

Check each that applies:

**Appropriation of Local Government Revenues.**

Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

**Other Local Government Level Source(s) of Funds.**

Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the state Medicaid agency or fiscal agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:

## Appendix I: Financial Accountability

### I-4: Non-Federal Matching Funds (3 of 3)

**c. Information Concerning Certain Sources of Funds.** Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds. Select one:

**None of the specified sources of funds contribute to the non-federal share of computable waiver costs**

**The following source(s) are used**

Check each that applies:

*Health care-related taxes or fees*

*Provider-related donations*

*Federal funds*

For each source of funds indicated above, describe the source of the funds in detail:

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## Appendix I: Financial Accountability

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### I-5: Exclusion of Medicaid Payment for Room and Board

a. *Services Furnished in Residential Settings. Select one:*

*No services under this waiver are furnished in residential settings other than the private residence of the individual.*

*As specified in Appendix C, the state furnishes waiver services in residential settings other than the personal home of the individual.*

b. *Method for Excluding the Cost of Room and Board Furnished in Residential Settings. The following describes the methodology that the state uses to exclude Medicaid payment for room and board in residential settings:*

*Do not complete this item.*

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## Appendix I: Financial Accountability

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### I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

*Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver. Select one:*

*No. The state does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.*

*Yes. Per 42 CFR § 441.310(a)(2)(ii), the state will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The state describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver's home or in a residence that is owned or leased by the provider of Medicaid services.*

*The following is an explanation of: (a) the method used to apportion the additional costs of rent and food attributable to the unrelated live-in personal caregiver that are incurred by the individual served on the waiver and (b) the method used to reimburse these costs:*

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## Appendix I: Financial Accountability

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***I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (1 of 5)***

**a. Co-Payment Requirements.** Specify whether the state imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. Select one:

**No.** The state does not impose a co-payment or similar charge upon participants for waiver services.

**Yes.** The state imposes a co-payment or similar charge upon participants for one or more waiver services.

**i. Co-Pay Arrangement.**

Specify the types of co-pay arrangements that are imposed on waiver participants (check each that applies):

---

**Charges Associated with the Provision of Waiver Services** (if any are checked, complete Items I-7-a-ii through I-7-a-iv):

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Nominal deductible

Coinsurance

Co-Payment

Other charge

Specify:

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**Appendix I: Financial Accountability**

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***I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (2 of 5)***

**a. Co-Payment Requirements.**

**ii. Participants Subject to Co-pay Charges for Waiver Services.**

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Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

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**Appendix I: Financial Accountability**

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***I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (3 of 5)***

**a. Co-Payment Requirements.**

**iii. Amount of Co-Pay Charges for Waiver Services.**

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Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

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**Appendix I: Financial Accountability**

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***I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)***

**a. Co-Payment Requirements.**

**iv. Cumulative Maximum Charges.**

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Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

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**Appendix I: Financial Accountability**

**I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (5 of 5)**

**b. Other State Requirement for Cost Sharing.** Specify whether the state imposes a premium, enrollment fee or similar cost sharing on waiver participants. Select one:

**No. The state does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants.**

**Yes. The state imposes a premium, enrollment fee or similar cost-sharing arrangement.**

Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income; (c) the groups of participants subject to cost-sharing and the groups who are excluded; and, (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64:

**Appendix J: Cost Neutrality Demonstration****J-1: Composite Overview and Demonstration of Cost-Neutrality Formula**

**Composite Overview.** Complete the fields in Cols. 3, 5 and 6 in the following table for each waiver year. The fields in Cols. 4, 7 and 8 are auto-calculated based on entries in Cols 3, 5, and 6. The fields in Col. 2 are auto-calculated using the Factor D data from the J-2-d Estimate of Factor D tables. Col. 2 fields will be populated ONLY when the Estimate of Factor D tables in J-2-d have been completed.

