

*\* Part 3*

**Appendix D: Participant-Centered Planning and Service Delivery**

**D-1: Service Plan Development (1 of 8)**

**State Participant-Centered Service Plan Title:**  
Plan of Care

**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 (*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:*

Social Worker

*Specify qualifications:*

Other

*Specify the individuals and their qualifications:*

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**b. Service Plan Development Safeguards.** *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.

The State has established the following safeguards to ensure that service plan development is conducted in the best interests of the participant. *Specify:*

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**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 Soordinator 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 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 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.

- The initial planning meetings are conducted in a face-to-face visit in the participant's place of residence. During the initial visit, the participant chooses who will be part of his/her planning process. 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.

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- d. 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; and, (g) how and when the plan is updated, including when the participant's needs change. 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 (POC) DEVELOPMENT AND TIMING**

- An Inventory for Client and Agency Planning (ICAP) is completed initially and as needed and is required prior to developing the Plan of Care.
- The Plan of Care is developed through a collaborative process which includes the Support Coordinator, participant and his/her family and friends, legal representatives, appropriate professionals/service providers, and others whom the participant chooses to be involved. This group is hereafter referred to as the support team.
- Initial Support Coordinator contact with the participant occurs within 3 business days of being linked to the Support Coordination agency of choice.
- For initial participants, the Plan of Care development process must begin within seven (7) calendar days following linkage to the Support Coordination agency of the participant's choice.
- The Support Coordinator contacts the participant and/or his/her family/authorized representative to schedule the initial, annual, and any subsequent support planning meeting at a time and place that is convenient to the participant and/or his/her family/authorized representative.
- The Support Coordinator is required to submit the complete initial Plan of Care to the appropriate LGE within thirty-five (35) days following linkage and then annually prior to the expiration of the annual Plan of Care.
- The LGE staff has ten (10) business days to review the information, complete the precertification home visit and approve the Plan of Care prior to waiver services beginning.
- At least quarterly, the Support Coordinator and the participant/family, and others the participant/family chooses to be present, review the Plan of Care to determine if the goals identified in the Plan of Care are being achieved, if the participant's/family's needs including health and welfare are being addressed, and to make any adjustments or changes to the Plan of Care as necessary.
- The entire support team meets annually to review and revise the participant's Plan of Care for the new Plan of Care year. The annual date of the Plan of Care does not change, even if there has been a more recent meeting to revise the services within the Plan of Care.

**B. ASSESSMENTS**

The Developmental Disabilities Support Needs Assessment Profile (DD SNAP) and the Inventory for Client and Agency Planning (ICAP) are completed for all applicants to the Louisiana developmental disability system. As appropriate other standardized assessments (i.e., test of intellectual functioning (Wechsler Series of Intelligence Test and Stanford-Binet Intelligence Scales) and test of adaptive functioning (Vineland Adaptive Behavior Scales)) are used during the systems entry process to determine if an applicant has an intellectual or developmental disability. Information from the above assessments, as appropriate, is used in the development of the Plan of Care.

The needs-based assessments described below are completed within the discovery process for all applicants to identify the individual's service needs. Discovery activities include:

- An ICAP which is completed initially and as needed and is required prior to developing the Plan of Care.
- A review of the participant's records relevant to service planning (i.e. school, vocational, medical, psychological records, etc.)
- A personal outcomes assessment, which assists the planning team in determining personal goals and desired personal outcomes
- A review and/or completion of any additional interviews, observations, or other needed professional assessments (i.e. occupational therapy, physical therapy, speech therapy, nutritional, etc.)

In addition, the needs-based assessments described below may be completed within the discovery process for all applicants to provide additional information to assist in identifying the individual's service needs. Discovery activities may include the completion and review of the Supports Intensity Scale (SIS) and Louisiana PLUS (LA PLUS) assessments.

- The Supports Intensity Scale (SIS) is a standardized assessment tool designed to evaluate the practical support requirements of people with developmental disabilities. The SIS measures support needs for 85 different activities in the areas of home living,

community living, lifelong learning, employment, health and safety, social activities, and protection and advocacy. The SIS then rates each activity according to frequency, amount, and type of supports needed.

- The Louisiana PLUS (LA PLUS) is a complimentary assessment tool designed to identify support needs and related information not addressed by the SIS. The LA PLUS is used to evaluate a person's support needs based on information and data collected from four areas of the person's life, including:
  - o Other support needs – material supports; hearing-related supports; supports for communicating needs; and stress and risks factors.
  - o Living arrangements
  - o Medical and diagnostic information
  - o Personal satisfaction reports – supports at home; work/day programs; living environment; family relationships; and social relationships.

Information obtained through the discovery process is shared with the support team in preparation for the Plan of Care meeting and result in an individualized Plan of Care.

Based on the findings of the discovery activities described above a Plan of Care is developed.

A reassessment may be conducted at any time, particularly with a significant life change, but must be completed at least annually. The assessment process is intended to be ongoing and designed to reflect changes in the participant's life, needs, and personal outcomes, inclusive of his/her preferences.

If the participant disagrees with the proposed services in the Plan of Care the participant or his/her family/authorized representative may request additional services and present supporting documentation. If the participant or his/her family/authorized representative is not satisfied with the decision related to the request for additional services, then he/she may appeal any limit or denial of services through the Department of Health and Hospitals, Bureau of Appeals' process as referenced in Appendix F-1, Opportunity to Request a Fair Hearing.

#### C. HOW PARTICIPANTS ARE INFORMED OF AVAILABLE SERVICES

The Support Coordinator informs the participant and his/her family/authorized representative of all available waiver services during the initial contact with the Support Coordination agency, in quarterly meetings as needed, on an annual basis during the Plan of Care development process, and as requested.

#### D. INCORPORATION OF PARTICIPANT GOALS/NEEDS/PREFERENCES IN THE PLAN OF CARE

The following components are designed to incorporate the participant's goals, needs, and preferences in the Plan of Care:

- Discovery, which involves gathering information about the participant's interests, goals, preferences, and support needs through assessments and interviews. The discovery process ends with the formulation of the participant's vision and goals.
- Planning. This involves using the information from the discovery process to develop the Plan of Care. During the planning process, the support team works with the participant to develop strategies to assist him/her in achieving his/her goals and support needs. Strategies should identify all supports needed to assist the participant in achieving his/her goals and meeting other identified support needs and an appropriate action plan. For each personal outcome/goal identified, the support team will identify the following: the participant's strengths, skills, abilities that can be used to achieve his/her goals; challenges, barriers, health issues, or risk factors that can be deterrents to meeting his/her goals; strategies, treatments, or trainings which can be implemented to overcome barriers; any opportunities available for increasing the participant's independence in achieving his/her goals.
- Implementation, which involves the completion of noted strategies and provision of needed supports according to the participant's Plan of Care.

#### E. COORDINATION OF SERVICES

The planning process requires the identification and utilization of all appropriate supports available to the participant prior to the support team considering waiver services.

Services are coordinated through the participant's Support Coordinator. The Support Coordinator leads the support team in developing a Plan of Care with and for the participant. The Plan of Care must include the following required components:

- The participant's prioritized personal goals and specific strategies to achieve or maintain his/her desired personal goals. These strategies will focus first on the natural and community supports available to the participant and, if needed, paid services will be accessed as a supplement to natural and community supports.
- An action plan which will lead to the implementation of strategies to achieve the participant's personal goals, including action steps, review dates, and the names of the persons who are responsible for specific steps.
- Identified barriers, including health and safety risks, and specific strategies with timelines and the persons assigned to specific responsibilities, to address each issue.
- All the services and supports the participant receives, regardless of the funding source which may include natural support networks, generic community services, and state plan services.
- Identification of the frequency and location of services through a daily and alternate schedule.
- Identification of providers and specification of the service arrangement.
- Identification of the support team members who will assist the support coordinator in the planning process, as well as building and implementing supports for the participant.
- Signature of all support team members present in the planning meeting to indicate their agreement with the Plan of Care.

**F. ASSIGNMENT OF RESPONSIBILITIES TO IMPLEMENT AND MONITOR PLAN OF CARE**

Each participant's Plan of Care includes multiple strategies and actions to achieve his/her life vision and goals, while addressing key support needs. The support team is responsible for:

- Identifying any necessary training the participant's family or staff need in order to implement the actions and strategies described in the Plan of Care and determining who will provide the necessary training.
- Identifying any resources needed by the participant's family or staff to implement the actions and strategies described in the Plan of Care and determining who will provide or acquire the needed resources.

In addition, the Support Coordinator is required to make a monthly contact with participant and visit the participant in his/her home once per quarter to monitor the implementation of the Plan of Care, the participant's satisfaction with services, and to determine if the participant has any new interests, goals, or needs.

The Support Coordinator is responsible for reviewing the information on the Plan of Care, tracking progress on identified goals and timelines, and obtaining updated information on the participant's natural supports. This includes monitoring how individual providers (e.g. vocational, supported living) implement their portion of the participant's Plan of Care so that all relative goals and objectives are achieved.

During the quarterly monitoring reviews, the support team will review various data sources related to the participant's goals and objectives in order to determine if progress has been made.

**G. HOW AND WHEN PLAN IS UPDATED**

At least quarterly, the support team meets to review the Plan of Care to determine if the participant's goals have been achieved, if the participant's needs are being met, and to make any adjustments to the Plan of Care.

The Plan of Care must be updated at least annually or as necessary to meet the participant's needs. The completed, updated, annual Plan of Care must be submitted to the appropriate LGE no later than thirty five (35) days prior to expiration of the previous Plan of Care.

At any time that the Support Coordinator or any other support team member identifies a condition related to the participant's health status, behavioral change, or any other type of change which is not satisfactorily addressed or which requires updated discussion or planning, the support coordinator will immediately reconvene the support team to revise the Plan of Care to reflect the participant's revised needs and desired outcomes. This change in the participant's condition or health status, behavior or other change may or may not have been identified through re-assessment of the ICAP but may have recently surfaced, been identified through the participant's primary care physician, or been identified through periodic monitoring.

Emergency revisions must be submitted by the support coordinator to the LGE within twenty-four (24) hours or by the next working day. Revisions that include routine changes, such as planned vacations, must be submitted by the Support Coordinator at least seven (7) days prior to the change.

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- 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 Plan of Care.

In addition, information gained during interviews with the participant and his/her legal representatives and support team members, as well as information from the OCDD Regional Waiver Supports and Services Office or Human Services Authority or District 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 Plan of Care. The initial or revised Plan of Care 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 Plan of Care. The 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 Plan of care.

The direct service provider is responsible for completing an emergency evacuation plan and back-up plan for each participant. Both are submitted to the Support Coordinator during the Plan of Care development process. The Support Coordinator is responsible for submitting the back-up plan and emergency evacuation plan to the LGE along with the participant's Plan of Care. The LGE ensures that the back-up plan and emergency evacuation plan are in place and will not approve the Plan of Care without these documents.

**BACK-UP STAFFING PLANS**

- Support Coordinators are to ensure that back-up and emergency evacuation plans are in place.
  - 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 safety as outlined in the Plan of Care, and are required to have functional Individualized Back-Up Plans consistent with the participant's Plan of Care. 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 safety needs of the participant.
  - 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 support coordinators.
  - It is the identified enrolled provider of waiver services' responsibility to develop the back-up plan and provide it to the Support Coordinator in a time frame that will allow it to be submitted for review/approval as a part of the Plan of Care.
  - The Support Coordinator is responsible for working with the participant, his/her family, friends, and providers during initial and subsequent Plan of Care meetings to establish plans to address these situations.
  - The Support Coordinator 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 Plan of Care.
  - 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 Plan of Care. Back-up plans 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 plan, be included in or attached to the participant's Plan of Care, and reviewed a minimum of once each Plan of Care year.

The 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

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 Support Coordinators; 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.

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- 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.

On acceptance of the waiver offer, the data management contractor offers Freedom of Choice of Support Coordination agencies.

The participant and his/her legal representatives are informed of the services available under the waiver during the initial contact that occurs no later than three (3) business days after the participant's linkage to the Support Coordination agency of his/her choice.

At initial contact and annually with the participant, the Support Coordinator discusses the Provider Freedom of Choice form and the availability of all services. The Support Coordinator is responsible for offering Freedom of Choice of providers.

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 Support Coordination. The Freedom of Choice list includes all providers in the participant's region that are enrolled to provide specific waiver services. The Support Coordinator is responsible for maintaining a current listing of qualified providers.

The Support Coordinator is responsible for advising the participant that changes in providers can be requested at any time, but only by the participant or personal representative. The Support Coordinator will facilitate any request for a change of all providers.

The participant and his/her legal representative are encouraged by the Support Coordinator to interview or visit each provider agency they are interested in, in order to make informed choices.

The Support Coordinator can assist the participant/family members in setting up appointments to interview the different provider agencies, they can assist the participant/family members on what questions they should ask the potential providers, and they can refer them to Families Helping Families or other advocacy groups. The Support Coordinator will assist with any other needs the participant/family members may have in selecting a qualified provider.

The Support Coordinator is not allowed to make recommendations and does not coerce the participant/family in making his/her decision.

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- 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 the Operating Agency (OCDD), the Medicaid agency (BHSF) has delegated approval of Plans of Care to the operating agency. This is done to assure that the operating agency is complying with all HCBS regulations related to service planning, is following the Residential Options Waiver Application requirements and is identifying areas of deficiency on the plans of care and implementing appropriate corrective actions. OCDD and BHSF will collaborate on any corrective actions as needed.

The Medicaid agency receives reports specific to the Residential Options Waiver which facilitate Medicaid's oversight of the service plan approval processes.

The following Operations Reports are generated quarterly from the Medicaid data contractor database: Program enrollment, LOC redeterminations, service plan timeliness, service utilization and made available directly to the Medicaid agency.

Participant Health & Welfare reports are generated from the MDS-HC Data Base & Medicaid Administrative Data Base annually and are submitted by OCDD to the Medicaid agency.

Mortality Reports are generated from the Medicaid Eligibility Data Base annually and are submitted by OCDD to the Medicaid agency.

Critical Incident Trend Report are generated quarterly from the Waiver OTIS Data Base and submitted by OCDD to the Medicaid agency.

Support Coordination Agency Monitoring Report: Support Coordination Agency Monitoring Data Base is generated annually and submitted by OCDD to the Medicaid agency.

HCBS Waiver Management Report: Trend and comparative abstract of data included in program operations report, critical incident trend report, and support coordination agency monitoring report. Frequency: annually.

These reports are reviewed and acted upon by the Cross-Waiver Quality Team which meets every other month and is composed of representatives from the Program Offices, Medicaid and DHH IT.

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- h. Service Plan Review and Update.** The service plan is subject to at least annual periodic review and update 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:*

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**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 and participant health and welfare; (b) the monitoring and follow-up method(s) that are used; and, (c) the frequency with which monitoring is performed.

The Support Coordinator is responsible for monitoring the implementation of the Plan of Care, the participant's health and welfare and the effectiveness of the Plan of Care in meeting the participant's needs and preferences.

The Support Coordinator contacts the participant and his/her legal representative within 10 working days after the initial Plan of Care is approved to assure the appropriateness and adequacy of services delivery.

Support Coordinators make monthly contacts with each participant and/or his/her legal representatives. One contact per quarter must be a face-to-face visit in the participant's place of residence.

During these contacts the Support Coordinator checks to make sure that:

- There is access to waiver and non-waiver services identified in the Plan of Care, including access to health services;
- The strategies to meet the participant's personal goals are being implemented and the effectiveness of the strategies;
- The services outlined in the Plan of Care are meeting the needs of the participant;
- The participant is satisfied with the service providers he/she has chosen;
- Services are being furnished in accordance with the Plan of Care;
- The participant's health and welfare needs are being met; and
- Back-up plans, if utilized, are effective and persons identified as responsible for back-up plans are still active in the participant's life.

Information from Support Coordinator's monitoring is maintained at the Support Coordination Agency's physical office. Support Coordinators 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, LGE will refer it to the OCDD State Office to be resolved.

Revisions to the Plan of Care reflect the results of the monitoring. During the monitoring of the Plan of Care implementation, if changes are needed, a revision to the Plan of Care will be completed. All revisions must be reviewed and prior approved by the LGE. Emergency revisions to the Plan of Care 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.

If a participant receives a denial, reduction or termination of services, appeal information is provided to them as outlined in Appendix F, section F-1.

b. **Monitoring Safeguards.** *Select one:*

- Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may not provide other direct waiver services to the participant.
- Entities and/or individuals that have responsibility to monitor service plan implementation and participant health and welfare may provide other direct waiver services to the participant.

The State has established the following safeguards to ensure that monitoring is conducted in the best interests of the participant.

*Specify:*

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**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.1. Number and percentage of plans of care in which services and supports align with the participants' assessed needs. Percentage = Number of plans of care that meet the assessed needs of waiver participants / Total number of plans of care reviewed in the sample.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**LOC/POC Database**

| 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):  |
|--|--|--|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                    | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                   | <input checked="" type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                  | <input checked="" type="checkbox"/> Quarterly                      | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval<br>= 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>         | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/>                   |
|  | <input type="checkbox"/> Continuously and Ongoing                  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>                               |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> |  |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |



| Responsible Party for data aggregation and analysis (check each that applies): | Frequency of data aggregation and analysis (check each that applies): |
|--|---|
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify: _____                               | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify: _____                      |

**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):**

**Other**

If 'Other' is selected, specify:

LOC/POC Database

| 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):   |
|--|---|---|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                   | <input type="checkbox"/> 100% Review  |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                  | <input checked="" type="checkbox"/> Less than 100% Review                                     |
| <input type="checkbox"/> Sub-State Entity                                  | <input checked="" type="checkbox"/> Quarterly                     | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval = 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify: _____                           | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified<br>Describe Group: _____                                  |
|  | <input type="checkbox"/> Continuously and Ongoing                 | <input type="checkbox"/> Other<br>Specify: _____  |
|  | <input type="checkbox"/> Other<br>Specify: _____                  |   |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify: _____                               | <input type="checkbox"/> Annually                                     |

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

**Performance Measure:**

**D.a.i.a.3. Number and percentage of plans of care that address participants' personal goals.**

**Percentage = Number of plans of care that address participants' personal goals / Total number of plans of care reviewed in the sample.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**LOC/POC Database**

| 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):   |
|---|--|--|
| <input type="checkbox"/> State Medicaid Agency                              | <input type="checkbox"/> Weekly                                    | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                        | <input type="checkbox"/> Monthly                                   | <input checked="" type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                   | <input checked="" type="checkbox"/> Quarterly                      | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval<br>= 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>          | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/>                   |
|   | <input type="checkbox"/> Continuously and Ongoing                  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>                               |
|   | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> |  |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>             | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>    |

|   |  |
|---|--|
| <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. 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.b.1. Number and percentage of plans of care that are developed in accordance with state requirements. Percentage = Number of plans of care that meet state requirements / Total number of plans reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

LOC/POC Database

| <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>   |
|---|--|--|
| <input type="checkbox"/> State Medicaid Agency                                    | <input type="checkbox"/> Weekly  | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                              | <input type="checkbox"/> Monthly   | <input checked="" type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity   | <input checked="" type="checkbox"/> Quarterly                            | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval<br>= 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>                | <input type="checkbox"/> Annually  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/>                   |
|   | <input type="checkbox"/> Continuously and Ongoing                        | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>                               |
|   | <input type="checkbox"/> Other<br>Specify:<br><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> |
|---|--|
| <input checked="" type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly  |
| <input checked="" type="checkbox"/> Operating Agency                                  | <input type="checkbox"/> Monthly   |
| <input type="checkbox"/> Sub-State Entity   | <input checked="" type="checkbox"/> Quarterly                                |
| <input type="checkbox"/> Other  | <input type="checkbox"/> Annually  |

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

c. *Sub-assurance: Service plans are updated/revised at least annually or when warranted by changes in the waiver participant's needs.*

**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.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):**

**Other**

If 'Other' is selected, specify:

**LOC/POC Database**

| 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):  |
|--|--|--|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                    | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                   | <input checked="" type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                  | <input checked="" type="checkbox"/> Quarterly                      | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval<br>= 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>         | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/>                   |
|  | <input type="checkbox"/> Continuously and Ongoing                  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>                               |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> |  |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify:                                     | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:                            |

d. *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.d.1. Number and percentage of participants who received services in the amount, frequency and duration specified in their plan of care. Percentage = Number of participants who received services in the amount, frequency and duration specified in their plan of care / Total number of participants.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Medicaid Data Contractor**

| 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):                                |
|---|---|--|
| <input type="checkbox"/> State Medicaid Agency                                    | <input type="checkbox"/> Weekly                                   | <input checked="" type="checkbox"/> 100% Review                            |
| <input type="checkbox"/> Operating Agency   | <input type="checkbox"/> Monthly                                  | <input type="checkbox"/> Less than 100% Review                             |
| <input type="checkbox"/> Sub-State Entity   | <input checked="" type="checkbox"/> Quarterly                     | <input type="checkbox"/> Representative Sample<br>Confidence Interval<br>= |
| <input checked="" type="checkbox"/> Other<br>Specify:<br>Medicaid Data Contractor | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified<br>Describe Group:                     |
|   | <input type="checkbox"/> Continuously and Ongoing                 | <input type="checkbox"/> Other<br>Specify:                                 |
|   | <input type="checkbox"/> Other                                    |  |

|  |          |  |
|--|----------|--|
|  | Specify: |  |
|--|----------|--|

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify:                                     | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:                            |

- e. *Sub-assurance: Participants are afforded choice: Between waiver services and institutional care; and 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.e.1. Number and percentage of initial applicants who received a choice between waiver and institutional services as documented by an appropriately completed freedom of choice form.**  
**Percentage = The number of initial applicants who received a choice between waiver and institutional services / Total number of initial applicants in the sample.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**LOC/POC Database**

| 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):  |
|--|---|--|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                   | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                  | <input checked="" type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                  | <input checked="" type="checkbox"/> Quarterly                     | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval<br>= 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:                                 | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified<br>Describe Group:   |

|  |   |   |
|--|---|---|
|  | <input type="checkbox"/> Continuously and Ongoing               | <input type="checkbox"/> Other Specify:<br><input type="text"/> |
|  | <input type="checkbox"/> Other Specify:<br><input type="text"/> |   |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other Specify:<br><input type="text"/>                | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other Specify:<br><input type="text"/>       |

**Performance Measure:**

**D.a.i.e.2. Number and percentage of waiver participants who received a choice of available waiver services providers, as documented by a signed and dated freedom of choice listing. Percentage = Number of participants offered choice of available waiver service providers / Total number of records reviewed in the sample.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

LOC/POC Database

| 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):  |
|--|---|--|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                   | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                  | <input checked="" type="checkbox"/> Less than 100% Review                                  |
| <input type="checkbox"/> Sub-State Entity                                  | <input checked="" type="checkbox"/> Quarterly                     | <input checked="" type="checkbox"/> Representative Sample Confidence Interval = 95% +/- 5% |
| <input type="checkbox"/> Other Specify:<br><input type="text"/>            | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified Describe Group:<br><input type="text"/>                |
|  | <input type="checkbox"/> Continuously and Ongoing                 | <input type="checkbox"/> Other Specify:<br><input type="text"/>                            |
|  | <input type="checkbox"/> Other Specify:<br><input type="text"/>   |  |

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify:                                     | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:                            |

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 Measures D.a.i.a.1, D.a.i.a.2, D.a.i.a.3, D.a.i.b.1, D.a.i.c.1, D.a.i.e.1, and D.a.i.e.2: A random sample of participants whose plans were approved during the preceding quarter will be generated by OCDD. For each participant included, OCDD Regional Waiver Supports and Services Office or Human Services Authority or District quality or supervisory staff will review participants records to obtain the information necessary for reporting these performance measures.

**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. In addition, provide information on the methods used by the State to document these items.

Performance Measures D.a.i.a.1, D.a.i.a.2, D.a.i.a.3, D.a.i.b.1, D.a.i.e.1, and D.a.i.e.2:

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

- 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 State Office level, remediation data is aggregated and reviewed by the Performance Review Committee to assure that all cases needing remediation are addressed. Trends and patterns are identified in order to improve performance.

All aggregated discovery and remediation data is submitted by the operating agency to MPSW on a quarterly basis for analysis. MPSW also reviews the performance measure reports and monitors remediation activity on a quarterly basis to ensure all instances of non-compliance are remediated within 30 days of notification. MPSW then 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 SMA will meet with the operating agency to address any changes needed to remediation strategies in order to improve results. The SMA will continue to follow up with the operating agency to evaluate remediation for effectiveness.

**ii. Remediation Data Aggregation**

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

| Responsible Party(check each that applies):               | Frequency of data aggregation and analysis(check each that applies): |
|---|--|
| <input checked="" type="checkbox"/> State Medicaid Agency | <input type="checkbox"/> Weekly                                      |
| <input checked="" type="checkbox"/> Operating Agency      | <input type="checkbox"/> Monthly                                     |
| <input type="checkbox"/> Sub-State Entity                 | <input checked="" type="checkbox"/> Quarterly                        |
| <input type="checkbox"/> Other                            | <input type="checkbox"/> Annually                                    |



| Responsible Party <i>(check each that applies):</i> | Frequency of data aggregation and analysis <i>(check each that applies):</i> |
|---|--|
| Specify:<br><input type="text"/>                    |  |
|   | <input type="checkbox"/> Continuously and Ongoing                            |
|   | <input type="checkbox"/> Other<br>Specify:<br><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 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. CMS will confer the Independence Plus designation when the waiver evidences a strong commitment to participant direction.*

Indicate whether Independence Plus designation is requested (select one):

- Yes. The State requests that this waiver be considered for Independence Plus designation.
- No. Independence Plus designation is not requested.

**Appendix E: Participant Direction of Services**

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**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 (Community Living Supports).

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 contracted 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:

- 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 participants' needs are being met through services.

## Appendix E: Participant Direction of Services

### 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.

## 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 provide more information on the principles of self-determination, the services that can be self-directed, the roles and responsibilities of each service option, and 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:

- Best practices in recruiting, hiring, training, and supervising staff;
- Determining and verifying staff qualifications;
- The process for obtaining criminal background checks on staff;
- Determining the duties of staff based on the service specifications;
- Determining the wages for staff within the limits set by the state;
- Scheduling staff and determining the number of staff needed.
- Orienting and instructing staff in duties;
- Best practices for evaluating staff performance;
- Verifying time worked by staff and approving timesheets;
- Terminating staff, as necessary;
- Emergency Preparedness planning; and
- 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 is easy-to-understand and addresses participants' perspective.

**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:

**Appendix E: Participant Direction of Services**

**E-1: Overview (6 of 13)**

**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         |
|---------------------------|-------------------------------------|--------------------------|
| Community Living Supports | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

**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:

- 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 contracted fiscal/employer agency, procured through the Department's Request for Proposal (RFP) process.

**ii. Payment for FMS.** Specify how FMS entities are compensated for the administrative activities that they perform:

The charges for fiscal management services will be paid through a monthly fee per participant by the Bureau of Health Services Financing (BHSF).

**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 and the terms of the contract. BHSF performs monitoring of the fiscal/employer agent's claims payment activities, billing history, and adherence to the terms of the contract 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 the 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 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

### 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 OCDD LGE and the Self-Direction Program Manager. Once notified by OCDD 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 participants and their authorized representative with determining the number of 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, with the participant.

The Support Coordinator will then facilitate planning and preparation of the Plan of Care/revision, which will be submitted to the OCDD LGE for approval. Support Coordinator is responsible for monitoring service delivery and implementation dates, and updating the participant's Plan of Care annually or as changes in service needs occur. The OCDD 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 provide employment support 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):

| Participant-Directed Waiver Service                             | Information and Assistance Provided through this Waiver Service Coverage |
|---|--|
| Dental  | <input type="checkbox"/>   |
| Respite Services - Out of Home                                  | <input type="checkbox"/>   |
| On-Time Transitional Services                                   | <input type="checkbox"/>   |
| Assistive Technology/Specialized Medical Equipment and Supplies | <input type="checkbox"/>   |
| Companion Care  | <input type="checkbox"/>   |
| Environmental Accessibility Adaptations                         | <input type="checkbox"/>   |
| Housing Stabilization Service                                   | <input type="checkbox"/>   |
| Host Home   | <input type="checkbox"/>   |
| Nursing   | <input type="checkbox"/>   |
| Pre-vocational Services   | <input type="checkbox"/>   |
| Transportation - Community Access                               | <input type="checkbox"/>   |
| Supported Employment  | <input type="checkbox"/>   |
| Personal Emergency Response System                              | <input type="checkbox"/>   |
| Adult Day Health Care   | <input type="checkbox"/>   |
| Shared Living Services  | <input type="checkbox"/>   |
| Professional Services   | <input type="checkbox"/>   |
| Day Habilitation  | <input type="checkbox"/>   |
| Support Coordination  | <input checked="" type="checkbox"/>                                      |
| Housing Stabilization Transition Service                        | <input type="checkbox"/>   |
| Community Living Supports                                       | <input type="checkbox"/>   |

- 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 Advocacy Center in Louisiana.

The Advocacy Center 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 Advocacy Center 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 Advocacy Center 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. Among the diverse services offered are legal representation, information and referral, outreach and training. The Advocacy Center also provides limited legal services as well as outreach and education to senior citizens of Orleans, Plaquemines and St. Tammany under contract with the Councils on Aging in those parishes.

The Advocacy Center helps to give clients the skills and knowledge to act on their own behalf. The Advocacy Center provides a variety of booklets, reports, flyers, and other resources pertaining to persons 60 years or older and persons with disabilities. The Advocacy Center 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

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### E-1: Overview (11 of 13)

- i. 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 the 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 Plan of Care, 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 his/her Support Coordinator immediately upon identification of issues or concerns in any of the above situations

## Appendix E: Participant Direction of Services

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### 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 requires a revision of the Plan of Care, eliminating the fiscal/employer agency and indicating the Medicaid-enrolled waiver service provider of choice. Procedures must follow those outlined in the Support Coordination Manual.

Involuntary termination may occur for the following reasons:

- If the participant does not receive self-directed services for ninety days or more.
- 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.
- 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.
- If the participant or the authorized representative/co-signer consistently:
  - o Permits employees to work over the hours approved in the participant's Plan of Care or allowed by the participant's program
  - o 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.
  - o 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.
  - o Violates Medicaid program rules or guidelines of the of the Self-Direction option.
- 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.
- 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 ROW 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

| Waiver Year | Employer Authority Only | Budget Authority Only or Budget Authority in Combination with Employer Authority |  |  |
|-------------|-------------------------|--|--|--|
|             | Number of Participants  | Number of Participants   |  |  |
| Year 1      | 5                       |  |  |  |
| Year 2      | 10                      |  |  |  |
| Year 3      | 15                      |  |  |  |
| Year 4      | 30                      |  |  |  |
| Year 5      | 60                      |  |  |  |

**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:

It is included in the FMS contract.

The cost of criminal background checks are paid for by DHH.

- 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.**
- 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:

**Answers provided in Appendix E-1-b indicate that you do not need to complete this section.**

**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**

**Answers provided in Appendix E-1-b indicate that you do not need to complete this section.**

**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

### 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 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).

Both applicants and recipients 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. A person may file an administrative appeal to the Division of Administrative Law in the Louisiana Department of Health and Hospitals regarding the following determinations:

- 1) A finding by the office that the person does not qualify for system entry;
- 2) Denial of entrance into a home and community-based service waiver;
- 3) Involuntary reduction or termination of a support or service;
- 4) Discharge from the system; and/or

5) Other cases as stated in office policy or as promulgated in regulation.

During the initial assessment process, which must begin within 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 and Hospitals. 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 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 service plan, including this section are kept in the appropriate OCDD 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 case management 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 and Hospitals in writing, by phone or e-mail. The OCDD Regional LGE is responsible for giving information to the individual and his/her legal representatives of how to contact the Louisiana Department of Health and Hospitals Division of Administrative Law by writing, phone or e-mail, and how to contact The Advocacy Center 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 participant 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 OCDD LGE providing 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 days of receipt of a proposed adverse action by the OCDD LGE in order for current waiver services remain in place during the appeal process. If the appeal request is not made within ten days, but is made within thirty days, all Medicaid waiver services are discontinued on the eleventh 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 days following receipt of a proposed adverse action sent by the OCDD Local Governing Entity (LGE). Once a request for an appeal is received, the OCDD LGE must submit the request to the Division of Administrative Law no later than seven calendar days after receipt. A copy of the letter and the response/request is kept in the participant's record at the appropriate OCDD 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 OCDD Local Governing Entity (LGE). Requests for withdrawal are kept in the participant's record at the appropriate OCDD LGE.

Enrolled providers of waiver services provide participants and their legal representatives notice in writing at least fifteen 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 representatives 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.

The operating agency will provide MPSW with quarterly reports of those persons who have been notified of appeal rights when waiver services have been denied, terminated or reduced. Included will be dates of notification and reasons prompting notification.

## 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**

- b. 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**

- b. Operational Responsibility.** Specify the State agency that is responsible for the operation of the grievance/complaint system:

The Bureau of Health Services Financing, Health Standards Section (HSS) is responsible for the operation of the grievance/complaint system.

The OCDD is responsible for receiving, reporting, and responding to customer complaints received for participants supported through their office, including those supported through the waiver.

- c. 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 is responsible for receiving, reporting and responding to customer complaints received for people supported through their office including those supported through the ROW. A complaint is a written or verbal statement expressing concern or dissatisfaction, which calls for action/resolution. Each OCDD entity including OCDD Regional Local Governing Entity (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 the complaint is triaged to determine if the complaint can be resolved by OCDD or if the complaint needs to be referred to another agency (Health Services Finance, Program Integrity, Protective Services etc.) for action/resolution. The initiation of the complaint review and follow-up occurs within two business days of receipt of the complaint. Actions to resolve the complaint will be completed within thirty 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 resolution/action. OCDD 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.

The Bureau of Health Services Financing, Health Standards Section (HSS) is responsible for the operation of the Home and Community Based Waiver Complaint Line that involves complaints against licensed providers.

- The HSS State Office 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 OCDD Regional Waiver Supports and Services Office or Human Services Authority or District 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 service plan team meeting, or whenever it is requested by the participant and his/her legal representative(s).
- HSS and OCDD LGE, as well as support agencies such as 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. OCDD Regional Waiver Supports and Services Office or Human Services Authority or District staff checks to make sure that this information has been relayed to them during the pre-certification visit.

- If the OCDD LGE or State Office staff is contacted by a participant/legal representative(s), other state agency, support coordinator or provider wishing to file a complaint, the OCDD LGE 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, or Elderly 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 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 45 days of receipt of the completed investigation, if a response to the complaint is requested by the complainant.

## Appendix G: Participant Safeguards

### Appendix G-1: Response to Critical Events or Incidents

- 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 for review and follow-up action by the appropriate authority are:

- **Abuse (adult/elderly):** The infliction of physical or mental injury on a participant by other parties. (Louisiana Revised Statutes 15:1503).
- **Abuse (child):** Any acts which seriously endanger the physical, mental, or emotional health and safety of a child (Louisiana Children's Code, Article 1003).
- **Exploitation:** The illegal or improper use or management of an aged person's or disabled adult's funds, assets or property (Louisiana Revised Statutes 15:1503).
- **Extortion:** The acquisition of a thing of value from an unwilling or reluctant adult by physical force, intimidation, or abuse of legal or official authority. (Louisiana Revised Statutes 15:1503).
- **Neglect (adult/elderly):** The failure, by a caregiver responsible for an adult's care or by other parties, or by the adult participant's action or inaction to provide the proper or necessary support or medical, surgical, or any other care necessary for his well-being (Louisiana Revised Statutes 15:1503).
- **Neglect (child):** The refusal or failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment or counseling for an injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health and safety is substantially threatened or impaired (Children's Code Article 1003).
- **Fall:** A participant is either found on the floor or ground (un-witnessed event), or the participant comes to rest on the floor or ground unintentionally, assisted or unassisted (witnessed).
- **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 actions.

- **Loss or Destruction of Home:** Damage to or loss of the participant's home that causes harm or the risk of harm to the participant.
- **Major Behavioral Incident:** 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 (e.g., attempted suicide, suicidal threats, self-endangerment, elopement/missing, self-injury, property destruction, offensive sexual behavior, sexual aggression, physical aggression).
- **Major Illness:** Any substantial change in health status, illness, or sickness (suspected or confirmed) which requires unscheduled treatment, or other medical intervention by a physician, nurse, dentist, or other licensed health care providers. Major illnesses include but are not limited to bowel obstruction, decubitis, pneumonia, or seizures.
- **Major Injury:** Any suspected or confirmed wound or injury to a participant of known or unknown origin requiring medical attention by a physician, nurse, dentist, or any licensed health care provider.
- **Major Medication Incident:** 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. Major medication incidents include staff error, pharmacy error, person error, medication non-adherence, and family error.
- **Healthcare Admission:** The admission of a participant to a hospital or other health care facility for the purpose of receiving medical care or other treatments, etc. Reportable healthcare admissions include acute care facility, emergency room, nursing home, psychiatric hospital, rehabilitation facility, respite center/supports and services center.
- **Restraint Use:** Any personal, physical, chemical, or mechanical intervention used to control acute, episodic behavior that restricts movement or function of a participant or a portion of a participant's body (OCDD Policy # 701 Restraints and Seclusion).
- **Self-neglect:** The failure by the participant's action or inaction to provide the proper or necessary supports or other medical, surgical, or any other care necessary for his/her own well-being. (Louisiana Revised Statutes 15:1503).
- **Death:** This is determined by the physician or coroner who issues the death certificate for a participant.

Individuals and entities who must report critical incidents and the reporting method(s) employed are:

- **Participant and/or family member(s):**
  - o Report as soon as possible to the direct service provider and/or support coordination agency.
- **Direct Service Provider (DSP) staff:**
  - o Must immediately take the necessary action required to assure the participant is protected from further harm and respond to any emergency needs of the participant.
  - o Must verbally report all critical incidents immediately upon discovery or within 2 hours of the incident to the Support Coordinator/Agency after taking all necessary actions to protect the participant from further harm and responding to the emergency needs of the participant.
  - o Must fax or hand deliver a copy of the completed Critical Incident Report (hard copy) to the Support Coordinator/Agency as soon as possible, but no later than 24 hours of the incident occurrence or discovery.
  - o Submit a follow-up report regarding the Critical Incident to the Support Coordinator/Agency by the close of the third business day following the initial report.
- **Support Coordinator:**
  - o When Support Coordinator discovers an incident, the Support Coordinator must contact the direct service provider within 2 hours of discovery and inform the provider of the incident. Must collaborate to assure that the participant is protected from further harm and assure that emergency actions are taken.
  - o Enters the critical incident information into the web-based Online Tracking System (OTIS) by close of the next business day.
  - o Enters follow-up case notes within 6 business days after the initial critical incident is received from the direct service provider or discovery by the support coordinator.
- **OCDD LGE CSRA, or designee:**
  - o Review all critical incident reports on a daily basis
  - o Immediately or within 24 hours notify verbally and in writing (via e-mail) the State Office Quality Management Designee, if the incident involves the death or the arrest of a participant or when the critical incident involves the abuse/neglect of a participant and results in the involvement of Law Enforcement.
- **OCDD LGE Staff:**
  - o When staff suspect or become aware that a Critical Incident meets the definition of abuse, neglect, exploitation, or extortion, immediately report the case to the appropriate protective agency (e.g., CPS, APS/EPS).
  - o Assure that activities occur within required timelines, including closure of the critical incident within thirty days, unless an extension has been granted
- **OCDD Quality Management Section:**
  - o Upon receipt of e-mail or verbal notification involving the death of a participant, the arrest of a participant, or of the abuse or

neglect of a participant involving law enforcement, immediately, but no later than twenty-four hours, notify in writing, sending via e-mail to all the following:

- DHH Deputy Chief of Staff;
- DHH Bureau of Media and Communication;
- OCDD Assistant Secretary or Designee;
- OCDD Deputy Assistant Secretary;
- Executive Director of Waiver Supports and Services;
- Executive Director of Community Services;
- OCDD Quality Management Staff;
- Other OCDD State and LGE Staff as deemed appropriate

**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.

- A Rights and HIPAA form are completed during the initial Single Point of Entry Determination Process for System Entry intake interview with the individual and his/her legal representatives. A Support Profile is completed during the intake interview that addresses issues concerning the individual's well-being, health, safety, and security.

- During the initial assessment and Plan of Care development process, the Support Coordinator explains the participant's right to be free from abuse and neglect and gives the number for the HSS complaint line to the participant and his/her legal representatives, reviews the participant's rights and responsibilities and gives them a copy of the OCDD Rights and Responsibilities for Applicants/Recipients of a Home and Community Based Waiver. The Support Coordinator also checks that the participant and his/her legal representative(s) have the HSS complaint line number at the quarterly face-to-face visits, or whenever it is requested.

- The participant/family member has a responsibility for reporting critical incidents.