**Level(s) of Care: ICF/IID**

Col. 1	Col. 2	Col. 3	Col. 4	Col. 5	Col. 6	Col. 7	Col. 8
Year	Factor D	Factor D'	Total: D+D'	Factor G	Factor G'	Total: G+G'	Difference (Col 7 less Column4)
1	18103.04	29491.00	47594.04	92265.00	5449.00	97714.00	50119.96
2	18588.23	29933.00	48521.23	93188.00	5531.00	98719.00	50197.77
3	18946.45	30382.00	49328.45	94120.00	5614.00	99734.00	50405.55
4	19282.48	30838.00	50120.48	95061.00	5698.00	100759.00	50638.52
5	19626.30	31301.00	50927.30	96011.00	5783.00	101794.00	50866.70

**Appendix J: Cost Neutrality Demonstration****J-2: Derivation of Estimates (1 of 9)**

**a. Number Of Unduplicated Participants Served.** Enter the total number of unduplicated participants from Item B-3-a who will be served each year that the waiver is in operation. When the waiver serves individuals under more than one level of care, specify the number of unduplicated participants for each level of care:

**Table: J-2-a: Unduplicated Participants**

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		ICF/IID	
Year 1	3500		3500
Year 2	3500		3500
Year 3	3600		3600

Waiver Year	Total Unduplicated Number of Participants (from Item B-3-a)	Distribution of Unduplicated Participants by Level of Care (if applicable)	
		Level of Care:	
		ICF/IID	
Year 4	3800		3800
Year 5	4000		4000

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (2 of 9)

- b. Average Length of Stay.** Describe the basis of the estimate of the average length of stay on the waiver by participants in item J-2-a.

Current average length of stay information is taken from the 2019- 2020 CMS 372 report. The state used 2019- 2020 data as a base since it was the last year of pre-covid data. We then used data from the draft 372 reports for 2021-22 and 2022-23 to try and gauge the rebound of service in each area as well as try and account for changes once Appendix K temporary allowances would end. Additional data was collected from the Medicaid Data Warehouse to assist in utilization projections.

The average length of stay estimate is based on total number of days of waiver eligibility of all CC Waiver participants divided by the number of unduplicated participants over the waiver plan year.

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (3 of 9)

- c. Derivation of Estimates for Each Factor.** Provide a narrative description for the derivation of the estimates of the following factors.

- i. Factor D Derivation.** The estimates of Factor D for each waiver year are located in Item J-2-d. The basis and methodology for these estimates is as follows:

The state used 2019- 2020 data as a base since it was the last year of pre-covid data. We then used data from the draft 372 reports for 2021-22 and 2022-23 to try and gauge the rebound of service in each area as well as try and account for changes once Appendix K temporary allowances would end. Additional data was collected from the Medicaid Data Warehouse to assist in utilization projections. Louisiana has added an addendum to the Regular 372 Report that breaks down each service category into unduplicated recipients, units of service, payments, and average cost per payment that provides the base data for Factor D.

The State of Louisiana recently implemented a “most appropriate waiver” system of offering waiver opportunities. To eliminate the list of persons waiting for services, the State made offers to all children on the waiver waiting list who met the urgent or emergent urgency of need criteria. The increase in unduplicated recipients is projected based on possible offers to children who meet the urgent and emergent category. Generally, over 50% of persons applying or waiting for waiver services are children and of that total seeking waiver services, 15% meet the urgent or emergent category. These increases reflect what we think will be the number or persons coming into the waiver on those historical expectations.

The growth in unduplicated recipients is due to several factors. In 2018, Louisiana amended all of its HCBS 1915c waivers to allow persons to go into the most appropriate waiver based on an urgency of need assessment for adults and to place all children who meet the required level of urgency to go directly into the Children’s Choice Waiver. The amendment all made the age out age for Children’s Choice 21 years of age. At the time, nearly 60% of those waiting for services were children under age 21. Therefore, a disproportionate number of new waiver admits were children. Secondly, the age out age now being 21 instead of 19 decreased the number of persons leaving the waiver to nearly 0.

- ii. Factor D’ Derivation.** The estimates of Factor D’ for each waiver year are included in Item J-1. The basis of these

*estimates is as follows:*

*Factor D is an estimate based on the actual participant expenditures for all other Medicaid services outside of waiver services. This dollar amount is totaled and then divided by the number of waiver recipients to get an estimated average cost. A utilization inflation factor is thereby applied to each subsequent year based on program history and other factors.*

*To exclude Medicare Part D Pharmacy cost from our cost effectiveness calculations we:*

- 1. Identified all CC Waiver recipients who had dual eligibility for Medicaid and Medicare services.*
- 2. Developed an independent query to identify pharmacy related Part D acute care expenditures.*
- 3. Based on these expenditures, an estimate for average annual Part D expenditure per recipient was derived.*
- 4. Deducted this amount from the average acute care cost per waiver recipient.*