- During the Pre-Certification Visit (after the assessment process and Plan of Care have been completed, but prior to services being initiated) the OCDD Local Governing Entity (LGE) staff will review all information, including information about abuse and neglect, with the participant and his/her legal representatives; make sure that they have phone numbers for the HSS complaint line, the OCDD LGE, and the Support Coordination agency for reporting purposes; and that they understand their rights and responsibilities and have been given a copy of the OCDD Rights and Responsibilities for Applicants/Participants of a Home and Community Based Waiver.

When there is a change in the participant's services, choice of self-direction, POC, etc., the participant's Support Coordinator reviews and explains the information with the participant/family. The Support Coordinator is available at any point in time to train/education the participant/family regarding issues/needs that may arise.

- Each direct service provider is required by licensing regulations to have a written orientation program for participants being admitted to their programs that include participant rights and responsibilities, and grievance and appeal procedures that contain information on abuse and neglect.

**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 timeframes for responding to critical events or incidents, including conducting investigations.

Reports/Evaluation of Reports/Investigations/Timeframes:

- Direct Support Provider:

- o Once notification of a Critical Incident is received by the provider agency, within two (2) hours of discovery, they must inform the support coordinator of the incident. The provider must assure that the participant is protected from further harm and respond to any emergency needs of the participant.

- o If abuse/neglect/exploitation/extortion is suspected, provider must immediately contact the appropriate protective service agency (CPS, APS/EPS). The provider must cooperate with the appropriate protective service agency once the agency has been notified and an investigation commences. The provider is required to provide relevant information, records, and access to members of the agency conducting the investigation.

- o The provider participates in planning meetings to resolve the Critical Incident or to develop strategies to prevent or mitigate the likelihood of similar incidents in the future.

- o The provider tracks Critical Incidents in order to identify remediation needs and quality improvement goals and to determine the effectiveness of strategies employed for incident resolution.

- Support Coordinator:

- o Receives Critical Incident Report from provider within 24 hours of the incident. Enter the critical incident information into the web-based Online Tracking System (OTIS) by close of the next business day. Enter follow-up case notes within 6 business days after the initial critical incident is received from the direct service provider or discovery by the support coordinator. The support coordinator must collaborate with the provider to assure that the participant is protected from further harm and respond to any emergency needs of the participant.

- o If abuse/neglect/exploitation/extortion is suspected, support coordinator must immediately contact the appropriate protective service agency (CPS, APS/EPS).

- o Convene planning meetings that may be required to resolve the critical incident or to develop strategies to prevent or mitigate the likelihood of similar critical incidents from occurring in the future.
  - o Obtain the participant summary from the web-based Online Tracking System (OTIS) after closure by the OCDD Regional Office or Human Service Authority/District and forward to the provider and participant within 15 days.
  - o Track critical incidents to identify required remediation actions and quality improvement goals, and to determine the effectiveness of strategies employed.
- OCDD LGE CSRA, or designee:
    - o On a daily basis, the CSRA, or designee, will review all new incoming critical incident reports, determine the report priority level (i.e., urgent or non-urgent), and assign the report to regional staff immediately or within 1 business day.
    - o Close cases after all needed follow-up has occurred and all necessary data has been entered into OTIS (supervisor review and closure).
    - o Tracks Critical Incidents by report to identify remediation needs and quality improvement goals and to determine the effectiveness of the strategies employed to assure resolution to the Critical Incident Report.
    - o The CSRA will sample 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.
  - OCDD LGE Staff:
    - o Upon receipt of the notification of the Critical Incident from the CSRA, staff will continue case follow-up which includes providing technical assistance to the support coordinator, requesting any additional information from the support coordinator as needed, review to assure that all necessary information has been entered by the support coordinator into the web-based Online Tracking System (OTIS).
    - o If staff suspect or become aware that a Critical Incident meets the definition of abuse, neglect, exploitation or extortion, staff must immediately report the incident to the appropriate protective service agency.
    - o Make timely referrals to other agencies as necessary.
    - o Staff will complete the participant summary and assure closure of the Critical Incident within 30 days.
  - CPS (ages 0 to 17):
    - o Upon receipt of an allegation or report of abuse, neglect or exploitation involving a child by a family member or legal guardian, CPS investigates based upon their internal policy and guidelines. Cases are scheduled for completion/closure within 90 days.
    - o If the perpetrator/accused is a direct service provider staff person, a report is made to Health Standards Section for the investigation.
  - APS/EPS(ages 18 and above):
    - o Upon receipt of an allegation or report of abuse, neglect, exploitation, or extortion involving an adult/elderly participant by a family member or legal guardian, APS/EPS investigates based upon their internal policy and guidelines. Cases are scheduled for completion/closure within 90 days.
    - o If the perpetrator/accused is a direct service provider staff person, APS/EPS investigates based upon their internal policy and guidelines. Cases are scheduled for completion/closure within 30 days.
  - Health Standards Section:
    - o Upon receipt of an allegation or report of abuse, neglect, exploitation, or extortion by a direct service provider staff, Health Standards Section investigates based upon their internal policy and guidelines. Cases are scheduled for completion/closure within 30 days.
  - Law Enforcement:
    - o Upon receipt of an allegation or report of abuse, neglect, or exploitation of a child that involves a direct service provider staff, law enforcement will investigate within their timeframe for closure of the case.
  - OCDD State Office (Quality Section):
    - o Within 24 hours or immediately upon discovery, OCDD LGE will notify both verbally and in writing (via e-mail) the OCDD State Office Quality Management Designee when critical incidents involve the death or arrest of a participant, or when critical incidents of abuse/neglect of a participant results in the involvement of Law Enforcement.
    - o Provides technical assistance to the OCDD Local Governing Entity (LGE) as needed. OCDD State Office (Quality Section) identifies necessary remediation to be taken by the direct service provider, support coordinator/agency, and OCDD LGE staff.
    - o Identifies and reviews trends and patterns to identify potential quality enhancement goals and utilizes the critical incident data to determine the effectiveness of OCDD Quality Enhancement strategies.

Process and timeframes for informing the participant/family/legal representative and other relevant parties of the investigation results:

    - The OCDD LGE staff completes the participant summary for all Critical Incidents within 30 days of the Critical Incident.
    - The support coordinator obtains the participant summary and forwards a copy to the participant and direct service provider within 15 days of closure by the OCDD LGE.
- 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 delineates the responsibility for oversight of the reporting and response to critical incidents or events that affect waiver participants. Agencies include Medicaid, OCDD, and Local Governing Entities.

The process for the oversight agency to communicate information and findings to the Medicaid agency:

- OCDD provides the State Medicaid Agency quarterly reports which include all Critical Incidents. Methods for overseeing the operation of the incident management system, including how data are collected, compiled, and used to prevent re-occurrence:
  - Periodically, the OCDD LGE shall select 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.
  - A sample of critical incidents to review for adherence to policy, including a review to determine if all necessary actions were taken to address/resolve critical incidents is selected.
  - OCDD aggregates critical incident data and analyze the data to identify trends and patterns;
  - OCDD reviews reports of the trends and patterns to identify potential quality enhancement goals;
  - OCDD utilizes critical incident data to determine the effectiveness of quality enhancement strategies.
  - OCDD utilizes the information and data collected on critical incidents for quality management purposes, including but not limited to the following:
    - o Development and review of reports to assure that follow-up and case closure of critical incidents occur according to this policy on an on-going basis for individual cases and quality review of aggregate data
    - o Quarterly analysis of data to identify trends and patterns for effective program management that ensures the safety and well-being of people receiving OCDD supports and services and ensures that people receive quality supports and services from OCDD
    - o Annual analysis of data to determine the effectiveness of quality enhancement goals and activities; and
    - o Identification of participants who experience frequent critical incidents and will need strategies to mitigate risk included in their Plan of Care on an on-going basis by support coordination agencies as they perform their quarterly Plan of Care reviews.

Frequency of oversight activities:

MPSW reviews critical incident reports from the operating agency on a quarterly basis to determine if they were resolved appropriately and timely and to determine if there are any trends and patterns that indicate further action is needed. MPSW also monitors the data reports to see if remediation activities implemented in the previous quarter were effective in improving data results for the current period. If remediation activities were not effective, the SMA will meet with the operating agency to address any changes needed to remediation strategies in order to improve results. The SMA will continue to follow up with the operating agency to evaluate remediation for effectiveness.

MPSW also conducts a look-behind review of critical incidents to ensure remediation activities occurred correctly and timely; if necessary steps were taken in response to reported incidents; and if appropriate referrals to HSS and protective services/law enforcement were made.

**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).

Restraint: any physical, chemical, or mechanical intervention used to control acute, episodic behavior that restricts movement or function of the person or a portion of the person's body, must be reported as a critical incident. Categories of

**restraint use:**

•Behavioral: restraints used to suppress a person's behavior and do not include restraints utilized when conducting a medical treatment. May be planned or unplanned. May involve personal, mechanical, or chemical restraints. Includes a protective hold.

•Medical: restraints applied as a health related protection that are prescribed by a licensed physician, licensed dentist, or licensed podiatrist. Used when absolutely necessary during the conduct of a specified medical or surgical procedure or when absolutely necessary for the protection of the person during the time that a medical condition exists. May be planned or unplanned. May involve personal, mechanical, or chemical restraints. The appropriate use of "light sedation" is not considered a medical restraint.

The operating agency provides Bureau of Health Services Financing (Medicaid agency) with aggregate data and reports which are inclusive of any reported restraint use.

Seclusion is not permitted.

•Enrolled providers of waiver services are prohibited by licensing regulations to inflict corporal punishment, use chemical restraints, psychological abuse, verbal abuse, seclusion, forced exercise, mechanical restraints, any procedure which denies food, drink, or use of rest room facilities and any cruel, severe, unusual or unnecessary punishment.

•The only restraint that may be used in an emergency is a protective hold (falls under the definition of a behavioral restraint).

•Protective holds are only to be used in an emergency to prevent a person from causing harm to self or others and after other, less restrictive interventions/strategies have failed. Protective holds may only be implemented by trained staff and of short duration. [Louisiana Revised Statutes 40.2006(E)(2) & 40.2120.11-40:2120.16 which cover the broad range of agencies, programs, and facilities who are subject to the Statutes.]

•Pursuant to DHH Policy #0028-04, the Office for Citizens with Developmental Disabilities has a Policy on Restraint and Seclusion (#701). This policy covers:

o Individual right to be free from restraints imposed for the purpose of coercion, discipline or convenience of or retaliation by staff;

o When restraints are necessary in an emergency situation where the behavior of the individual represents an imminent risk of injury to the individual or others;

o Staff training and competence in methods for minimizing the use of restraint and safely applying restraint and in policies concerning the use of restraint.

•Enrolled providers of waiver services are required by licensing regulations to ensure that non-intrusive, positive approaches to address the meaning/origin of behaviors that could potentially cause harm to self or others.

•Direct care staff are required to have initial and annual training in the management of aggressive behavior, this includes acceptable and prohibited responses, crisis de-escalation, and safe methods for protecting the person and staff, including techniques for physically holding a person if necessary. When a participant becomes angry, verbally aggressive or highly excitable, staff will utilize this training.

•If a protective hold must be utilized, direct care staff will notify the Support Coordinator verbally immediately or within two hours of discovery and report in writing via Critical Incident Report within 24 hours, following appropriate reporting procedures.

•The Support Coordinator will contact the participant and his/her legal representatives within 24 hours of receiving the incident report involving a physical hold. Changes to the service plan or living situation will be considered to support the person's safety and well-being. Follow-up visits with the participant and his/her legal representatives are conducted and include questions about any actions taken by a service provider that may qualify as unauthorized use or misapplication of physical restraints.

•Unauthorized use of restraints is detected through the licensing and surveying process that HSS conducts, as a result of the Support Coordinator's monthly contacts with participants and their legal representative(s), or as a result of receipt of a critical incident report or complaint.

OCDD does not support the use of restraint (which will be referred to as protective supports and procedures) as a true behavioral intervention with application contingent on exhibition of a specific problem behavior on a routine basis. Rather, it is only to be used in situations where there is immediate, imminent risk of harm to self or others if physical intervention does not occur. Protective supports and procedures are incorporate in the Plan of Care if use is anticipated based on the participant's behavioral trends and patterns. Behavioral challenges are addressed in an ongoing plan that utilize other appropriate and less restrictive techniques to prevent the problems, de-escalate them when they occur, and teach appropriate options/coping skills/replacement behaviors.

The direct service provider is responsible for reviewing incidents and trends while OCDD is responsible for reviewing direct service provider practices and use of protective supports and procedures. Incidents reaching a specified threshold will be reviewed by the OCDD Clinical Review Committee.

Almost any other technique is considered less restrictive than restraint use besides medication for the purposes of sedating the participant or use of aversive conditioning techniques which OCDD does not allow. Plans are written by private psychological service providers and as a result, the techniques will vary, but may include:

Preventive strategy examples:

1. Identification of triggers for the challenging behavior and avoidance of triggers (i.e., noise may be a trigger so efforts are made to avoid loud/crowded spaces); and

2. Identification of things the participant enjoys and times/activities during which the challenging behavior is least likely to occur and providing increased opportunities for accessing meaningful/enjoyable things (i.e., finding someone a job that they enjoy; spending more time with family if this is important, etc).

Teaching examples:

1. Teaching the participant problem solving, anger management, or relaxation skills to avoid escalation of the challenging behavior and then teaching staff to recognize the early signs of agitation and how to prompt use of the new coping skills; and

2. Reinforcing exhibition of appropriate behavior (identified in the plan) and not reinforcing the challenging behavior so it

is more likely that appropriate behavior alternatives will be chosen Intervention examples:

1. Blocking the participant from reaching an object he/she may throw or a person he/she may hit but not actually holding or restraining the participant; and

2. Removing objects that may be used aggressively.

Again, it should be noted that these are only examples in each category of possible strategies. There are many other alternatives that may be used. Each plan is tailored to meet the participant's needs and is developed by different professionals.

The use of restraints requires prior permission. Informed consent is obtained from the participant or his/her legal guardian relevant to the participant's consent for implementation of the plan. At a minimum, informed consent includes the essential components necessary for understanding the potential risks and benefits of the plan. Also, the participant or legal guardian shall be informed of the right to withhold or withdraw consent at any time. If a restraint is unplanned, as in emergency situations, prior permission is not obtained. However, unplanned restraints are based on the fact that the restraint is a response to an emergent situation in which imminent risk of harm exists to person and/or others.

Strategies considered prior to restraint use include Positive Support Procedures (based on the individual support need), Desensitization, assessment by allied health professionals for alternate communication strategies, and identification of possible medical antecedents, etc.

When restraint is used for behavior support procedures, a licensed psychologist authorizes the use. When restraints are used for medical protective supports and procedures (as those applied as a health-related protection) a licensed physician, licensed dentist, or licensed podiatrist, authorizes the use.

The following practices are employed to ensure the health and safety of individuals when restraints are used:

- Staff training and competence: Staff must be competent in the use of restraint methods to avoid/prevent use of restraints and methods for implementing emergency restraints when necessary as a last resort. Required competencies include demonstration of knowledge of OCDD's philosophy and policy re: use of restraints and knowledge concerning the conditions necessary for implementation of emergency restraints; competency in use of procedures taught in standard state approved programs for managing aggressive behaviors or an alternate crisis intervention system that does not use prone personal restraints; demonstration of competency in outlined support plan strategies relative to avoiding/preventing use of restraints and any methods for guiding the person more effectively, as well as the use of specific types of emergency restraints before applying them (inclusive of application, release, documentation, monitoring, and other information relative to safety of administering these procedures); staff responsible for visually and continually monitoring the person in behavioral restraints shall demonstrate competency in knowledge/implementation of agency protective support policies, application of protective supports, recognizing signs of distress, recognizing when to contact physician or emergency medical service so as to evaluate/treat the person's physical status, and documentation; demonstration of knowledge/competency in, and procedures for accessing emergency medical services rapidly; competency/training in all aspects of applying medical restraints as prescribed by the person's physician (inclusive of training on strategies for reducing time in which medical restraints are required as outlined in support plan and documentation of training on essential steps for applying mechanical restraints and for implementing support plan strategies).

- Implementation: Each agency must have a policy that defines minimum components including defining limitations on use of restraints within the agency in a manner that is consistent with OCDD policy/philosophy on protective supports; a system to identify who is qualified to implement restraints within the agency (with agency maintaining tracking of which staff are trained and when annual re-training is to occur); each agency must have a system for tracking the use of emergency restraints and mechanical restraints, if used; and each agency where emergency restraints are implemented must have safety procedures in place to protect the participant and staff (inclusive of provision of back up staff in the event of an emergency; procedures to check health of the person prior to, during and following implementation of emergent restraints, as well as safety actions to maximize safety of participant/others; procedures for addressing incidents that led to the use of emergency restraints (including development of a Positive Behavior Support Plan that include strategies to prevent/avoid future incidents and is integrated into the support plan); and procures to review incidents within 24 hours so as to prevent, to act quickly, or avoid future incidents).

**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:

- The Health Standards Section of Bureau of Health Services Financing (BHSF), the Medicaid Agency, is responsible for monitoring that client rights are observed and that there are no negative outcomes related to the use of physical or chemical restraints.

- Oversight is conducted through ongoing monitoring of Critical Incident/Incident Reports via the Online Tracking Incident System (OTIS) and Health Standards Section will investigate incidents involving complaints involving immediate jeopardy, serious injuries, and other serious critical incidents.

- The OCDD LGE staff may refer reports of use of restraint to the State Office Review Committee for guidance and recommendations.

- Any participant who has had a protective hold used is placed on the high risk monitoring list.

- Unauthorized, over use or inappropriate use of restraints is detected through the annual monitoring HSS conducts or as a result of support coordinator's monthly contacts with participants and their legal representative(s), or as a result of receipt of a Critical Incident report.

- The OCDD Critical Incident Program Manager and HSS ensure that all applicable state requirements have been

followed regarding restraint as part of the Critical Incident report review process.

- OCDD has developed the Online Tracking Incident System (OTIS) to identify trends and patterns and support improvement strategies regarding Critical Incidents. This system allows the Health Standards Section of BHSF and OCDD to work together to collect and compile data and use it to prevent reoccurrence of incidents.

The operating agency provides the Bureau of Health Services Financing with aggregate data and reports which are inclusive of any reported restraint use, etc. Aggregate data is provided to the Medicaid Agency on a quarterly basis and every fiscal year.

**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. See G-2 d. Critical incidents – Responsibility for Review of and Response to Critical Events or Incidents

- 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. See G-2 d. Critical incidents – Responsibility for Review of and Response to Critical Events or Incidents

- 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)

**b. 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.

The Support Coordinator is responsible for including medications, entity responsible for medication administration, and oversight into the participant's Plan of Care.

If the participant's direct service worker(s) is listed as being the responsible party for medication administration, authority is documented through the State Certified Medication Attendant Program.

The Support Coordination agencies contracted by the state who serve the participants are required to have a Registered Nurse Consultant on their staff. These RN Consultants are responsible for ongoing monitoring of participant medication regimens.

The Support Coordination agency's RN Consultant reviews all medication regimens initially and annually at the time of the Plan of Care for all participants and enters the date of review into CMIS. After the review is completed, the RN notifies the Support Coordinator if the participant has:

- a. an especially complex medication regimen or;
- b. is prescribed behavior modifying medications as part of their treatment program.

The RN enters the date of the medication review into CMIS.

When a Support Coordinator is notified of the above, the Support Coordinator will contact the RN Consultant after each quarterly face-to-face participant visit in order to give the RN Consultant an update and answer any questions the RN may have relevant to the participant's regimen. The Support Coordinator enters the date of contact with the RN into CMIS. At any time that a Support Coordinator has non-emergency health-related concerns they notify the RN Consultant.

During quarterly face-to-face contact with the participant the Support Coordinator obtains an update on medical and health related information, including physician visits, treatments, hospitalizations, medication updates and ensures that physician delegation, if applicable, is current.

If either the RN consultant or the Support Coordinator detects any potential harmful practices, the RN Consultant makes a face-to-face visit with the participant and when necessary follows up with the participant's medical practitioner. If a medication management issue also meets the OCDD criteria for a critical incident it is reported according to OCDD Critical Incident Policy.

The Local Governing Entity (LGE) approves initial and annual Plans of Care to ensure that:

- Information is included regarding whether or not the participant self-administers medication;

Medications listed have been properly recorded and match those listed on the Form 90-L; and

- If the participant does not self-administer, a register 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.

- 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.

OCDD/LGE is responsible for the oversight of medication management and follow up.