*Data source used as the basis for the estimates was the 2019- 2020 372 Report*

*The 1.5 percent growth rate is 50% of the normal 3% utilization rate increase formerly used by Medicaid when making annual budget projections for Medicaid fee for service growth. Using this as a basis, the average percentage change in Factor G' for several years, normally 5 years, of CMS 372 Reports is then compared to the 1.5% to determine its appropriateness for use.*

**iii. Factor G Derivation.** *The estimates of Factor G for each waiver year are included in Item J-1. The basis of these estimates is as follows:*

*Factor G is derived using the G institutional average cost per recipient from the CMS 2019- 2020 372 reports. The state used 2019- 2020 data as a base since it was the last year of pre-covid data. We then used data from the draft 372 reports for 2021-22 and 2022-23 to try and gauge the rebound of service in each area as well as try and account for changes once Appendix K temporary allowances would end. Additional data was collected from the Medicaid Data Warehouse to assist in utilization projections. Factor G on the 372 report is determined by the actual Medicaid expenditures for all intermediate care facilities for the developmentally disability (ICF/DD). This dollar amount is totaled and then divided by the number of waiver recipients to get an estimated average cost.*

*A utilization inflation factor is thereby applied to each subsequent year based on program history and other factors. This factor is determined by the average percentage change in Factor G for several years, normally 5 years, of CMS 372 Reports.*

**iv. Factor G' Derivation.** *The estimates of Factor G' for each waiver year are included in Item J-1. The basis of these estimates is as follows:*

Factor G' is derived using the G' acute care average cost per recipient from the CMS 2019- 2020 372 reports. The state used 2019- 2020 data as a base since it was the last year of pre-covid data. We then used data from the draft 372 reports for 2021-22 and 2022-23 to try and gauge the rebound of service in each area as well as try and account for changes once Appendix K temporary allowances would end. Additional data was collected from the Medicaid Data Warehouse to assist in utilization projections. Factor G' on the 372 report is computed using the following method. Factor G' is an estimate based on the actual Medicaid expenditures for all other Medicaid services provided to citizens residing in intermediate care facilities for the developmentally disabled(ICF/DD). This dollar amount is totaled and then divided by the number of waiver recipients to get an estimated average cost. A utilization inflation factor is thereby applied to each subsequent year based on program history and other factors.

To exclude Medicare Part D Pharmacy cost from our cost effectiveness calculations we:

1. Identified all ICF/MR recipients who had dual eligibility for Medicaid and Medicare services
2. Developed an independent query to identify pharmacy related Part D acute care expenditures.
3. Based on these expenditures, an estimate for average annual Part D expenditure per recipient was derived.
4. Deducted this amount from the average acute care cost per ICF/DD recipient.

The 1.5 percent growth rate is 50% of the normal 3% utilization rate increase formerly used by Medicaid when making annual budget projections for Medicaid fee for service growth. Using this as a basis, the average percentage change in Factor G' for several years, normally 5 years, of CMS 372 Reports is then compared to the 1.5% to determine its appropriateness for use.

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (4 of 9)

**Component management for waiver services.** If the service(s) below includes two or more discrete services that are reimbursed separately, or is a bundled service, each component of the service must be listed. Select “manage components” to add these components.

Waiver Services	
Center-Based Respite	
Support Coordination	
Specialized Medical Equipment and Supplies	
Financial Management Services	
Aquatic Therapy	
Art Therapy	
Environmental Accessibility Adaptations	
Family Support Services	
Family Training	
Hippotherapy	
Housing Stabilization Service	
Housing Stabilization Transition Service	
Music Therapy	
Sensory Integration	
Therapeutic Horseback Riding	

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (5 of 9)