OCDD and OCDD/LGE (Local Governing Entity) staff review and approve Plans of Care that include the participant's medication and medication administration. Health Standards is responsible for surveys that monitor waiver participants which includes assessing medication administration for those included in the monitoring sample.

The Health Standards Section conducts a State Survey and Complaint investigations for Residential Options Waiver Home and Community Based Service Providers serving waiver participants in a sample review. This survey includes an assessment of services provided and their outcomes. Types of services reviewed include medications and treatments ordered by physicians. HSS ensures that corrective action occurs if findings warrant. Follow up will be conducted in those cases. HSS will share its findings with OCDD.

In accordance with OCDD policy, critical incidents regarding medication errors must be reported to the LGE. They are responsible for investigating critical incidents regarding medication management and following up with the Support Coordinator and direct service provider to ensure that any unsafe practices are remedied. OCDD will share discovery of possible deficient provider practices with HSS and Medicaid Program Support and Waivers (MPSW). Reports will be sent quarterly.

The OCDD State Office Quality Enhancement Section has the responsibility to:

- Analyze and trend data received from the HSS and medication critical incidents in order to identify potentially harmful practices and implement training, technical assistance, and policy and procedural changes to improve quality.
- Develop reports for LGE staff, committees, and external stakeholders, as appropriate.

The Online Tracking Information System (OTIS), an on-line, web-based reporting system for all critical incident reporting, including major medication incidents and staff, pharmacy, family, or participant medication errors expands and clarifies reporting categories and definitions for medication critical incidents.

OTIS allows the Support Coordination Agency and the LGE staff to directly input critical incident reports, follow-up information and resolution into the system and generate individual and aggregate reports. The system also allows real-time access and viewing of information for OCDD, HSS-BHSF, Adult Protective Services and Support Coordination Agencies.

Medication management monitoring is included in the critical incident data reports submitted to the State Medicaid Agency (SMA) quarterly. MPSW reviews 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 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 SMA will meet with the operating agency to address any changes needed to remediation strategies in order to improve results. The SMA will continue to follow up with the operating agency to evaluate remediation for effectiveness. MPSW also conducts look-behind reviews on data submitted by the operating agency.

MPSW reviews reports from the operating agency on a quarterly basis to determine if they were resolved appropriately and timely and to determine if there are any trends and patterns that indicate further action is needed. MPSW also monitors the data reports to see if remediation activities implemented in the previous quarter were effective in improving data results for the current period. If remediation activities were not effective, the SMA will meet with the operating agency to address any changes needed to remediation strategies in order to improve results. The SMA will continue to follow up with the operating agency to evaluate remediation for effectiveness.

MPSW also conducts a look-behind review of critical incidents to ensure remediation activities occurred correctly and timely, if necessary steps were taken in response to reported incidents.

## 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)*

##### ii. 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).

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 DHH-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 DHH-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 and up to 16 hours per year of continued education per licensing regulations including Nurse Delegation training.

iii. **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 OTIS 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.

(c) Specify the types of medication errors that providers must *report* to the State:

Medication administration incident reporting:

- Major medication incident - 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.
- Staff's error - the staff failure to administer or administered the wrong medication or dosage to a person. The staff's failure to fill a new prescription order within 24 hours or a medication refill prior to the next ordered dosage.
- Pharmacy error - The pharmacy incorrectly dispenses the meds etc.
- Participant's error - The participant unintentionally fails to take medication as prescribed
- Medication Non-Adherence - The participant refuses medication for three consecutive days
- Family error - A family member intentionally or unintentionally fails to administer a prescribed medication refill to the participant prior to the next ordered dosage

- 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:

iv. **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.

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.

The Online Tracking Information System (OTIS) a web-based reporting system for all critical incident reporting, including major medication incidents and staff or pharmacy medication errors. The system expands and clarifies reporting categories and definitions for medication critical incidents. OTIS allows real-time access to information for OCDD, MPSW, LGE, Health Standards Sections, Adult Protective Services and Support Coordination Agencies.

OCDD will share discovery of possible deficient provider practices with HSS. The OCDD State Office Quality Enhancement Section will aggregate, track and trend data from the HSS and medication critical incidents and disseminate reports to LGE staff and committees, as appropriate. 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).

OCDD's discovery of medication errors and related concerns may surface at any time and result from the LGE's ongoing, real-time reviews of OTIS critical incident reports (which include medication errors), from support coordinators quarterly on-site reviews and monthly contacts with participants and from direct complaints from participants, families or other stakeholders which may be phoned into OCDD State Office and 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 OTIS data base which is automatically accessible to the State Medicaid Agency 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 DHH Bureau, Section or Program Office with legal authority to investigate, sanction, recoup or take other actions to protect waiver participants (i.e., OAAS/Adult Protective Services; Health Standards Section; BHSF/Program Integrity Section).

MPSW reviews 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 SMA will meet with the operating agency to address any changes needed to remediation strategies in order to improve results. The SMA 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. (For waiver actions submitted before June 1, 2014, this assurance read "The State, on an ongoing basis, identifies, addresses, and seeks to prevent the occurrence of abuse, neglect and exploitation.")*

##### 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 in this sub-assurance include all Appendix G performance measures for waiver actions submitted before June 1, 2014.)*

#### 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.1. The number of reported critical incidents and rate per thousand participants in the ROW. Percentage = Number of critical incidents times one thousand / Total number of ROW participants.**

Data Source (Select one):

Other

If 'Other' is selected, specify:

Online Tracking Incident System (OTIS)

|  |  |  |
|--|--|--|
|  |  |  |
|--|--|--|



| 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> ):                     |
|---|--|--|
| <input type="checkbox"/> State Medicaid Agency                                      | <input type="checkbox"/> Weekly  | <input checked="" type="checkbox"/> 100% Review                          |
| <input checked="" type="checkbox"/> Operating Agency                                | <input type="checkbox"/> Monthly   | <input type="checkbox"/> Less than 100% Review                           |
| <input type="checkbox"/> Sub-State Entity   | <input type="checkbox"/> Quarterly   | <input type="checkbox"/> Representative Sample Confidence Interval       |
| <input type="checkbox"/> Other Specify: <input type="text"/>                        | <input type="checkbox"/> Annually  | <input type="checkbox"/> Stratified Describe Group: <input type="text"/> |
|   | <input checked="" type="checkbox"/> Continuously and Ongoing               | <input type="checkbox"/> Other Specify: <input type="text"/>             |
|   | <input type="checkbox"/> 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> ): |
|---|--|
| <input type="checkbox"/> State Medicaid Agency  | <input type="checkbox"/> Weekly  |
| <input checked="" type="checkbox"/> Operating Agency                                    | <input type="checkbox"/> Monthly   |
| <input type="checkbox"/> Sub-State Entity   | <input checked="" type="checkbox"/> Quarterly                                  |
| <input type="checkbox"/> Other Specify: <input type="text"/>                            | <input type="checkbox"/> Annually  |
|   | <input type="checkbox"/> Continuously and Ongoing                              |
|   | <input type="checkbox"/> Other Specify: <input type="text"/>                   |

**Performance Measure:**

G.a.i.a.2. Number and percentage of critical incidents reported alleging abuse, neglect, exploitation, or extortion that were substantiated by Protective Services/law enforcement.  
 Percentage = Number of substantiated allegations of abuse, neglect, exploitation or extortion / Total number of reported allegations

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Online Tracking Incident System (OTIS)**

| 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> ): |
|---|--|--|
| <input type="checkbox"/> State Medicaid Agency                                      | <input type="checkbox"/> Weekly  | <input checked="" type="checkbox"/> 100% Review      |
| <input checked="" type="checkbox"/> Operating Agency                                | <input type="checkbox"/> Monthly   | <input type="checkbox"/> Less than 100% Review       |

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

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other Specify:  | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other Specify:                               |

**Performance Measure:**

G.a.i.a.3. Number and percentage of critical incidents that are reported within the timelines specified in policy. Numerator = Number of critical incidents reported within the required timelines; Denominator = Total number of critical incidents reported.

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Online Tracking Incident System (OTIS)**

| 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):                        |
|--|---|--|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                   | <input checked="" type="checkbox"/> 100% Review                    |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                  | <input type="checkbox"/> Less than 100% Review                     |
| <input type="checkbox"/> Sub-State Entity                                  | <input type="checkbox"/> Quarterly                                | <input type="checkbox"/> Representative Sample Confidence Interval |
|  |   |  |

|  |  |  |
|--|--|--|
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/> |
|  | <input checked="" type="checkbox"/> Continuously and Ongoing       | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>             |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> |  |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>             | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>    |

**Performance Measure:**

**G.a.i.a.4. Number and percentage of critical incidents where all necessary follow-up was completed and appropriate actions were taken as measured by closure of the critical incident. Numerator = Number of critical incidents where all follow-up was completed and appropriate actions were taken as measured by closure of the critical incident; Denominator = Total number of critical incidents.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Online Tracking Incident System (OTIS)**

| 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):  |
|---|--|---|
| <input type="checkbox"/> State Medicaid Agency                              | <input type="checkbox"/> Weekly                                    | <input checked="" type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                        | <input type="checkbox"/> Monthly                                   | <input type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                   | <input type="checkbox"/> Quarterly                                 | <input type="checkbox"/> Representative Sample<br>Confidence Interval<br><input type="text"/> |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>          | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/>                |

|  |  |  |
|--|--|--|
|  | <input checked="" type="checkbox"/> <b>Continuously and Ongoing</b>    | <input type="checkbox"/> <b>Other</b><br>Specify: <input type="text"/> |
|  | <input type="checkbox"/> <b>Other</b><br>Specify: <input type="text"/> |  |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify: <input type="text"/>                | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify: <input type="text"/>       |

**Performance Measure:**

**G.a.i.a.5. Number and percentage of abuse/immediate jeopardy complaint investigations conducted within 2 working days of receipt by Health Standards. Percentage = Number of abuse/immediate jeopardy complaints conducted within 2 working days of receipt by Health Standards / Total number of complaints received.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**ASPEN Health Standards Immediate Jeopardy Log**

| 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):  |
|---|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                   | <input type="checkbox"/> Weekly                                    | <input checked="" type="checkbox"/> 100% Review   |
| <input type="checkbox"/> Operating Agency                                   | <input type="checkbox"/> Monthly                                   | <input type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                   | <input type="checkbox"/> Quarterly                                 | <input type="checkbox"/> Representative Sample<br>Confidence Interval<br>= <input type="text"/> |
| <input type="checkbox"/> Other<br>Specify: <input type="text"/>             | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group: <input type="text"/>                     |
|   | <input checked="" type="checkbox"/> Continuously and Ongoing       | <input type="checkbox"/> Other<br>Specify: <input type="text"/>                                 |
|   | <input type="checkbox"/> Other                                     |   |

|  |          |  |
|--|----------|--|
|  | Specify: |  |
|--|----------|--|

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input type="checkbox"/> Operating Agency                                      | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input type="checkbox"/> Quarterly                                    |
| <input type="checkbox"/> Other<br>Specify:                                     | <input checked="" type="checkbox"/> Annually                          |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:                            |

**Performance Measure:**

G.a.i.a.6. Number and percentage of participants who have an emergency evacuation plan.  
 Percentage = Number of participants who have an emergency evacuation plan / Total number of participants reviewed in the sample.

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**LOC/POC Database**

| 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):  |
|---|--|---|
| <input type="checkbox"/> State Medicaid Agency                              | <input type="checkbox"/> Weekly                                    | <input type="checkbox"/> 100% Review  |
| <input checked="" type="checkbox"/> Operating Agency                        | <input type="checkbox"/> Monthly                                   | <input checked="" type="checkbox"/> Less than 100% Review   |
| <input type="checkbox"/> Sub-State Entity                                   | <input checked="" type="checkbox"/> Quarterly                      | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval = Confidence Interval = 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:                                  | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:  |
|   | <input type="checkbox"/> Continuously and Ongoing                  | <input type="checkbox"/> Other<br>Specify:  |
|   | <input type="checkbox"/> Other<br>Specify:                         |   |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input type="checkbox"/> Quarterly                                    |
| <input type="checkbox"/> Other<br>Specify:                                     | <input checked="" type="checkbox"/> Annually                          |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:                            |

**Performance Measure:**

**G.a.i.a.7. Number and percentage of participants who have an individualized back-up plan.**  
 Percentage = Number of participants who have an individualized back-up plan / Total number of participants reviewed in the sample.

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

LOC/POC Dstabase

| 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):  |
|--|---|--|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                   | <input type="checkbox"/> 100% Review   |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                  | <input checked="" type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                  | <input checked="" type="checkbox"/> Quarterly                     | <input checked="" type="checkbox"/> Representative Sample<br>Confidence Interval =<br>Confidence Interval = 95% +/- 5% |
| <input type="checkbox"/> Other<br>Specify:                                 | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified<br>Describe Group:   |
|  | <input type="checkbox"/> Continuously and Ongoing                 | <input type="checkbox"/> Other<br>Specify:   |
|  | <input type="checkbox"/> Other<br>Specify:                        |  |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input type="checkbox"/> Quarterly                                    |

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

**Performance Measure:**

G.a.i.a.8. Number and percentage of reported critical incidents for medication errors and rate per thousand participants in the ROW. Rate = Percentage = Number of critical incidents reported for medication errors times one thousand / Total number of ROW participants.

**Data Source (Select one):**

Other

If 'Other' is selected, specify:

Online Tracking Incident System (OTIS)

| 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):                       |
|---|--|--|
| <input type="checkbox"/> State Medicaid Agency                              | <input type="checkbox"/> Weekly                                    | <input checked="" type="checkbox"/> 100% Review                    |
| <input checked="" type="checkbox"/> Operating Agency                        | <input type="checkbox"/> Monthly                                   | <input type="checkbox"/> Less than 100% Review                     |
| <input type="checkbox"/> Sub-State Entity                                   | <input type="checkbox"/> Quarterly                                 | <input type="checkbox"/> Representative Sample Confidence Interval |
| <input type="checkbox"/> Other<br>Specify:                                  | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:             |
|   | <input checked="" type="checkbox"/> Continuously and Ongoing       | <input type="checkbox"/> Other<br>Specify:                         |
|   | <input type="checkbox"/> Other<br>Specify:                         |  |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify:                                     | <input type="checkbox"/> Annually                                     |

| Responsible Party for data aggregation and analysis (check each that applies): | Frequency of data aggregation and analysis (check each that applies): |
|--|---|
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify: _____                      |

**Performance Measure:**

**G.a.i.a.9. Number and percentage of critical incidents for deaths and rate per thousand participants in the ROW. Rate = Number of critical incidents reported for deaths times one thousand / Total number of ROW participants.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Online Tracking incident System (OTIS)**

| 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):                                  |
|---|--|---|
| <input type="checkbox"/> State Medicaid Agency                              | <input type="checkbox"/> Weekly                                    | <input checked="" type="checkbox"/> 100% Review                               |
| <input checked="" type="checkbox"/> Operating Agency                        | <input type="checkbox"/> Monthly                                   | <input type="checkbox"/> Less than 100% Review                                |
| <input type="checkbox"/> Sub-State Entity                                   | <input type="checkbox"/> Quarterly                                 | <input type="checkbox"/> Representative Sample Confidence Interval<br>= _____ |
| <input type="checkbox"/> Other<br>Specify: _____                            | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group: _____                  |
|   | <input checked="" type="checkbox"/> Continuously and Ongoing       | <input type="checkbox"/> Other<br>Specify: _____                              |
|   | <input type="checkbox"/> Other<br>Specify: _____                   |   |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other<br>Specify: _____                               | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify: _____                      |



| Responsible Party for data aggregation and analysis (check each that applies): | Frequency of data aggregation and analysis (check each that applies): |
|--|---|
|  |   |

**Performance Measure:**

**G.a.i.a.10. Number and percentage of reported use of restraints and rate per thousand participants in the ROW. Rate = Number of critical incidents reported for use of restraints times one thousand/Total number of ROW participants.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Online Tracking Incident System (OTIS)**

| 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):                                 |
|--|---|---|
| <input type="checkbox"/> State Medicaid Agency                             | <input type="checkbox"/> Weekly                                   | <input checked="" type="checkbox"/> 100% Review                             |
| <input checked="" type="checkbox"/> Operating Agency                       | <input type="checkbox"/> Monthly                                  | <input type="checkbox"/> Less than 100% Review                              |
| <input type="checkbox"/> Sub-State Entity                                  | <input type="checkbox"/> Quarterly                                | <input type="checkbox"/> Representative Sample Confidence Interval<br>=     |
| <input type="checkbox"/> Other Specify:<br><input type="text"/>            | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified Describe Group:<br><input type="text"/> |
|  | <input checked="" type="checkbox"/> Continuously and Ongoing      | <input type="checkbox"/> Other Specify:<br><input type="text"/>             |
|  | <input type="checkbox"/> Other Specify:<br><input type="text"/>   |   |

**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): |
|--|---|
| <input type="checkbox"/> State Medicaid Agency                                 | <input type="checkbox"/> Weekly                                       |
| <input checked="" type="checkbox"/> Operating Agency                           | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input checked="" type="checkbox"/> Quarterly                         |
| <input type="checkbox"/> Other Specify:<br><input type="text"/>                | <input type="checkbox"/> Annually                                     |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other Specify:<br><input type="text"/>       |

- 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.*

- 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.*

- 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.*

- 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. In addition, provide information on the methods used by the State to document these items.

Remediation for all performance indicators except for G.a.i.a.5 is tracked within the Online tracking Incident System (OTIS) and LOC/POC databases. OCDD runs quarterly reports for critical incidents. OCDD runs complaints and LOC/POC reports annually.

Remediation for all performance indicators except for G.a.i.a.5 is tracked within the Online tracking Incident System (OTIS) and LOC/POC databases. OCDD runs quarterly reports for critical incidents. OCDD runs complaints and LOC/POC reports annually. Performance indicators G.a.i.a.3, G.a.i.a.4, G.a.i.a.5, G.a.i.a.6, and G.a.i.a.7 can be remediated. However, performance indicators G.a.i.a.1, G.a.i.a.2, G.a.i.a.8, G.a.i.a.9 and G.a.i.a.10 are to track trends in the data for quality improvement and are not subject to remediation. These indicators are to identify trends and patterns in order to address systemic issues with quality improvement initiatives. For example, through our mortality review process we identified training needed for direct support staff on signs and symptoms of illness. Training modules were developed and provider agencies were required to attend the training. The critical incident data is also reviewed at the individual level to assure that all necessary action are taken to reduce the likelihood for that participant to experience similar critical incidents in the future. OCDD LGE staff reviews every critical incident and work with the support coordinator and provider to assure necessary follow-up is done. The OCDD LGE staff will not close the case until the follow-up is done. As necessary, providers are required to develop corrective action plans. Not all critical incidents are avoidable and not all require a corrective action plan. For example, deaths occur that are not

preventable. But we review all deaths to identify those for which provider corrective actions are needed and to identify trends and patterns that may require quality improvement initiative such as the training on signs and symptoms of illness for provider agencies.

MPSW reviews 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 SMA will meet with the operating agency to address any changes needed to remediation activities in order to improve results. The SMA will continue to follow up with the operating agency to evaluate remediation for effectiveness. MPSW also conducts a look-behind review of all critical incidents to ensure remediation occurred correctly and timely; if necessary steps were taken in response to reported incidents; and if appropriate referrals to HSS and protective services/law enforcement were made.

ii. Remediation Data Aggregation

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

| Responsible Party (check each that applies):  | Frequency of data aggregation and analysis (check each that applies):   |
|---|---|
| <input checked="" type="checkbox"/> State Medicaid Agency   | <input type="checkbox"/> Weekly   |
| <input checked="" type="checkbox"/> Operating Agency  | <input type="checkbox"/> Monthly  |
| <input type="checkbox"/> Sub-State Entity   | <input checked="" type="checkbox"/> Quarterly   |
| <input type="checkbox"/> Other<br>Specify:<br><div style="border: 1px solid black; height: 20px; width: 100%;"></div> | <input checked="" type="checkbox"/> Annually  |
|   | <input type="checkbox"/> Continuously and Ongoing   |
|   | <input type="checkbox"/> Other<br>Specify:<br><div style="border: 1px solid black; height: 20px; width: 100%;"></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 2)**

Under §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 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;
- 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 Quality Improvement Strategy is not fully developed at the time the waiver application is submitted, the state may provide a work plan to fully develop its Quality Improvement Strategy, 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 Quality Improvement Strategy 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 Quality Improvement Strategy. 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 2)****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.

OCDD has a multi-tiered system for trending, prioritizing, and implementing system improvements. Each level (Direct Service Provider Agency, Support Coordination Agency, OCDD Regional Waiver Supports and Services Office or Human Services Authority or District, OCDD State Office, and BHSF) within the system is required to design and implement a Quality Management Strategy.