#### d. Estimate of Factor D.

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to

automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 1**

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Center-Based Respite Total:</b>						306441.66
Center-Based Respite	15 minutes	42	2839.00	2.57	306441.66	
<b>Support Coordination Total:</b>						4318750.00
Support Coordination	monthly	3455	10.00	125.00	4318750.00	
<b>Specialized Medical Equipment and Supplies Total:</b>						31750.84
Specialized Medical Equipment and Supplies	per unit	44	1.00	721.61	31750.84	
<b>Financial Management Services Total:</b>						990150.00
Financial Management Services	monthly	943	10.00	105.00	990150.00	
<b>Aquatic Therapy Total:</b>						78837.50
Aquatic Therapy	15 minutes	35	106.00	21.25	78837.50	
<b>Art Therapy Total:</b>						1598.80
Art Therapy	15 minutes	35	4.00	11.42	1598.80	
<b>Environmental Accessibility Adaptations Total:</b>						1353905.35
Environmental Accessibility Adaptations	per adaptation	161	1.00	8409.35	1353905.35	
<b>Family Support Services Total:</b>						56254645.28
Family Support Services	15 minutes	2768	4969.00	4.09	56254645.28	
<b>Family Training Total:</b>						11080.00
Family Training	annually	10	1.00	1108.00	11080.00	
<b>Hippotherapy Total:</b>						2975.00
Hippotherapy	15 minutes	35	4.00	21.25	2975.00	
<b>Housing Stabilization Service Total:</b>						2115.40
<p style="text-align: right;">GRAND TOTAL: 63360626.03</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3500</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18103.04</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Housing Stabilization Service	15 minutes	35	4.00	15.11	2115.40	
<b>Housing Stabilization Transition Service Total:</b>						2115.40
Housing Stabilization Transition Service	15 minutes	35	4.00	15.11	2115.40	
<b>Music Therapy Total:</b>						1598.80
Music Therapy	15 minutes	35	4.00	11.42	1598.80	
<b>Sensory Integration Total:</b>						3348.80
Sensory Integration	15 minutes	35	4.00	23.92	3348.80	
<b>Therapeutic Horseback Riding Total:</b>						1313.20
Therapeutic Horseback Riding	15 minutes	35	4.00	9.38	1313.20	
<p style="text-align: right;">GRAND TOTAL: 63360626.03</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3500</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18103.04</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (6 of 9)

#### d. Estimate of Factor D.

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

#### Waiver Year: Year 2

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Center-Based Respite Total:</b>						306441.66
Center-Based Respite	15 minutes	42	2839.00	2.57	306441.66	
<b>Support Coordination Total:</b>						4318750.00
Support Coordination	monthly	3455	10.00	125.00	4318750.00	
<b>Specialized Medical Equipment and</b>						31750.84
<p style="text-align: right;">GRAND TOTAL: 65058794.03</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3500</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18588.23</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Supplies Total:</b>						
Specialized Medical Equipment and Supplies	per unit	44	1.00	721.61	31750.84	
<b>Financial Management Services Total:</b>						990150.00
Financial Management Services	monthly	943	10.00	105.00	990150.00	
<b>Aquatic Therapy Total:</b>						78837.50
Aquatic Therapy	15 minutes	35	106.00	21.25	78837.50	
<b>Art Therapy Total:</b>						1598.80
Art Therapy	15 minutes	35	4.00	11.42	1598.80	
<b>Environmental Accessibility Adaptations Total:</b>						1353905.35
Environmental Accessibility Adaptations	per adaptation	161	1.00	8409.35	1353905.35	
<b>Family Support Services Total:</b>						57952813.28
Family Support Services	15 minutes	2768	5119.00	4.09	57952813.28	
<b>Family Training Total:</b>						11080.00
Family Training	annually	10	1.00	1108.00	11080.00	
<b>Hippotherapy Total:</b>						2975.00
Hippotherapy	15 minutes	35	4.00	21.25	2975.00	
<b>Housing Stabilization Service Total:</b>						2115.40
Housing Stabilization Service	15 minutes	35	4.00	15.11	2115.40	
<b>Housing Stabilization Transition Service Total:</b>						2115.40
Housing Stabilization Transition Service	annually	35	4.00	15.11	2115.40	
<b>Music Therapy Total:</b>						1598.80
Music Therapy	15 minutes	35	4.00	11.42	1598.80	
<b>Sensory Integration Total:</b>						3348.80
Sensory Integration					3348.80	
<p style="text-align: right;">GRAND TOTAL: 65058794.03</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3500</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18588.23</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	15 minutes	35	4.00	23.92		
<b>Therapeutic Horseback Riding Total:</b>						1313.20
Therapeutic Horseback Riding	15 minutes	35	4.00	9.38	1313.20	
<p style="text-align: right;">GRAND TOTAL: 65058794.03</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3500</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18588.23</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (7 of 9)