Meet with Office of Aging and Adult Services (OAAS), the office within DHH that operates the waiver programs for adult onset disabilities, as needed to discuss cross waiver issues.

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 Regional Waiver Supports and Services Office or Human Services Authority or District Processes:

- OCDD Regional Waiver Supports and Services Office or Human Services Authority or District is also required to have a Quality Management Strategy. 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 OCDD Regional Waiver Supports and Services Office or Human Services Authority or District has a Quality Specialist whose function is to facilitate data analysis and review and a Regional Office Specialist whose function is to provide training and technical assistance to Support Coordination and Direct Service Provider Agencies. Within each Regional Waiver Supports and Services Office or Human Services Authority or District, data review will be conducted by programmatic and management staff and by the Regional Advisory Committee which is composed of stakeholders. OCDD State Office staff visit each region, Human Services Authority or District annually to validate the quarterly data reported to OCDD State Office on performance indicators, to assure that remediation and system improvements occur as needed, and to provide technical assistance.

**OCDD State Office Processes:**

- Aggregate data for waiver performance indicators are reviewed for trends and patterns on a quarterly basis by the OCDD Performance Review Committee. The OCDD Performance Review Committee is composed of executive management and programmatic staff. The committee's role is to identify areas for which improvements are needed and to recommend strategies to address the identified areas. These recommendations are presented to the OCDD Assistant Secretary for consideration and approval. The recommendations, performance indicator data reports, and quality improvement initiatives status reports are submitted to the Bureau of Health Services Financing (BHSF) on a quarterly basis.

- Remediation for individual cases (e.g., from individual critical incidents reports, complaints reports, supervisory case record reviews, etc.) is identified by Regional Supports and Services Waiver Office or Human Services Authority or District staff and OCDD State Office Programmatic staff. Remediation reports are reviewed by the OCDD Performance Review Committee to identify trends and patterns and to assure timely corrective action.

- Regional Office performance indicators are integrated into the entire QMS for the waiver. The paid service provider and Support Coordination agency strategies are not integrated into the entire QMS, nor the waiver because they serve multiple waiver and Medicaid targeted populations.

The Quality Improvement System (QIS) for the Residential Options Waiver is part of a cross-waiver function of the Office for Citizens with Developmental Disabilities (OCDD) and Office of Aging and Adult Services (OAAS). 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. In addition to the ROW, these waivers include:

- Adult Day Health Care Waiver
- New Opportunities Waiver
- Children's Choice Waiver
- Supports Waiver
- Community Choices Waiver

Several cross agency work groups comprise the cross waiver Quality Improvement System. The mission, composition and major tasks of each entity represented under the QIS are described below.

**Cross-Waiver Stakeholder Advisory Committee – Meets twice a year.** Members include Waiver Compliance Section of the state Medicaid agency (WCS), Adult Protective Services (APS), state operating agencies (Office for Citizens with Developmental Disabilities and Office of Aging Supports and Services) agencies, consumers, providers, and advocates. The mission of the group is to:

- Assure that decisions with respect to HCBS waivers are informed by the diversity of perspectives and experiences of HCBS participants and other stakeholders.
- Identify or update measures for assessing HCBS waiver quality
- Evaluate performance data against adopted measures
- Advise on quality improvement initiatives
- Help integrate quality initiatives with other public/private efforts
- Review and comment on public performance reports
- Communicate results of QIS activities stratified by waiver, to agencies, waiver providers, participants, families and other interested parties, and the public annually

**Cross-Waiver Executive Management Team– Meets quarterly.** Members include Assistant Secretaries & Section Chiefs/Division Directors of OAAS, OCDD, and WCS & HSS. The mission of the group is to:

- Oversee the performance of HCBS waivers to assure their effectiveness, efficiency and integration.
- Adopt quality standards and measures for HCBS waivers.
- Evaluate performance reports on a scheduled basis.
- Take action on recommendations from Advisory Group Cross Waiver Quality Team/Workgroups.
- Establish priorities and allocate resources
- Establish workgroups to design, coordinate and integrate improvement strategies.
- Trouble shoot critical issues

**Cross-Waiver Quality Review Team – Meets every other month.** The team is composed of quality, programmatic & IT information technology representatives from the Program Offices, Medicaid and DHH IT. The Cross-Waiver Quality Review Team reports to the Cross-Waiver Executive Management Team. The mission of this group is to:

- Integrate and align HCBS waiver policies, practices and tools to assure maximum effectiveness and efficiency. Review draft policies, CMS applications/renewals, contracts/agreements and reports related to HCBS waivers to assure consistency with quality standards.
- Identify opportunities for coordinating, integrating and consolidating waiver activities and functions.
- Share information and knowledge regarding best and promising practices.
- Design, generate and review comparative performance reports.
- Standing agenda items for this team include continuous collaboration on joint policy whenever possible for rules, issues, and policies for Support Coordination, Direct Service Providers and Critical Incident Reporting

**ii. System Improvement Activities**

| Responsible Party <i>(check each that applies):</i>                | Frequency of Monitoring and Analysis <i>(check each that applies):</i> |
|--|--|
| <input checked="" type="checkbox"/> State Medicaid Agency          | <input type="checkbox"/> Weekly  |
| <input checked="" type="checkbox"/> Operating Agency               | <input type="checkbox"/> Monthly                                       |
| <input type="checkbox"/> Sub-State Entity                          | <input checked="" type="checkbox"/> Quarterly                          |
| <input type="checkbox"/> Quality Improvement Committee             | <input checked="" type="checkbox"/> Annually                           |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>     |

**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 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.

**BHSF Processes:**

- Following system design changes, data will be monitored to determine if the system redesign was effective in alleviating the problems it was created to correct. Performance measures will be modified as required. As data is gathered it will be reviewed and assessed by WCS and the Quality Waiver Review Team. After each quarter of implementation, up to one year post-implementation, WCS and the Team will assess the effectiveness of the redesign and present findings and recommendations to the Medicaid Director and the operating agency regarding the continued employ of the redesign in order to ensure effective outcomes.

- ii. Describe the process to periodically evaluate, as appropriate, the Quality Improvement Strategy.

**OCDD Process:**

- Evaluation of the Quality Improvement Strategy occurs on an ongoing basis as data from discovery methods are entered into databases and reports of aggregate data are analyzed for trends and patterns. Questions are considered such as: Is the data useful? Is the frequency of data analyses appropriate? Are the right persons involved in the review of data reports? Reports of Quality Improvement activities are communicated to agencies such as the DD Council and State Advisory Committee.

**BHSF Processes:**

- Based on the reviews of the OCDD quarterly reports from OCDD regarding recommendations, performance indicator data reports, and quality improvement initiatives status reports, summary reports regarding provider agency and regional office quality management strategy implementation, and other data that will be examined monthly to assess the status of the waiver assurances, along with quarterly examination of redesign, BHSF will be able to evaluate the effectiveness of the QIS on a continuing basis in preparation for the annual report due the Medicaid Director.

- A more formal review will occur on an annual basis by BHSF in collaboration with OCDD. The BHSF and OCDD will evaluate components of the quality improvement strategy including performance indicators, discovery methods, remediation strategies, databases, data aggregation and review processes etc. to determine if revisions are appropriate.

**Appendix I: Financial Accountability**

**1-1: 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).

DHH has a contract with the Fiscal Intermediary (FI) to perform Surveillance and Utilization Review (SURS) functions which includes investigation of fraud, waste and abuse; recovering of overpayments; and a minimum of 900 case reviews per calendar year. Additionally, DHH has a Program Integrity unit that performs reviews/investigations. The Program Integrity Unit performs 3 primary functions: SURS, Provider Enrollment and PERM (Payment Error Rate Measurement). Program Integrity's SURS Unit is responsible for conducting post-payment reviews of all fee-for-service Medicaid providers, including ROW providers. Audits are conducted based on complaints from all sources. SURS also conducts data mining activities of all provider types in order to detect suspicious billing activities. Based on the complaints made and data mining conducted, individual cases are opened and investigated or Self-Audit notices are sent out to providers. Post-payment reviews in the Program Integrity function is based upon evidence revealed as a result of production runs, data mining runs, projects, complaints, referrals, and other SUR function activities. Random audits are also performed.

All complaint cases relating to fraud, waste and abuse of waiver providers are opened and investigated. Depending on the issues, referrals to protective agencies, program offices, the Medicaid Fraud Control Unit (MFCU), other law enforcement agencies, eligibility, etc. are made if warranted. Once a given provider is chosen for audit, the case is referred to professional staff (which may include RN, Dentists, medical doctors, etc.) for review. A claims history and scientific sample are generated, producing a list of recipients for detailed review. Medical records as well as other pertinent records are obtained from the given provider. Records are obtained from providers via mail or unannounced on-site visits. The SUR staff will thoroughly review the records for billing anomalies, policy compliance, and proper documentation. When overpayments are detected, monies are recovered by withholding or recoupment. When and if fraud or other serious infractions are detected, Program Integrity can impose serious sanctions, including fines, exclusion from Louisiana Medicaid, and referral to Louisiana's Attorney General for possible criminal prosecution. Project cases (which are focused reviews) involve waiver providers as well as other provider types

Financial audit of waivers is conducted by the Louisiana Legislative Auditor on a yearly basis to ensure the integrity of provider billings for Medicaid payment of waiver services. Additionally, the Louisiana Medicaid fiscal intermediary maintains a computerized claims processing system, with an extensive system of edits and audits.

All Support Coordination agencies are required to provide a yearly external audit including any subcontractors, based on allowable costs, in accordance with General Accounting Practices.

**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**

*State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver. (For waiver actions submitted before June 1, 2014, this assurance read "State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.")*

**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 in this sub-assurance include all Appendix I performance measures for waiver actions submitted before June 1, 2014.)**

**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.1. Number and percentage of waiver services provided to participants who were enrolled in the waiver on the date the service was reported as delivered. Percentage = Number of waiver services provided to participants who were enrolled in the waiver on the date the service was reported as delivered / Total number of waiver services reported as delivered.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**Medicaid data contractor system**

|   |  |  |
|---|--|--|
| <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> |
|   |  |  |

|   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                         | <input type="checkbox"/> Weekly                              | <input checked="" type="checkbox"/> 100% Review                         |
| <input type="checkbox"/> Operating Agency   | <input type="checkbox"/> Monthly                             | <input type="checkbox"/> Less than 100% Review                          |
| <input type="checkbox"/> Sub-State Entity   | <input type="checkbox"/> Quarterly                           | <input type="checkbox"/> Representative Sample Confidence Interval<br>= |
| <input checked="" type="checkbox"/> Other<br>Specify:<br>Medicaid data contractor | <input type="checkbox"/> Annually                            | <input type="checkbox"/> Stratified<br>Describe Group:                  |
|   | <input checked="" type="checkbox"/> Continuously and Ongoing | <input type="checkbox"/> Other<br>Specify:                              |
|   | <input type="checkbox"/> Other<br>Specify:                   |   |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input type="checkbox"/> Operating Agency                                      | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input type="checkbox"/> Quarterly                                    |
| <input type="checkbox"/> Other<br>Specify:                                     | <input checked="" type="checkbox"/> Annually                          |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:                            |

**Performance Measure:**

I.a.2. Number and percentage of waiver claims submitted which did not exceed the approved rate.  
 Percentage = Number of submitted waiver claims which did not exceed the approved rate / Total number of paid claims.

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

MMIS

| 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):                            |
|---|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                   | <input type="checkbox"/> Weekly                                    | <input checked="" type="checkbox"/> 100% Review                         |
| <input type="checkbox"/> Operating Agency                                   | <input type="checkbox"/> Monthly                                   | <input type="checkbox"/> Less than 100% Review                          |
| <input type="checkbox"/> Sub-State Entity                                   | <input type="checkbox"/> Quarterly                                 | <input type="checkbox"/> Representative Sample Confidence Interval<br>= |



|  |  |  |
|--|--|--|
|  |  |  |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> | <input type="checkbox"/> Annually                                  | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/> |
|  | <input checked="" type="checkbox"/> Continuously and Ongoing       | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>             |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> |  |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input type="checkbox"/> Operating Agency                                      | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input type="checkbox"/> Quarterly                                    |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>             | <input checked="" type="checkbox"/> Annually                          |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify:<br><input type="text"/>    |

**Performance Measure:**

**I.a.3. Number and percentage of reports in which cost neutrality was maintained. Percentage =**  
**Number of reports in which cost neutrality was maintained / Total number of reports reviewed.**

**Data Source (Select one):**

**Other**

If 'Other' is selected, specify:

**372 report**

| 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):   |
|--|---|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                    | <input type="checkbox"/> Weekly                                   | <input checked="" type="checkbox"/> 100% Review   |
| <input type="checkbox"/> Operating Agency                                    | <input type="checkbox"/> Monthly                                  | <input type="checkbox"/> Less than 100% Review  |
| <input type="checkbox"/> Sub-State Entity                                    | <input checked="" type="checkbox"/> Quarterly                     | <input type="checkbox"/> Representative Sample<br>Confidence Interval<br><input type="text"/> |
| <input checked="" type="checkbox"/> Other<br>Specify:<br>Fiscal intermediary | <input type="checkbox"/> Annually                                 | <input type="checkbox"/> Stratified<br>Describe Group:<br><input type="text"/>                |

|  |   |  |
|--|---|--|
|  | <input type="checkbox"/> Continuously and Ongoing | <input type="checkbox"/> Other<br>Specify: _____ |
|  | <input type="checkbox"/> Other<br>Specify: _____  |  |

**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): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency                      | <input type="checkbox"/> Weekly                                       |
| <input type="checkbox"/> Operating Agency                                      | <input type="checkbox"/> Monthly                                      |
| <input type="checkbox"/> Sub-State Entity                                      | <input type="checkbox"/> Quarterly                                    |
| <input checked="" type="checkbox"/> Other<br>Specify: Fiscal intermediary      | <input checked="" type="checkbox"/> Annually                          |
|  | <input type="checkbox"/> Continuously and Ongoing                     |
|  | <input type="checkbox"/> Other<br>Specify: _____                      |

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.*

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. In addition, provide information on the methods used by the State to document these items.

BHSF reviews reports on aberrant billing practices and provider enrollment on a monthly basis to identify areas of non-compliance, determine if the results indicate there are on-going or systematic problems, and determine remediation actions needed. Remediation action is taken by the SMA if systemic problems are identified. The entities responsible for remediation actions include the data contractor and the contracted fiscal intermediary. The SMA meets with the contractor to determine how the problem occurred and to implement steps to correct the problem. These actions are tracked via the Louisiana Medicaid Management Information System. The SMA may impose monetary penalties depending on the type of problem identified.

ii. **Remediation Data Aggregation**

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

| Responsible Party(check each that applies): | Frequency of data aggregation and analysis(check each that applies): |
|---|--|
|   |  |

| Responsible Party( <i>check each that applies</i> ):               | Frequency of data aggregation and analysis( <i>check each that applies</i> ): |
|--|---|
| <input checked="" type="checkbox"/> State Medicaid Agency          | <input type="checkbox"/> Weekly   |
| <input type="checkbox"/> Operating Agency                          | <input type="checkbox"/> Monthly  |
| <input type="checkbox"/> Sub-State Entity                          | <input checked="" type="checkbox"/> Quarterly                                 |
| <input type="checkbox"/> Other<br>Specify:<br><input type="text"/> | <input type="checkbox"/> Annually   |
|  | <input type="checkbox"/> Continuously and Ongoing                             |
|  | <input type="checkbox"/> Other<br>Specify:<br><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 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 ROW are initiated by the Office of Citizens with Developmental Disabilities (OCDD) with input from a group of interested parties, including but not limited to providers and or provider groups, program participants, advocates, and Medicaid representatives. OCDD's process for developing rates for ROW waiver services is based on rates for similar services in other waivers with review by Medicaid personnel for appropriateness. The overall budget cap for each person in the ROW is established based on his overall Inventory for Client and Agency Planning (ICAP) score. This allows flexibility for each individual's plan to include an array of services needed within the overall budget cap. If the Medicaid personnel concur that the rates are feasible, can be utilized within the individual's overall budget and represent cost neutrality, then they are submitted to the Medicaid Director as part of the waiver application for final review and approval. Subsequently the reimbursement methodology is included in the Medicaid rulemaking process. This rulemaking process includes further opportunity for public comment.

As rates are proposed for each service in the ROW, OCDD presents the rates and service definitions to the Medicaid liaison and other Medicaid representatives as part of the waiver application review.

1. OCDD recommends rates to Medicaid based on the following hierarchy of factors:
  - a) If there is a comparable service already existing in another OCDD program (i.e. waiver) that rate is mirrored.
  - b) If there is no existing comparable service, OCDD explores the rates that are compatible with other similar services which are provided by Medicaid (i.e. nursing services).
  - c) If no comparable Medicaid services and rates exists, OCDD explores services in the general community that are comparable and attempts to match the prevailing competitive rates.
2. Based on the choices available in #1 above, OCDD recommends the service rate to Medicaid where it is reviewed and a determination made of the fiscal impact and budget availability for funding with a final determination made on the service rate.

The ROW budgets follow the ICAP rates which were rebased and are developed within Medicaid. Therefore, the Medicaid Director has not only oversight, but also direct control over the rate determination process.

No rate can be implemented without the approval of the Medicaid Agency (BHSF).

Rates for each service are based on the following:

\* Community Living Supports (CLS) and Out-of-Home Respite rates were negotiated based upon the estimated provider cost of rendering the service and similar services as provided in other waivers. The cost of transportation is built into the CLS rate.

When CLS is 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 CLS provider for exercising oversight, monitoring, and facilitating an agreement between the CLS provider and CLS worker. This cost component is absent when this service is self-directed. Otherwise, these rates for self-direction are initiated by OCDD and submitted to Medicaid in the same manner and in accordance with the same processes, including opportunity for public comment, as other service rates.

In addition, Factor D charts in Appendix J of the ROW Application reflect a weighted average cost per unit for each year which includes the average of shared rates for Community Living Supports.

\* Professional Services and Nursing rates were based upon several factors: the cost to the provider to provide the service, the cost to secure the service out in the community, the cost of similar services in current OCDD contracts, and state payment rates for full time employees.

\* Services and rates for dental services were taken from an existing packaged plan of dental services as offered to Medicaid recipients under the EPSDT, Pregnant Woman and Adult Denture programs.

\* Louisiana considered the following factors in establishing its ROW day habilitation, prevocational services and supported employment rates as part of its negotiations with providers and with input from other stakeholders: (1) allowances for direct support worker and other staff wages; (2) the provider's overhead costs; (3) transportation costs (per mile) from the vocational agency to all work sites; and (4) a profit margin for the provider.

The rate allowed by the State for supported employment, day habilitation, and pre-vocational services take the following factors into consideration when determining the rate: wages (55%); administrative (10%); overhead, which includes costs for building, equipment, supplies, insurance, and gas (30%); and profit margin (5%). The value of the profit margin is consistent with and comparable to that of similar services provided in the community. The State's estimated profit margin is at 5% of the rate. The value of the administrative and overhead costs are consistent with and comparable to that of similar services provided in the community.

\* Transportation rates for Community Access were based on transportation rates payable in other waivers.

\* Personal Emergency Response System rates are based on the actual cost of providing the service.

\* One Time Transitional Services are paid at the cost of the provision of services with an annual cap. This cap was set based on the historical cost allowed for providing the service in other waivers.

\* Environmental Accessibilities Adaptations and Assistive Technology/ Specialized Medical Equipment and Supplies costs are based on historical expenditures for these services in waivers serving similar populations.

\* The Companion Care rate is paid to the provider at a daily rate. This rate includes the cost of payment to the Companion worker for services delivered plus an additional cost component payable to the Companion Care provider for oversight, monitoring, and facilitating an agreement between the provider and Companion worker. The rate was based on the limited services expected to be provided, the anticipated users of the service and their level of need, plus an estimate of the amount of actual direct care service hours to be provided each day.

\* The rates for the Host Home service are graduated according to level of need. The Host Home rates were determined by the increased complexity of the individuals' needs and the associated responsibilities of the Host Home dictated by the score on the ICAP.

\* Shared Living and Shared Living-Conversion rates are based on several factors: employee costs, including wages and benefits; indirect costs such as transportation and administration; and staffing requirements and occupancy. All rates are graduated according to the intensity of the need of the individual. The Shared Living rates were determined by the staffing level/ratio required for the increasing acuity level of the individuals being served. The greater the acuity level, the greater the amount of staffing needed. The acuity level was determined by each individual's score on the ICAP.

The ROW per diem rates and annual budget amounts are calculated based on State Fiscal Year ICAP rates used to determine ICF/DD funding under four acuity levels of recipient needs (intermittent, limited, extensive & pervasive), minus applicable adjustments (provider fees and patient liability). These ROW rates per acuity level are based on each participant's ICAP score and set the overall budget amount (or cap) a ROW participant must fall within when choosing an array of services and tailoring a support plan to meet individual needs. Although the budget amounts set overall caps on expenditures per acuity level, there is much flexibility in choosing individual services which have minimal to no caps placed upon them.

\* Support Coordination Services Rate is a conversion of the former contracted monthly service rate paid to support coordination providers into a rate based on 15 minute increments. The conversion utilized a nationally recognized rate-setting consultant who surveyed providers relative to their time, activities performed, staffing requirements, general administrative and indirect expenses to

develop a model for achieving the 15 minute increment rate.

• 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 bachelors degree and are qualified to provide two levels of supervisions. An agency trainer or nurse consultant who meets the requirements a support coordinator can also be reimbursed a per quarter rate for services provided. Administrative support, travel and office operating expenses are included in the 15 minute billing rate.

OCDD's process for developing rates for ADHC waiver services is based on rates for similar services in other waivers with review by Medicaid personnel for appropriateness. If Medicaid personnel concur that the rates are feasible and will help facilitate cost neutrality, then they are submitted to the Medicaid Director as part of the waiver application for final review and approval. Subsequently, the reimbursement methodology is included in the Medicaid rulemaking process. This rulemaking process includes further opportunity for public comment.

All proposed rates are then factored into a cost projection and model to produce and 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 coordinators and agencies, as well as through publication in the Louisiana Register, the official journal for the state of Louisiana. Participants may also receive information on service rates by contacting their OCDD Local Governing Entity (LGE). OCDD solicited public input from recipients, providers, and advocacy organizations to determine rate, structure methodology, etc. This is accomplished through meetings with these entities around the state.

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:

Billings for waiver services provided to participants in the waiver program are submitted first to the Medicaid data contractor for post authorization. After services are authorized, providers bill directly to the Medicaid fiscal intermediary for payment.

**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**

**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:

The Bureau of Health Services Financing (BHSF) utilizes a prior authorization and post authorization system maintained by a contracted entity to ensure that services provided to waiver participants are provided and paid for within the scope, duration, and frequency as specified in the approved plan of care. Medicaid eligibility for services is also checked and reviewed by the prior authorization entity.

Services are prior authorized according to the Plan of Care in quarterly increments and post authorized for payment after services have been rendered.

1. The prescribed services identified in the Plan of Care are entered in quarterly increments into the prior authorization system.
2. Upon the provision of services to the participant, the provider submits the service utilization data to the post authorization entity.
3. The post authorization entity checks the service utilization record against the participant's approved Plan of Care which identifies the prior authorized services.
4. Post authorization for payment is released to the Fiscal Intermediary when services are properly rendered to participants per the approved Plan of Care and prior authorization.
5. The provider then submits claims for approved services to the Fiscal Intermediary for adjudication and payment.
6. Services provided to participants that are not listed on the prior authorization system are rejected and ineligible for payment until all discrepancies are resolved.

In Program Integrity's SURS unit, cases are opened once a month; however, a case may be opened sooner depending on the priority or type of case. Some production runs are performed monthly and some are performed quarterly. Data mining is performed on a weekly basis, and projects are opened throughout the year. Complaints and internal referrals are received daily and are prioritized. The scope of a case may vary from being recipient-focused to a general review of the provider's billing, or it may be in-between as in limited to specific billing codes depending on what the evidence reveals.

- 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 employees for direct services to the waiver self-direction participants related to the service Community Living Supports. The fiscal/employer agent will process participants' employer-related payroll and withhold and deposit the required employment-related taxes.

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 employee, amount of taxes withheld, and the employee rate of pay. These reports are reviewed to ensure the employee was paid appropriately.

- 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.

**Appendix I: Financial Accountability**

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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 1-3-e.
- Yes. State or local government providers receive payment for waiver services. Complete Item 1-3-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:

The Louisiana State Legislature has re-named the OCDD Developmental Centers as "Regional Service Centers" in order to capture their current mission of providing a full range of community-based services. The OCDD Regional Service Centers will provide services to ROW waiver participants and will be paid for those services. Those ROW services will include shared living, supported

employment, prevocational services, day habilitation, and professional services. These waiver services delivered by the Regional Service Centers are not located in institutional-based settings.

## 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:*

- 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

### 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

### 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. Select one:**

- 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 §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 §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 §1915(b)/§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 §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.**

**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:

**Appendix I: Financial Accountability**

**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:

Fixed rates for these services do not include any margin for room and board related expenses. The provider contracts specify that room and board expenses must be covered from sources other than Medicaid, such as consumer fees, donations, fund raising, or state funded programs. Providers of waiver services are contractually prohibited from billing for room and board expenses through Medicaid.

**Appendix I: Financial Accountability**

**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:

**Appendix I: Financial Accountability**

**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):**

- Nominal deductible**
- Coinsurance**
- Co-Payment**
- Other charge**

*Specify:*

**Appendix I: Financial Accountability**

**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.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

**Appendix I: Financial Accountability**

**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.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

**Appendix I: Financial Accountability**

**I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing (4 of 5)**

**a. Co-Payment Requirements.**

**iv. Cumulative Maximum Charges.**

Answers provided in Appendix I-7-a indicate that you do not need to complete this section.

**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      | 25961.26 | 17693.00  | 43654.26    | 85268.00 | 5111.00   | 90379.00    | 46724.74                        |
| 2      | 26567.50 | 17693.00  | 44260.50    | 85268.00 | 5111.00   | 90379.00    | 46118.50                        |
| 3      | 33192.71 | 10965.00  | 44157.71    | 80281.00 | 4064.00   | 84345.00    | 40187.29                        |
| 4      | 34330.76 | 10965.00  | 45295.76    | 80281.00 | 4064.00   | 84345.00    | 39049.24                        |
| 5      | 35843.63 | 10965.00  | 46808.63    | 80281.00 | 4064.00   | 84345.00    | 37536.37                        |

**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      | 225   |  | 225 |
| Year 2      | 325   |  | 325 |
| Year 3      | 325   |  | 325 |
| Year 4      | 325   |  | 325 |
| Year 5      | 350   |  | 350 |

**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.

In developing estimates for the ROW, information from an existing CMS approved waiver was used as much as possible. The estimate for the average length of stay given for the ROW is based on La.'s data from the New Opportunities Waiver which serves a similar population.

Historical ALOS data from the ROW was also considered for estimates.

## 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 for these estimates is as follows:

Factor D estimates are based on the projected participants, service utilization, and proposed rates for each service under the waiver. Some of the utilization and costs per service assumptions were based on similar services in other waivers serving the population of persons with developmental disabilities. Services such as environmental modifications, specialized medical equipment, and other services similar to other waivers were considered in the assumption of utilization.

An estimated cost per service is derived by multiplying these estimates by actual service rates. This dollar amount is then totaled and divided by the number of unduplicated recipients for an average cost per recipient. A utilization inflation factor is thereby applied to each subsequent year based on program history and assumptions based on best professional judgment.

**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 participants to get an estimated average cost. A utilization inflation factor is thereby applied to each subsequent year based on program history and assumptions based on best professional judgment.

The State used data from existing waiver populations, with the assumption that these populations are comparable to the population served by ROW. Specifically, the population for this waiver will be existing ICF-DD participants, present and possible, as well as individuals on the DD Request for Services Registry. Therefore, the State's dual eligibles will essentially be nearly the same or a similar population as identified in the Supports Waiver and NOW.

To exclude Medicare Part D Pharmacy cost from our cost effectiveness calculations we:

1. Identified all ROW participants 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 participant was derived; and
4. Deducted this amount from the average acute care cost per waiver participant.

**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 an estimate based on the actual Medicaid expenditures for all private intermediate care facilities for individuals with developmental disabilities (ICF/DD). This dollar amount is totaled and then divided by the number of waiver participants to get an estimated average cost. A utilization inflation factor is thereby applied to each subsequent year based on program history and other factors.

**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 an estimate based on the actual Medicaid expenditures for all other Medicaid services provided to citizens residing in intermediate care facilities for individuals with developmental disabilities (ICF/DD). This dollar amount is totaled and then divided by the number of waiver participants to get an estimated average cost. A utilization inflation factor is thereby applied to each subsequent year based on program history and other factors. These "other factors" refer to assumptions based on best professional judgement.

To exclude Medicare Part D Pharmacy cost from our cost effectiveness calculations we:

1. Identified all ICF/DD individuals 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; and
4. Deducted this amount from the average acute care cost per ICF/DD individual.

## 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   |  |
|---|--|
| Adult Day Health Care   |  |
| Day Habilitation  |  |
| Prevocational Services  |  |
| Respite Services - Out of Home                                  |  |
| Shared Living Services  |  |
| Support Coordination  |  |
| Supported Employment  |  |
| Assistive Technology/Specialized Medical Equipment and Supplies |  |
| Dental  |  |
| Community Living Supports                                       |  |
| Companion Care  |  |
| Environmental Accessibility Adaptations                         |  |
| Host Home   |  |
| Housing Stabilization Service                                   |  |
| Housing Stabilization Transition Service                        |  |
| Nursing   |  |
| One-Time Transitional Services                                  |  |
| Personal Emergency Response System                              |  |
| Professional Services   |  |
| Transportation - Community Access                               |  |

**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>Adult Day Health Care Total:</b>                |            |         |                     |                 |                | 0.00       |
| Adult Day Health Care                              | 15 minutes | 0       | 0.00                | 2.78            | 0.00           |            |
| <b>Day Habilitation Total:</b>                     |            |         |                     |                 |                | 165390.00  |
| Day Habilitation                                   | 2.5 hours  | 30      | 298.00              | 18.50           | 165390.00      |            |
| <b>Prevocational Services Total:</b>               |            |         |                     |                 |                | 119137.50  |
| Prevocational Services                             | 2.5 hours  | 15      | 353.00              | 22.50           | 119137.50      |            |
| <b>Respite Services - Out of Home Total:</b>       |            |         |                     |                 |                | 370.56     |
| Respite Services - Out of Home                     | 15 minutes | 4       | 24.00               | 3.86            | 370.56         |            |
| <b>Shared Living Services Total:</b>               |            |         |                     |                 |                | 1784250.00 |
| Shared Living Services                             | Per Diem   | 100     | 305.00              | 58.50           | 1784250.00     |            |
| <b>Support Coordination Total:</b>                 |            |         |                     |                 |                | 431055.00  |
| <b>GRAND TOTAL:</b>                                |            |         |                     |                 |                | 5941283.37 |
| Total Estimated Unduplicated Participants:         |            |         |                     |                 |                | 225        |
| Factor D (Divide total by number of participants): |            |         |                     |                 |                | 25961.26   |
| Average Length of Stay on the Waiver:              |            |         |                     |                 |                | 356        |

| Waiver Service/ Component   | Unit          | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost |
|---|---------------|---------|---------------------|-----------------|----------------|------------|
| Support Coordination  | 15 minutes    | 225     | 103.00              | 18.60           | 431055.00      |            |
| <b>Supported Employment Total:</b>  |               |         |                     |                 |                | 8268.00    |
| Supported Employment  | 15 minutes    | 15      | 212.00              | 2.60            | 8268.00        |            |
| <b>Assistive Technology/Specialized Medical Equipment and Supplies Total:</b> |               |         |                     |                 |                | 924.00     |
| Assistive Technology/Specialized Medical Equipment and Supplies               | Per Item      | 4       | 1.00                | 231.00          | 924.00         |            |
| <b>Dental Total:</b>  |               |         |                     |                 |                | 706.44     |
| Dental  | Per Procedure | 4       | 3.00                | 58.87           | 706.44         |            |
| <b>Community Living Supports Total:</b>                                       |               |         |                     |                 |                | 2959795.68 |
| Community Living Supports   | 15 minutes    | 48      | 17081.00            | 3.61            | 2959795.68     |            |
| <b>Companion Care Total:</b>  |               |         |                     |                 |                | 119720.00  |
| Companion Care  | Per Diem      | 8       | 365.00              | 41.00           | 119720.00      |            |
| <b>Environmental Accessibility Adaptations Total:</b>                         |               |         |                     |                 |                | 49752.60   |
| Environmental Accessibility Adaptations                                       | Per Item      | 4       | 3.00                | 4146.05         | 49752.60       |            |
| <b>Host Home Total:</b>   |               |         |                     |                 |                | 3791.55    |
| Host Home   | Per Diem      | 69      | 1.00                | 54.95           | 3791.55        |            |
| <b>Housing Stabilization Service Total:</b>                                   |               |         |                     |                 |                | 0.00       |
| Housing Stabilization Service   | 15 minutes    | 0       | 0.00                | 15.11           | 0.00           |            |
| <b>Housing Stabilization Transition Service Total:</b>                        |               |         |                     |                 |                | 0.00       |
| Housing Stabilization Transition Service                                      | 15 minutes    | 0       | 0.00                | 15.11           | 0.00           |            |
| <b>Nursing Total:</b>   |               |         |                     |                 |                | 163283.64  |
| Nursing   | 15 minutes    | 12      | 1703.00             | 7.99            | 163283.64      |            |
| <b>One-Time Transitional Services Total:</b>                                  |               |         |                     |                 |                | 24000.00   |
| One-Time Transitional Services  | Per Package   | 8       | 1.00                | 3000.00         | 24000.00       |            |
| <b>Personal Emergency Response System Total:</b>                              |               |         |                     |                 |                | 2702.40    |
| Personal Emergency Response System  | Monthly       | 8       | 12.00               | 28.15           | 2702.40        |            |
| <b>Professional Services Total:</b>   |               |         |                     |                 |                | 8136.00    |
| Licensed Clinical Social Work   | 15 minutes    | 4       | 24.00               | 7.50            | 720.00         |            |
| Registered Dietician  | 15 minutes    | 4       | 24.00               | 9.00            | 864.00         |            |
| Occupational Therapy  | 15 minutes    | 4       | 24.00               | 12.00           | 1152.00        |            |
| Speech Therapy  |               |         |                     |                 | 1080.00        |            |
| <b>GRAND TOTAL:</b>   |               |         |                     |                 | 5841283.37     |            |
| Total Estimated Unduplicated Participants:                                    |               |         |                     |                 | 225            |            |
| Factor D (Divide total by number of participants):                            |               |         |                     |                 | 25941.26       |            |
| Average Length of Stay on the Waiver:   |               |         |                     |                 |                | 356        |

| Waiver Service/ Component                          | Unit         | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost |
|--|--------------|---------|---------------------|-----------------|----------------|------------|
|  | 15 minutes   | 4       | 24.00               | 11.25           |                |            |
| Psychology   | 15 minutes   | 4       | 24.00               | 31.25           | 3000.00        |            |
| Physical Therapy                                   | 15 minutes   | 4       | 24.00               | 13.75           | 1320.00        |            |
| <b>Transportation - Community Access Total:</b>    |              |         |                     |                 |                | 0.00       |
| Transportation - Community Access                  | One-way trip | 0       | 0.00                | 5.79            | 0.00           |            |
| <b>GRAND TOTAL:</b>                                |              |         |                     |                 |                | 5841283.37 |
| Total Estimated Unduplicated Participants:         |              |         |                     |                 |                | 225        |
| Factor D (Divide total by number of participants): |              |         |                     |                 |                | 25961.26   |
| Average Length of Stay on the Waiver:              |              |         |                     |                 |                | 356        |

**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>Adult Day Health Care Total:</b>   |            |         |                     |                 |                | 0.00       |
| Adult Day Health Care   | 15 minutes | 0       | 0.00                | 2.78            | 0.00           |            |
| <b>Day Habilitation Total:</b>  |            |         |                     |                 |                | 253598.00  |
| Day Habilitation  | 2.5 hours  | 46      | 298.00              | 18.50           | 253598.00      |            |
| <b>Prevocational Services Total:</b>  |            |         |                     |                 |                | 182677.50  |
| Prevocational Services  | 2.5 hours  | 23      | 353.00              | 22.50           | 182677.50      |            |
| <b>Respite Services - Out of Home Total:</b>                                  |            |         |                     |                 |                | 1111.68    |
| Respite Services - Out of Home  | 15 minutes | 12      | 24.00               | 3.86            | 1111.68        |            |
| <b>Shared Living Services Total:</b>  |            |         |                     |                 |                | 3247335.00 |
| Shared Living Services  | Per Diem   | 182     | 305.00              | 58.50           | 3247335.00     |            |
| <b>Support Coordination Total:</b>  |            |         |                     |                 |                | 622635.00  |
| Support Coordination  | 15 minutes | 325     | 103.00              | 18.60           | 622635.00      |            |
| <b>Supported Employment Total:</b>  |            |         |                     |                 |                | 16536.00   |
| Supported Employment  | 15 minutes | 30      | 212.00              | 2.60            | 16536.00       |            |
| <b>Assistive Technology/Specialized Medical Equipment and Supplies Total:</b> |            |         |                     |                 |                | 2772.00    |
|   |            |         |                     |                 | 2772.00        |            |
| <b>GRAND TOTAL:</b>   |            |         |                     |                 |                | 8634435.98 |
| Total Estimated Unduplicated Participants:                                    |            |         |                     |                 |                | 325        |
| Factor D (Divide total by number of participants):                            |            |         |                     |                 |                | 26567.59   |
| Average Length of Stay on the Waiver:   |            |         |                     |                 |                | 356        |



| Waiver Service/ Component                                       | Unit          | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost |
|---|---------------|---------|---------------------|-----------------|----------------|------------|
| Assistive Technology/Specialized Medical Equipment and Supplies | Per Item      | 12      | 1.00                | 231.00          |                |            |
| <b>Dental Total:</b>  |               |         |                     |                 |                | 2119.32    |
| Dental  | Per Procedure | 12      | 3.00                | 58.87           | 2119.32        |            |
| <b>Community Living Supports Total:</b>                         |               |         |                     |                 |                | 3494430.98 |
| Community Living Supports                                       | 15 minutes    | 53      | 17081.00            | 3.86            | 3494430.98     |            |
| <b>Companion Care Total:</b>                                    |               |         |                     |                 |                | 179580.00  |
| Companion Care  | Per Diem      | 12      | 365.00              | 41.00           | 179580.00      |            |
| <b>Environmental Accessibility Adaptations Total:</b>           |               |         |                     |                 |                | 149257.80  |
| Environmental Accessibility Adaptations                         | Per Item      | 12      | 3.00                | 4146.05         | 149257.80      |            |
| <b>Host Home Total:</b>   |               |         |                     |                 |                | 4725.70    |
| Host Home   | Per Diem      | 86      | 1.00                | 54.95           | 4725.70        |            |
| <b>Housing Stabilization Service Total:</b>                     |               |         |                     |                 |                | 2175.84    |
| Housing Stabilization Service                                   | 15 minutes    | 2       | 72.00               | 15.11           | 2175.84        |            |
| <b>Housing Stabilization Transition Service Total:</b>          |               |         |                     |                 |                | 2810.46    |
| Housing Stabilization Transition Service                        | 15 minutes    | 2       | 93.00               | 15.11           | 2810.46        |            |
| <b>Nursing Total:</b>   |               |         |                     |                 |                | 408209.10  |
| Nursing   | 15 minutes    | 30      | 1703.00             | 7.99            | 408209.10      |            |
| <b>One-Time Transitional Services Total:</b>                    |               |         |                     |                 |                | 36000.00   |
| One-Time Transitional Services                                  | Per Package   | 12      | 1.00                | 3000.00         | 36000.00       |            |
| <b>Personal Emergency Response System Total:</b>                |               |         |                     |                 |                | 4053.60    |
| Personal Emergency Response System                              | Monthly       | 12      | 12.00               | 28.15           | 4053.60        |            |
| <b>Professional Services Total:</b>                             |               |         |                     |                 |                | 24408.00   |
| Licensed Clinical Social Work                                   | 15 minutes    | 12      | 24.00               | 7.50            | 2160.00        |            |
| Registered Dietician  | 15 minutes    | 12      | 24.00               | 9.00            | 2592.00        |            |
| Occupational Therapy  | 15 minutes    | 12      | 24.00               | 12.00           | 3456.00        |            |
| Speech Therapy  | 15 minutes    | 12      | 24.00               | 11.25           | 3240.00        |            |
| Psychology  | 15 minutes    | 12      | 24.00               | 31.25           | 9000.00        |            |
| Physical Therapy  | 15 minutes    | 12      | 24.00               | 13.75           | 3960.00        |            |
| <b>Transportation - Community Access Total:</b>                 |               |         |                     |                 |                | 0.00       |
| Transportation - Community Access                               |               |         |                     |                 | 0.00           |            |
| <b>GRAND TOTAL:</b>   |               |         |                     |                 |                | 8634435.98 |
| Total Estimated Unduplicated Participants:                      |               |         |                     |                 |                | 325        |
| Factor D (Divide total by number of participants):              |               |         |                     |                 |                | 26567.59   |
| Average Length of Stay on the Waiver:                           |               |         |                     |                 |                | 356        |

| Waiver Service/ Component                          | Unit         | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost |
|--|--------------|---------|---------------------|-----------------|----------------|------------|
|  | One-way trip | 0       | 0.00                | 5.79            |                |            |
| <b>GRAND TOTAL:</b>                                |              |         |                     |                 |                | 8634433.98 |
| Total Estimated Unduplicated Participants:         |              |         |                     |                 |                | 325        |
| Factor D (Divide total by number of participants): |              |         |                     |                 |                | 26567.58   |
| Average Length of Stay on the Waiver:              |              |         |                     |                 |                | 356        |