#### d. Estimate of Factor D.

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

#### Waiver Year: Year 3

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Center-Based Respite Total:</b>						313737.89
Center-Based Respite	15 minutes	43	2839.00	2.57	313737.89	
<b>Support Coordination Total:</b>						4442500.00
Support Coordination	monthly	3554	10.00	125.00	4442500.00	
<b>Specialized Medical Equipment and Supplies Total:</b>						32472.45
Specialized Medical Equipment and Supplies	per unit	45	1.00	721.61	32472.45	
<b>Financial Management Services Total:</b>						1120350.00
Financial Management Services	monthly	970	11.00	105.00	1120350.00	
<b>Aquatic Therapy Total:</b>						81090.00
Aquatic Therapy	15 minutes	36	106.00	21.25	81090.00	
<b>Art Therapy Total:</b>						1644.48
<p style="text-align: right;">GRAND TOTAL: 68207203.11</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3600</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18946.45</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Art Therapy	15 minutes	36	4.00	11.42	1644.48	
<b>Environmental Accessibility Adaptations Total:</b>						1395952.10
Environmental Accessibility Adaptations	per adaptation	166	1.00	8409.35	1395952.10	
<b>Family Support Services Total:</b>						60794524.83
Family Support Services	15 minutes	2847	5221.00	4.09	60794524.83	
<b>Family Training Total:</b>						11080.00
Family Training	annually	10	1.00	1108.00	11080.00	
<b>Hippotherapy Total:</b>						3060.00
Hippotherapy	15 minutes	36	4.00	21.25	3060.00	
<b>Housing Stabilization Service Total:</b>						2175.84
Housing Stabilization Service	15 minutes	36	4.00	15.11	2175.84	
<b>Housing Stabilization Transition Service Total:</b>						2175.84
Housing Stabilization Transition Service	15 minutes	36	4.00	15.11	2175.84	
<b>Music Therapy Total:</b>						1644.48
Music Therapy	15 minutes	36	4.00	11.42	1644.48	
<b>Sensory Integration Total:</b>						3444.48
Sensory Integration	15 minutes	36	4.00	23.92	3444.48	
<b>Therapeutic Horseback Riding Total:</b>						1350.72
Therapeutic Horseback Riding	15 minutes	36	4.00	9.38	1350.72	
<p style="text-align: right;">GRAND TOTAL: 68207203.11</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3600</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 18946.45</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (8 of 9)

#### d. Estimate of Factor D.

i. **Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to

automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

**Waiver Year: Year 4**

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Center-Based Respite Total:</b>						335626.58
Center-Based Respite	15 minutes	46	2839.00	2.57	335626.58	
<b>Support Coordination Total:</b>						4688750.00
Support Coordination	monthly	3751	10.00	125.00	4688750.00	
<b>Specialized Medical Equipment and Supplies Total:</b>						33915.67
Specialized Medical Equipment and Supplies	per unit	47	1.00	721.61	33915.67	
<b>Financial Management Services Total:</b>						1182720.00
Financial Management Services	monthly	1024	11.00	105.00	1182720.00	
<b>Aquatic Therapy Total:</b>						85595.00
Aquatic Therapy	15 minutes	38	106.00	21.25	85595.00	
<b>Art Therapy Total:</b>						1735.84
Art Therapy	15 minutes	38	4.00	11.42	1735.84	
<b>Environmental Accessibility Adaptations Total:</b>						1471636.25
Environmental Accessibility Adaptations	per adaptation	175	1.00	8409.35	1471636.25	
<b>Family Support Services Total:</b>						65446646.25
Family Support Services	15 minutes	3005	5325.00	4.09	65446646.25	
<b>Family Training Total:</b>						12188.00
Family Training	annually	11	1.00	1108.00	12188.00	
<b>Hippotherapy Total:</b>						3230.00
Hippotherapy	15 minutes	38	4.00	21.25	3230.00	
<b>Housing Stabilization Service Total:</b>						2296.72
<p align="right">GRAND TOTAL: 73273434.47</p> <p align="right">Total Estimated Unduplicated Participants: 3800</p> <p align="right">Factor D (Divide total by number of participants): 19282.48</p> <p align="right">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
Housing Stabilization Service	15 minutes	38	4.00	15.11	2296.72	
<b>Housing Stabilization Transition Service Total:</b>						2296.72
Housing Stabilization Transition Service	15 minutes	38	4.00	15.11	2296.72	
<b>Music Therapy Total:</b>						1735.84
Music Therapy	15 minutes	38	4.00	11.42	1735.84	
<b>Sensory Integration Total:</b>						3635.84
Sensory Integration	15 minutes	38	4.00	23.92	3635.84	
<b>Therapeutic Horseback Riding Total:</b>						1425.76
Therapeutic Horseback Riding	15 minutes	38	4.00	9.38	1425.76	
<p style="text-align: right;">GRAND TOTAL: 73273434.47</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 3800</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 19282.48</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