**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>Adult Day Health Care Total:</b>   |               |         |                     |                 |                | 1003046.24  |
| Adult Day Health Care   | 15 minutes    | 68      | 5306.00             | 2.78            | 1003046.24     |             |
| <b>Day Habilitation Total:</b>  |               |         |                     |                 |                | 187442.00   |
| Day Habilitation  | 2 5 hours     | 34      | 298.00              | 18.50           | 187442.00      |             |
| <b>Prevocational Services Total:</b>  |               |         |                     |                 |                | 135022.50   |
| Prevocational Services  | 2 5 hours     | 17      | 353.00              | 22.50           | 135022.50      |             |
| <b>Respite Services - Out of Home Total:</b>                                  |               |         |                     |                 |                | 370.56      |
| Respite Services - Out of Home  | 15 minutes    | 4       | 24.00               | 3.86            | 370.56         |             |
| <b>Shared Living Services Total:</b>  |               |         |                     |                 |                | 374692.50   |
| Shared Living Services  | Per Diem      | 21      | 305.00              | 58.50           | 374692.50      |             |
| <b>Support Coordination Total:</b>  |               |         |                     |                 |                | 498108.00   |
| Support Coordination  | 15 minutes    | 325     | 103.00              | 14.88           | 498108.00      |             |
| <b>Supported Employment Total:</b>  |               |         |                     |                 |                | 9370.40     |
| Supported Employment  | 15 minutes    | 17      | 212.00              | 2.60            | 9370.40        |             |
| <b>Assistive Technology/Specialized Medical Equipment and Supplies Total:</b> |               |         |                     |                 |                | 3003.00     |
| Assistive Technology/Specialized Medical Equipment and Supplies               | Per Item      | 13      | 1.00                | 231.00          | 3003.00        |             |
| <b>Dental Total:</b>  |               |         |                     |                 |                | 2119.32     |
| Dental  | Per Procedure | 12      | 3.00                | 58.87           | 2119.32        |             |
| <b>Community Living Supports Total:</b>                                       |               |         |                     |                 |                | 8152538.81  |
| Community Living Supports   |               |         |                     |                 | 8152538.81     |             |
| <b>GRAND TOTAL:</b>   |               |         |                     |                 |                | 10787631.56 |
| Total Estimated Unduplicated Participants:                                    |               |         |                     |                 |                | 325         |
| Factor D (Divide total by number of participants):                            |               |         |                     |                 |                | 33192.71    |
| Average Length of Stay on the Waiver:   |               |         |                     |                 |                | 356         |

| Waiver Service/ Component                              | Unit         | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost |
|--|--------------|---------|---------------------|-----------------|----------------|------------|
|  | 15 minutes   | 247     | 9143.00             | 3.61            |                |            |
| <b>Companion Care Total:</b>                           |              |         |                     |                 |                | 134685.00  |
| Companion Care   | Per Diem     | 9       | 365.00              | 41.00           | 134685.00      |            |
| <b>Environmental Accessibility Adaptations Total:</b>  |              |         |                     |                 |                | 49752.60   |
| Environmental Accessibility Adaptations                | Per Item     | 4       | 3.00                | 4146.05         | 49752.60       |            |
| <b>Host Home Total:</b>                                |              |         |                     |                 |                | 4231.15    |
| Host Home  | Per Item     | 77      | 1.00                | 54.95           | 4231.15        |            |
| <b>Housing Stabilization Service Total:</b>            |              |         |                     |                 |                | 1087.92    |
| Housing Stabilization Service                          | 15 minutes   | 1       | 72.00               | 15.11           | 1087.92        |            |
| <b>Housing Stabilization Transition Service Total:</b> |              |         |                     |                 |                | 1405.23    |
| Housing Stabilization Transition Service               | 15 minutes   | 1       | 93.00               | 15.11           | 1405.23        |            |
| <b>Nursing Total:</b>                                  |              |         |                     |                 |                | 176890.61  |
| Nursing  | 15 Minutes   | 13      | 1703.00             | 7.99            | 176890.61      |            |
| <b>One-Time Transitional Services Total:</b>           |              |         |                     |                 |                | 30000.00   |
| One-Time Transitional Services                         | Per Package  | 10      | 1.00                | 3000.00         | 30000.00       |            |
| <b>Personal Emergency Response System Total:</b>       |              |         |                     |                 |                | 14525.40   |
| Personal Emergency Response System                     | Monthly      | 43      | 12.00               | 28.15           | 14525.40       |            |
| <b>Professional Services Total:</b>                    |              |         |                     |                 |                | 8136.00    |
| Licensed Clinical Social Work                          | 15 minutes   | 4       | 24.00               | 7.50            | 720.00         |            |
| Registered Dietician                                   | 15 minutes   | 4       | 24.00               | 9.00            | 864.00         |            |
| Occupational Therapy                                   | 15 minutes   | 4       | 24.00               | 12.00           | 1152.00        |            |
| Speech Therapy   | 15 minutes   | 4       | 24.00               | 11.25           | 1080.00        |            |
| Psychology   | 15 minutes   | 4       | 24.00               | 31.25           | 3000.00        |            |
| Physical Therapy                                       | 15 minutes   | 4       | 24.00               | 13.75           | 1320.00        |            |
| <b>Transportation - Community Access Total:</b>        |              |         |                     |                 |                | 1204.32    |
| Transportation - Community Access                      | One-way trip | 4       | 52.00               | 5.79            | 1204.32        |            |
| <b>GRAND TOTAL:</b>                                    |              |         |                     |                 | 16787631.56    |            |
| Total Estimated Unduplicated Participants:             |              |         |                     |                 | 325            |            |
| Factor D (Divide total by number of participants):     |              |         |                     |                 | 33192.71       |            |
| Average Length of Stay on the Waiver:                  |              |         |                     |                 |                | 356        |

**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>Adult Day Health Care Total:</b>   |               |         |                     |                 |                | 1003046.24 |
| Adult Day Health Care   | 15 minutes    | 68      | 5306.00             | 2.78            | 1003046.24     |            |
| <b>Day Habilitation Total:</b>  |               |         |                     |                 |                | 187442.00  |
| Day Habilitation  | 2.5 hours     | 34      | 298.00              | 18.50           | 187442.00      |            |
| <b>Prevocational Services Total:</b>  |               |         |                     |                 |                | 135022.50  |
| Prevocational Services  | 2.5 hours     | 17      | 353.00              | 22.50           | 135022.50      |            |
| <b>Respite Services - Out of Home Total:</b>                                  |               |         |                     |                 |                | 370.56     |
| Respite Services - Out of Home  | 15 minutes    | 4       | 24.00               | 3.86            | 370.56         |            |
| <b>Shared Living Services Total:</b>  |               |         |                     |                 |                | 374692.50  |
| Shared Living Services  | Per Diem      | 21      | 305.00              | 58.50           | 374692.50      |            |
| <b>Support Coordination Total:</b>  |               |         |                     |                 |                | 498108.00  |
| Support Coordination  | 15 minutes    | 325     | 103.00              | 14.88           | 498108.00      |            |
| <b>Supported Employment Total:</b>  |               |         |                     |                 |                | 9370.40    |
| Supported Employment  | 15 minutes    | 17      | 212.00              | 2.60            | 9370.40        |            |
| <b>Assistive Technology/Specialized Medical Equipment and Supplies Total:</b> |               |         |                     |                 |                | 3003.00    |
| Assistive Technology/Specialized Medical Equipment and Supplies               | Per Item      | 13      | 1.00                | 231.00          | 3003.00        |            |
| <b>Dental Total:</b>  |               |         |                     |                 |                | 3355.59    |
| Dental  | Per Procedure | 19      | 3.00                | 58.87           | 3355.59        |            |
| <b>Community Living Supports Total:</b>                                       |               |         |                     |                 |                | 8416588.65 |
| Community Living Supports   | 15 minutes    | 255     | 9143.00             | 3.61            | 8416588.65     |            |
| <b>Companion Care Total:</b>  |               |         |                     |                 |                | 134685.00  |
| Companion Care  | Per Diem      | 9       | 365.00              | 41.00           | 134685.00      |            |
| <b>Environmental Accessibility Adaptations Total:</b>                         |               |         |                     |                 |                | 74628.90   |
| Environmental Accessibility Adaptations                                       | Per Item      | 6       | 3.00                | 4146.05         | 74628.90       |            |
| <b>Host Home Total:</b>   |               |         |                     |                 |                | 4231.15    |
| Host Home   | Per Diem      | 77      | 1.00                | 54.95           | 4231.15        |            |
| <b>Housing Stabilization Service Total:</b>                                   |               |         |                     |                 |                | 1087.92    |
| <b>GRAND TOTAL:</b>   |               |         |                     |                 | 11157497.38    |            |
| Total Estimated Unduplicated Participants:                                    |               |         |                     |                 | 325            |            |
| Factor D (Divide total by number of participants):                            |               |         |                     |                 | 34330.76       |            |
| Average Length of Stay on the Waiver:   |               |         |                     |                 |                | 356        |

| Waiver Service/ Component                              | Unit         | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost |
|--|--------------|---------|---------------------|-----------------|----------------|------------|
| Housing Stabilization Service                          | 15 minutes   | 1       | 72.00               | 15.11           | 1087.92        |            |
| <b>Housing Stabilization Transition Service Total:</b> |              |         |                     |                 |                | 1405.23    |
| Housing Stabilization Transition Service               | 15 minutes   | 1       | 93.00               | 15.11           | 1405.23        |            |
| <b>Nursing Total:</b>                                  |              |         |                     |                 |                | 244925.46  |
| Nursing  | 15 minutes   | 18      | 1703.00             | 7.99            | 244925.46      |            |
| <b>One-Time Transitional Services Total:</b>           |              |         |                     |                 |                | 30000.00   |
| One-Time Transitional Services                         | Per Package  | 10      | 1.00                | 3000.00         | 30000.00       |            |
| <b>Personal Emergency Response System Total:</b>       |              |         |                     |                 |                | 14525.40   |
| Personal Emergency Response System                     | Monthly      | 43      | 12.00               | 28.15           | 14525.40       |            |
| <b>Professional Services Total:</b>                    |              |         |                     |                 |                | 10170.00   |
| Licensed Clinical Social Work                          | 15 minutes   | 5       | 24.00               | 7.50            | 900.00         |            |
| Registered Dietician                                   | 15 minutes   | 5       | 24.00               | 9.00            | 1080.00        |            |
| Occupational Therapy                                   | 15 minutes   | 5       | 24.00               | 12.00           | 1440.00        |            |
| Speech Therapy   | 15 minutes   | 5       | 24.00               | 11.25           | 1350.00        |            |
| Psychology   | 15 minutes   | 5       | 24.00               | 31.25           | 3750.00        |            |
| Physical Therapy                                       | 15 minutes   | 5       | 24.00               | 13.75           | 1650.00        |            |
| <b>Transportation - Community Access Total:</b>        |              |         |                     |                 |                | 10838.88   |
| Transportation - Community Access                      | One-way trip | 36      | 52.00               | 5.79            | 10838.88       |            |
| <b>GRAND TOTAL:</b>                                    |              |         |                     |                 | 11157497.38    |            |
| Total Estimated Unduplicated Participants:             |              |         |                     |                 | 325            |            |
| Factor D (Divide total by number of participants):     |              |         |                     |                 | 34338.76       |            |
| Average Length of Stay on the Waiver:                  |              |         |                     |                 |                | 356        |

**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>Adult Day Health Care Total:</b>                |      |         |                     |                 |                | 1091550.32 |
| Adult Day Health Care                              |      |         |                     |                 | 1091550.32     |            |
| <b>GRAND TOTAL:</b>                                |      |         |                     |                 | 12545249.94    |            |
| Total Estimated Unduplicated Participants:         |      |         |                     |                 | 350            |            |
| Factor D (Divide total by number of participants): |      |         |                     |                 | 35843.63       |            |
| Average Length of Stay on the Waiver:              |      |         |                     |                 |                | 356        |

| Waiver Service/ Component   | Unit          | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost | Total Cost  |
|---|---------------|---------|---------------------|-----------------|----------------|-------------|
|   | 15 minutes    | 74      | 5306.00             | 2.78            |                |             |
| <b>Day Habilitation Total:</b>  |               |         |                     |                 |                | 198468.00   |
| Day Habilitation  | 2.5 hours     | 36      | 298.00              | 18.50           | 198468.00      |             |
| <b>Prevocational Services Total:</b>  |               |         |                     |                 |                | 142965.00   |
| Prevocational Services  | 2.5 hours     | 18      | 353.00              | 22.50           | 142965.00      |             |
| <b>Respite Services - Out of Home Total:</b>                                  |               |         |                     |                 |                | 463.20      |
| Respite Services - Out of Home  | 15 minutes    | 5       | 24.00               | 3.86            | 463.20         |             |
| <b>Shared Living Services Total:</b>  |               |         |                     |                 |                | 410377.50   |
| Shared Living Services  | Per Diem      | 23      | 305.00              | 58.50           | 410377.50      |             |
| <b>Support Coordination Total:</b>  |               |         |                     |                 |                | 536424.00   |
| Support Coordination  | 15 minutes    | 350     | 103.00              | 14.88           | 536424.00      |             |
| <b>Supported Employment Total:</b>  |               |         |                     |                 |                | 9921.60     |
| Supported Employment  | 15 minutes    | 18      | 212.00              | 2.60            | 9921.60        |             |
| <b>Assistive Technology/Specialized Medical Equipment and Supplies Total:</b> |               |         |                     |                 |                | 3234.00     |
| Assistive Technology/Specialized Medical Equipment and Supplies               | Per Item      | 14      | 1.00                | 231.00          | 3234.00        |             |
| <b>Dental Total:</b>  |               |         |                     |                 |                | 4238.64     |
| Dental  | Per Procedure | 24      | 3.00                | 58.87           | 4238.64        |             |
| <b>Community Living Supports Total:</b>                                       |               |         |                     |                 |                | 9439781.78  |
| Community Living Supports   | 15 minutes    | 286     | 9143.00             | 3.61            | 9439781.78     |             |
| <b>Companion Care Total:</b>  |               |         |                     |                 |                | 149650.00   |
| Companion Care  | Per Diem      | 10      | 365.00              | 41.00           | 149650.00      |             |
| <b>Environmental Accessibility Adaptations Total:</b>                         |               |         |                     |                 |                | 136819.65   |
| Environmental Accessibility Adaptations                                       | Per Item      | 11      | 3.00                | 4146.05         | 136819.65      |             |
| <b>Host Home Total:</b>   |               |         |                     |                 |                | 4560.85     |
| Host Home   | Per Diem      | 83      | 1.00                | 54.95           | 4560.85        |             |
| <b>Housing Stabilization Service Total:</b>                                   |               |         |                     |                 |                | 1087.92     |
| Housing Stabilization Service   | 15 minutes    | 1       | 72.00               | 15.11           | 1087.92        |             |
| <b>Housing Stabilization Transition Service Total:</b>                        |               |         |                     |                 |                | 1405.23     |
| Housing Stabilization Transition Service                                      | 15 minutes    | 1       | 93.00               | 15.11           | 1405.23        |             |
| <b>Nursing Total:</b>   |               |         |                     |                 |                | 340174.25   |
| <b>GRAND TOTAL:</b>   |               |         |                     |                 |                | 12543169.94 |
| Total Estimated Unduplicated Participants:                                    |               |         |                     |                 |                | 358         |
| Factor D (Divide total by number of participants):                            |               |         |                     |                 |                | 35843.63    |
| Average Length of Stay on the Waiver:   |               |         |                     |                 |                | 356         |

| Waiver Service/ Component                          | Unit         | # Users | Avg. Units Per User | Avg. Cost/ Unit | Component Cost     | Total Cost      |
|--|--------------|---------|---------------------|-----------------|--------------------|-----------------|
| Nursing  | 15 minutes   | 25      | 1703.00             | 7.99            | 340174.25          |                 |
| <b>One-Time Transitional Services Total:</b>       |              |         |                     |                 |                    | <b>30000.00</b> |
| One-Time Transitional Services                     | Per Package  | 10      | 1.00                | 3000.00         | 30000.00           |                 |
| <b>Personal Emergency Response System Total:</b>   |              |         |                     |                 |                    | <b>16890.00</b> |
| Personal Emergency Response System                 | Monthly      | 50      | 12.00               | 28.15           | 16890.00           |                 |
| <b>Professional Services Total:</b>                |              |         |                     |                 |                    | <b>12204.00</b> |
| Licensed Clinical Social Work                      | 15 minutes   | 6       | 24.00               | 7.50            | 1080.00            |                 |
| Registered Dietician                               | 15 minutes   | 6       | 24.00               | 9.00            | 1296.00            |                 |
| Occupational Therapy                               | 15 minutes   | 6       | 24.00               | 12.00           | 1728.00            |                 |
| Speech Therapy                                     | 15 minutes   | 6       | 24.00               | 11.25           | 1620.00            |                 |
| Psychology   | 15 minutes   | 6       | 24.00               | 31.25           | 4500.00            |                 |
| Physical Therapy                                   | 15 minutes   | 6       | 24.00               | 13.75           | 1980.00            |                 |
| <b>Transportation - Community Access Total:</b>    |              |         |                     |                 |                    | <b>15054.00</b> |
| Transportation - Community Access                  | One-way trip | 50      | 52.00               | 5.79            | 15054.00           |                 |
| <b>GRAND TOTAL:</b>                                |              |         |                     |                 | <b>12545269.94</b> |                 |
| Total Estimated Unduplicated Participants:         |              |         |                     |                 | <b>358</b>         |                 |
| Factor D (Divide total by number of participants): |              |         |                     |                 | <b>35943.63</b>    |                 |
| Average Length of Stay on the Waiver:              |              |         |                     |                 |                    | <b>356</b>      |

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

### 1. Request Information

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- 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:  
Residential Options Waiver (ROW)
- C. Waiver Number: LA.0472
- D. Amendment Number: LA.0472.R01.02
- E. Proposed Effective Date: (mm/dd/yy)  
01/01/16
- Approved Effective Date of Waiver being Amended: 07/01/13

### 2. Purpose(s) of Amendment

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**Purpose(s) of the Amendment.** Describe the purpose(s) of the amendment:  
Louisiana is submitting this amendment to accomplish the following purposes:

1. Revised eligibility language to clarify and broadening the ROW eligibility criteria to include all individuals with a Statement of Approval for the Office for Citizens with Developmental Disabilities (OCDD) and who meet the Level of Care criteria

Request for Amendment Section-

- RFI – Brief Waiver description revised to clarify eligibility and waiver opportunity prioritization
- Additional Information -Item 6,i. Public Input - Included methods the state employed to promote public input and the identification of the resulting modification as the result of Advocacy Center and stakeholder input for this amendment

2. Provided Attachment #1: Transition Plan Service Crosswalk as required

To improve access to I/DD services for these eligible individuals by eliminating all reserved capacity groups and by taking the following strategic actions;

- A. Implementing a one-time transition of persons who are eligible for DD services and who are presently enrolled in the OAAS Community Choice Waiver (CCW), (See Attachment 1)
- B. Implementing a one-time transition of those persons who are eligible for DD services and who are presently on the OAAS Community Choice Waiver (CCW) and Adult Day Health Care (ADHC) waiting list to a ROW waiting list, where they will maintain their current CCW RFSR protected date, (See Attachment 1)
- C. Implementing a one-time transition of persons who are eligible for DD services and who are presently enrolled in the OAAS Adult Day Healthcare (ADHC) Waiver to the ROW and, (See Attachment 1)

3. Provided required Attachment 2 - Incorporates the Office of Citizens with Developmental Disabilities (OCDD) Home and Community- Based Services (HCBS) settings transition plan and addresses requirements of the HCBS Settings Rule.