## Appendix J: Cost Neutrality Demonstration

### J-2: Derivation of Estimates (9 of 9)

#### d. Estimate of Factor D.

**i. Non-Concurrent Waiver.** Complete the following table for each waiver year. Enter data into the Unit, # Users, Avg. Units Per User, and Avg. Cost/Unit fields for all the Waiver Service/Component items. Select Save and Calculate to automatically calculate and populate the Component Costs and Total Costs fields. All fields in this table must be completed in order to populate the Factor D fields in the J-1 Composite Overview table.

#### Waiver Year: Year 5

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Center-Based Respite Total:</b>						350219.04
Center-Based Respite	15 minutes	48	2839.00	2.57	350219.04	
<b>Support Coordination Total:</b>						4935000.00
Support Coordination	monthly	3948	10.00	125.00	4935000.00	
<b>Specialized Medical Equipment and</b>						36080.50
<p style="text-align: right;">GRAND TOTAL: 78505206.98</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 4000</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 19626.30</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
<b>Supplies Total:</b>						
Specialized Medical Equipment and Supplies	per unit	50	1.00	721.61	36080.50	
<b>Financial Management Services Total:</b>						1245090.00
Financial Management Services	Monthly	1078	11.00	105.00	1245090.00	
<b>Aquatic Therapy Total:</b>						90100.00
Aquatic Therapy	15 minutes	40	106.00	21.25	90100.00	
<b>Art Therapy Total:</b>						1827.20
Art Therapy	15 minutes	40	4.00	11.42	1827.20	
<b>Environmental Accessibility Adaptations Total:</b>						1547320.40
Environmental Accessibility Adaptations	per adaptation	184	1.00	8409.35	1547320.40	
<b>Family Support Services Total:</b>						70271991.44
Family Support Services	15 minutes	3163	5432.00	4.09	70271991.44	
<b>Family Training Total:</b>						12188.00
Family Training	annually	11	1.00	1108.00	12188.00	
<b>Hippotherapy Total:</b>						3400.00
Hippotherapy	15 minutes	40	4.00	21.25	3400.00	
<b>Housing Stabilization Service Total:</b>						2417.60
Housing Stabilization Service	15 minutes	40	4.00	15.11	2417.60	
<b>Housing Stabilization Transition Service Total:</b>						2417.60
Housing Stabilization Transition Service	15 minutes	40	4.00	15.11	2417.60	
<b>Music Therapy Total:</b>						1827.20
Music Therapy	15 minutes	40	4.00	11.42	1827.20	
<b>Sensory Integration Total:</b>						3827.20
Sensory Integration					3827.20	
<p style="text-align: right;">GRAND TOTAL: 78505206.98</p> <p style="text-align: right;">Total Estimated Unduplicated Participants: 4000</p> <p style="text-align: right;">Factor D (Divide total by number of participants): 19626.30</p> <p style="text-align: right;">Average Length of Stay on the Waiver: 328</p>						

Waiver Service/ Component	Unit	# Users	Avg. Units Per User	Avg. Cost/ Unit	Component Cost	Total Cost
	15 minutes	40	4.00	23.92		
Therapeutic Horseback Riding Total:						1500.80
Therapeutic Horseback Riding	15 minutes	40	4.00	9.38	1500.80	
<p>GRAND TOTAL: 78505206.98</p> <p>Total Estimated Unduplicated Participants: 4000</p> <p>Factor D (Divide total by number of participants): 19626.30</p> <p>Average Length of Stay on the Waiver: 328</p>						