4. Appendix B, 1:a. - Participant Access and Eligibility Specification of the Waiver Target Group(s)

Revised to select and clarify as follows;

Additional Criteria. The State further specifies its target group(s) as follows:

To decrease the number of eligible individuals institutionalized in the state by broadening eligibility and creating the following priority groups in the ROW:

Priority 1. One-time transition of persons who are eligible for DD services and who are presently enrolled in the OAAS Community Choices Waiver (CCW) or the Adult Day Health Care Waiver (ADHC)

Priority 2. Adults and children residing in institutions [nursing facilities and private Intermediate Care Facilities for the Intellectually & Developmentally Disabled (ICF/IDDs, Supports & Services Center or former Supports & Services Center operated through a Cooperative Endeavor Agreement (CEA) with OCDD]] who are eligible for Developmental Disability (DD) services and who wish to transition to the ROW

Priority 3. Adults and children in crisis situations who are eligible for DD services and who need HCBS services to prevent Institutionalization.



Priority 4. Persons who are eligible for DD services and who request the ROW, based on their ROW Request for Services Registry (RFSR) protected date and a first come first serve basis.

- 5. B,3,a. Adjusted the total numbers served years 3, 4 and 5
- 6. B,3,b. Adjusted the number of unduplicated number of participants to align with years 3,4,5
- 7. B, 3, c. Participant Access – Eliminated all reserved capacity groups - Reserved Capacity no longer applicable (see B.1,a. additional criteria)
- 8. B,6,d. Participant Access and Eligibility Level of Care—Insertion of word ROW to clarify the intended RFSR for consistency throughout amendment document
- 9. Appendixes C,I, J: - Services - Addition of new service - Adult Day Healthcare (ADHC) service to provide continuity of service for those eligible persons presently receiving ADHC in either the OAAS Community Choices waiver (CCW) or OAAS Adult Day Health Care Waiver (ADHC) and transitioning to the ROW.
  - Appendix I-2(a): Revised Rate Methodology to include the newly added service
  - Appendix J-1, J-2(a): Updated estimated service utilization
- 10. Appendix C: Clarification of available adult dental services
  - Dental services – removing expanded dental services
- 11. Appendix C: Participant Services C-2: e General Service Specifications - Revised to allow payment to parent(s) of an adult child to provide services whenever the parent is not the relatives/legal guardian and whenever the relative/legal guardian is qualified to provide services as specified in Appendix C-1/C-3.
- 12. Revised Appendix G-2,c Participant Safeguards: Seclusion, to complete the newly created section for data collection
- 13. Revised Appendix G-3 –Participant Safeguards: Medication administration to align with current state law/policy
- 14. Changed Waiver Assistance and Compliance Section (WCS)to Medicaid Program Support and Waivers (MPSW)
- 15. Changed OCDD Regional Waiver Office or Human Service Authority or District to Local Governing Entity (LGE) name change only

**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) |
|--|---------------|
| <input type="checkbox"/> Waiver Application  |               |
| <input type="checkbox"/> Appendix A – Waiver Administration and Operation                |               |
| <input checked="" type="checkbox"/> Appendix B – Participant Access and Eligibility      |               |
| <input checked="" type="checkbox"/> Appendix C – Participant Services                    |               |
| <input type="checkbox"/> Appendix D – Participant Centered Service Planning and Delivery |               |
| <input type="checkbox"/> Appendix E – Participant Direction of Services                  |               |
| <input type="checkbox"/> Appendix F – Participant Rights                                 |               |
| <input checked="" type="checkbox"/> Appendix G – Participant Safeguards                  |               |
| <input checked="" type="checkbox"/> Appendix H   |               |
| <input type="checkbox"/> Appendix I – Financial Accountability                           |               |
| <input checked="" type="checkbox"/> Appendix J – Cost-Neutrality Demonstration           |               |

| Component of the Approved Waiver | Subsection(s) |
|----------------------------------|---------------|
|----------------------------------|---------------|

**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:

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

**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 §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*):  
Residential Options Waiver (ROW)

**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

**Waiver Number:** LA.0472.R01.02  
**Draft ID:** LA.005.01.03

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

Regular Waiver ▼

**E. Proposed Effective Date of Waiver being Amended:** 10/01/12  
**Approved Effective Date of Waiver being Amended:** 07/01/13

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

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**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)

**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 §1915(a)(1)(a) of the Act and described in Appendix I

Waiver(s) authorized under §1915(b) of the Act.

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

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

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

§1915(b)(2) (central broker)

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

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

A program operated under §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 §1915(i) of the Act.

A program authorized under §1915(j) of the Act.

A program authorized under §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

**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 purpose of the Residential Options Waiver, a 1915 C waiver, is to assist service participants in leading healthy, independent and productive lives to the fullest extent possible; promote the full exercise of their rights as citizens of the state of Louisiana; and promote the integrity and well-being of their families. Services are provided with the goal of promoting independence through strengthening the participant's capacity for self-care and self-sufficiency. The Residential Options Waiver is person-centered incorporating the participant's support needs and preferences with a goal of integrating the participant into their community. The Residential Options Waiver provides opportunities for eligible individuals with developmental disabilities to receive HCBS services that allow them to transition to and/or remain in the community.

The objectives of the Residential Options Waiver are to:

- Promote independence for participants through the provision of services meeting the highest standards of quality and national best practices, while ensuring health and safety through a comprehensive system of participant safeguards;
- Offer an alternative to institutionalization and costly comprehensive services 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 to exercise their rights and share responsibility for their programs regardless of the method of service delivery; and
- Offer access to services on a short-term basis which would protect the health and safety of the participant in the event that the family or other caregiver were unable to continue to provide care and supports.

The Department of Health and Hospitals (DHH) is the Single State Medicaid Agency. Within DHH, the Bureau of Health Services Financing (BHSF) maintains administrative oversight of the Residential Options Waiver. BHSF (Medicaid) has a Memorandum of Understanding with the Local Governing Entity (LGE) formerly known as Districts and Authorities, along with the Office for Citizens with Developmental Disabilities,

which specifies the roles and responsibilities of each party and the methods BHSF will use to ensure the operating agency performs delegated waiver operations and administrative functions in accordance with the approved waiver application, rules, and policies. This agreement has been in effect since 2010.

Services are accessed through a single point of entry within OCDD LGE. All waiver participants choose their Support Coordination and Direct Service Provider Agencies through the Freedom of Choice process. All services must be prior authorized and delivered in accordance with an approved Plan of Care. The Plan of Care is approved at the LGE. Prior authorization is completed through an independent entity contracted by DHH that also maintains the service data on all waivers for the developmental disabilities population.

The ROW includes Participant Direction of Services as an optional service delivery method. The participant-directed service is Community Living Supports.

### 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*):
 

- Yes. This waiver provides participant direction opportunities. *Appendix E is required.*
  - No. This waiver does not provide participant direction opportunities. *Appendix E is not required.*
- 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 §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 §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. **Stewardship.** Indicate whether the State requests a waiver of the stewardship requirements in §1902(a)(1) of the Act (*select one*):
  - No
  - Yes

If yes, specify the waiver of stewardship that is requested (*check each that applies*):

- Geographic Limitation.** A waiver of stewardship 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

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 §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

*Note: Item 6-1 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 in-patients 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 §1915(b) or another provision of the Act.
- F. FFP Limitation.** In accordance with 42 CFR §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. FFP also may not be claimed for services that are available without charge, or as free care to the community. Services will not be considered to be without charge, or free care, when (1) the provider establishes a fee schedule for each service available and (2) collects insurance information from all those served (Medicaid, and non-Medicaid), and bills other legally liable third party insurers. Alternatively, 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 §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 Department's public notice and input processes for this amendment consisted of the following:
- 1) The transition of persons with ID/DD (i.e., persons with a Statement of Approval for DD services from the Office for Citizens with Developmental Disabilities) from the OAAS Community Choices Waiver (CCW) and Adult Day Health Care (ADHC) waiver has been discussed on an ongoing basis with stakeholders via multiple public forums in which other issues related to long term supports and services delivery were also discussed. Because the proposed transition of individuals from OAAS waivers to the OCDD waiver increases service availability, service maximums, and budget for those individuals, and because it aligns persons with ID/DD into the service system designed for them, the proposed change was well received during these forums and neither objections nor significant questions were raised during this informal process. Six forums were held around the state between February 11, 2015 and April 27, 2016 and were attended by a wide range of stakeholders including significant number of persons with ID/DD, their family members, caregivers, and providers. Dates for the forums were 2/11/15, 2/20/15, 1/13/16, 1/22/16, and 3/27/16; locations were Baton Rouge, Bossier City, Houma, and Alexandria Louisiana.
  - 2) The state has an established public input process for rulemaking. The Louisiana Office of State Register (OSR) publishes all of the state's rulemaking documents so residents will be aware of proposed and final additions or changes in state agency administrative law. Documents are published monthly in the Louisiana Register and in the compiled set of administrative law, the Louisiana Administrative Code. The state's established rulemaking process to effectuate the changes proposed in the amendment began August 2015, with a public hearing held November 25, 2015. No comments were received during the

comment period for rulemaking. The final rule was published in the December 20, 2015 La Register.

- 3) The entire amendment as well as the transition plan for moving individuals from OAAS waivers to ROW was posted for public comment from October 8, 2015 until November 18, 2015 at <http://new.dhh.louisiana.gov/index.cfm/page/2313>.

The only formal comments received throughout this process were from Louisiana's Protection and Advocacy agency, the Advocacy Center (AC); however the AC is a significant and vocal stakeholder on these matters, a member of the state's Developmental Disabilities Council, and it's board includes multiple stakeholder representatives. Changes were made to the amendment as a result of AC comments. Specifically, the state eliminated the use of reserved capacity groups in favor of priority groups. This change was made to address AC concerns that residents of institutions wishing to transition to community based living options have priority access to ROW, and it also broadens eligibility for the ROW to all eligible individuals with an SOA rather than limiting waiver eligibility to members of the reserved capacity groups.

Because the state was responsive and made a change as a result of public comment, the state then re-posted the amendment including the change from reserved capacity to priority groups for a second period of public comment. That period began [will insert dates when available] and will end [will insert dates when available] and was announced via newspaper advertisement [insert details when available]. The entire waiver document including the revised amendment and transition plan were posted at [insert]. [Insert any comments received and response].

#### Tribal Notice

The tribal notice for amendment to add a reserved capacity group to allow individual with OCDD Statements of approval to transition from either the CCW or ADHC waivers and to add the ADHC service was sent to the tribes on 10/21/15. This provided a comment period until 11/20/15. There were no comments received. As a result of changes made to the amendment on the basis of public comment, the state sent a new tribal notice on May 13, 2016 which provided an updated description of amendment reflecting the decision to eliminate reserved capacity groups and create priority groups.

- 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)

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

Last Name:

Levelle

First Name:

Jeanne

Title:

Section Chief

Agency:

Bureau of Health Services Financing

Address:

628 N. 4th Street

Address 2:

P.O. Box 91030

City:

Baton Rouge

State:

Louisiana

Zip:

70821

Phone:

(225) 342-9846

Ext:

TTY

Fax: (225) 342-9168

E-mail: jeanne.levelle@la.gov

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

Last Name: Thomas

First Name: Mark

Title: Assistant Secretary

Agency: Office for Citizens with Developmental Disabilities

Address: 628 N. 4th Street

Address 2:

City: Baton Rouge

State: Louisiana

Zip: 70821

Phone: (225) 342-0095 Ext: TTY

Fax: (225) 342-8823

E-mail: Mark.thomas@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 §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: Levelle

First Name: Jeanne

Title:



**Agency:** Section Chief

**Address:** Bureau of Health Services Financing

**Address 2:** 628 North Fourth Street

**City:** P.O. Box 91030

**State:** Baton Rouge

**Zip:** Louisiana

**Phone:** (225) 342-9846 Ext:  TTY

**Fax:** (225) 342-9168

**E-mail:**

**Attachments**  Jeanne.Levelle@la.gov

**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:

Transition Plan for OAAS waiver recipients into OCDD's Residential Options Waiver

**Criteria and Reasoning behind the Transition**

Louisiana is submitting an amendment to the Residential Options Waiver (ROW) that will create an opportunity for individuals with ID/DD who currently receive services via the Community Choices Waiver (CCW) or Adult Day Health Care waiver (ADHC) to transition to the ROW. The CCW and ADHC waiver programs are operated by the Office of Aging and Adult Services (OAAS), but the ROW waiver program is operated by the Office of Citizens with Developmental Disabilities (OCDD) and is therefore the more appropriate option for persons with ID/DD. In order for an OAAS waiver recipient to make this transition, they must have an I/DD diagnosis, a Statement of Approval (SOA) by OCDD, and currently be receiving CCW or ADHC services. This transition will improve access to I/DD services for these individuals and contribute to more efficient operation of the State's home and community-based services delivery system. This change will result in the transition of approximately 235 individuals who will have greater access to services specifically designed to support their needs as persons with ID/DD.

This plan to transition the aforementioned individuals was initially introduced to stakeholders in February 2015. In an effort to promote transparency and stakeholder buy-in and input, the plan was also shared during public forums held across the state on 2/11/15, 2/20/15, 1/13/16, 1/22/16 and 3/27/16. During these forums, the idea was received positively by stakeholder groups. The transition plan being proposed in this waiver amendment was posted for public comment prior to submission to CMS. Based on stakeholder input, this amendment was modified to eliminate reserved capacity groups, to replace it with priority groups, and to create a ROW registry as indicated above.

**Benefits of Transition**

The ROW will afford recipients access to services which are not available through either the ADHC or CCW, including Supported Employment, Host Home Services, Psychology Services, Registered Dietician Services, and Social Worker Services. In addition, OCDD is requesting through this amendment the addition of Adult Day Healthcare as a service in the ROW to ensure continuity for those individuals who choose to

continue to receive that service. Another benefit is the consumer directed option is now available to those individuals transitioning from the ADHC waiver where it was not an option before. Finally, the ROW offers the opportunity to secure more services with a higher expenditure cap, than has been available in either the ADHC or CCW waivers.

**Crosswalk Comparisons of the Waivers**

The following charts provide an abbreviated comparison of the 3 waivers:

**Maximum Expenditure Limit/Cost Comparison**

| Waiver   | ADHC     | CCW      | ROW      |
|--|----------|----------|----------|
| Max Budget   | \$26,640 | \$39,445 | \$61,753 |
| Assessment (Based on MDS assessment (Based on MDS assessment (Based on ICAP level)<br>RUG score) |          |          |          |

| Waiver                  | ADHC     | CCW      | ROW      |
|-------------------------|----------|----------|----------|
| Average Cost /Recipient | \$11,698 | \$22,408 | \$26,913 |

**Service Comparisons**

The chart below lists and compares services available under the ADHC and CCW to services that will be available under the ROW. All services currently available in the ADHC or CCW will also be available under ROW, though sometimes under a different name or as part of a more comprehensive service. The comprehensive services are denoted in the footnotes of this chart.

**Waiver Service Comparison Chart**

| ADHC / CCW Service                          | ADHC | CCW | ROW | Cross-Walked Service                   |
|---|------|-----|-----|--|
| Adult Day Health Care                       | X    | X X | X X | Adult Day Health Care                  |
| Case Management                             | X    | X X | X X | Support Coordination                   |
| Transition Supports                         | X    | X X | X X | Transition Supports                    |
| Environmental Accessibility -<br>Adaption   | -    | X X | X X | Environmental Accessibility            |
| Home Delivered Meals                        | -    | X X | X X | *Community Living Support              |
| Monitored In-Home Caregiving -              | -    | X X | X X | *Companion Care                        |
| Nursing                                     | -    | X X | X X | Nursing                                |
| Personal Assistance Services -<br>1:1       | -    | X X | X X | *Community Living Support              |
| Shared                                      | -    | X X | X X | *Community Living Support              |
| Personal Emergency Response -<br>System     | -    | X X | X X | Personal Emergency Response System     |
| Permanent Supportive Housing -<br>Respite   | -    | X X | X X | Permanent Supportive Housing           |
| Self-Directed Option                        | -    | X X | X X | Self-Directed Option                   |
| Specialized Medical Equipment -<br>Supplies | -    | X X | X X | Specialized Medical Equipment/Supplies |
| Occupational Therapy                        | -    | X X | X X | Occupational Therapy                   |
| Physical Therapy                            | -    | X X | X X | Physical Therapy                       |
| Speech, Language Therapy                    | -    | X X | X X | Speech, Language Therapy               |

**Service Note/Clarification:**

- \* If an individual requires assistance with meal preparation or provision of meals, this is provided through Community Living Support in the ROW.
- \*Monitored In-Home Caregiving service in CCW is provided through Companion Care in the ROW.
- \*Personal Assistance Services 1:1 in CCW is provided through Community Living Support in ROW.
- \*Personal Assistance Services –Shared in CCW is provided through Community Living Support in ROW.

Community Living Supports (CLS) as defined in the ROW manual are a residential option for recipients and includes self-help skills (which includes ADLs and IADLs), socialization skills, cognitive and communication tasks, and acquisition of appropriate positive behavior supports. These supports can be provided as individual supports or as shared supports. These supports focus on Active Treatment to build skills and independence for persons with Intellectual/Developmental disabilities.

Personal Assistance Services (PAS) as defined in the CCW manual include assistance and/or supervision necessary for recipients with functional impairments including supervision and/or assistance with ADLs and IADLs, protective supervision, supervision while outside of the home, and extension of therapy services. These supports can be provided as individual supports or as shared supports. Additionally, Companion Care is defined as a residential option for people who do not typically require 24 hour support and is provided by a companion who lives in residence with a recipient to provide supports as outlined in CLS above. Monitored In-Home Caregiving is defined in CCW as service provided to recipient living in private home with principal caregiver who is responsible for services as outlined in PAS above. Based on these definitions, individuals will be able to continue to receive assistance for tasks as outlined in their plans of care.

The services provided in the amended waiver (ROW) will be available in a greater rather than a lesser amount than is currently available in the

CCW and ADHC. Therefore, there will not be a negative impact on the health and welfare of recipients transitioning into ROW. Furthermore, the ROW affords people access to a wider array of services which are not available in either the ADHC or CCW waivers.

The chart below services available in the ROW that are not available in CCW or ADHC waivers

- Additional ROW Services
- Residential Supports
- Community Living Supports
- Companion Care Services
- Host Home Services – Adults 18 and over
- Host Home Services – Children under 18
- Shared Living – up to 3 people
- Professional Services
- Dental Services
- Psychological Services
- Registered Dietician Services
- Social Worker Services
- Respite Services
- Respite – Center based
- Vocational Services
- Day Habilitation
- Prevocational Services
- Supported Employment
- Transportation – Community Access

| Service Delivery Methods |                  |                  |                  |
|--------------------------|------------------|------------------|------------------|
| Waiver                   | ADHC             | CCW              | ROW              |
| Service Delivery Method  | Provider Managed | Provider Managed | Provider Managed |

**Transition Plan Details and Timetable**

In preparation for this transition, all recipients, families, case managers, local governing entities, and providers who will be impacted by this transition will receive a written communication from DHH. Each of these groups of stakeholders will receive a different letter which will specifically address impact to their situation and provide guidance on next steps in this process, and a phone contact will be provided to address additional questions. This communication will occur at the same time public notice of this transition is given. Throughout the process, stakeholders will have an opportunity to provide feedback on the proposal, and all feedback will be taken into consideration.

Additionally, beginning 90 days prior to targeted implementation date, training will be provided to OAAS Support Coordinators regarding available ROW services so that discussion and planning for transition with recipients and family members can begin prior to implementation. In addition, OAAS Support Coordinators will begin to build a file of all relevant documents, including but not limited to current Plan of Care, relevant assessments, and medical / behavioral / therapy documentation that will transfer with the individual to assist in ensuring a smooth transition. Technical assistance will be available throughout the process to the Support Coordinators through OCDD and OAAS. In addition, fact sheets, comparison charts, and frequently asked questions will be made available to individuals and families. Licensed OAAS providers will be able to add the ROW subspecialty so that there can be a continuation of services. The communication that is sent to providers who currently offer services to recipients of ADHC and CCW waiver will provide instructions on this process. DHH will streamline this process as much as possible to ensure continuity of services. In addition, Prior Authorizations that are in place for OAAS services will remain effective until the ROW plan of care is developed and services authorized to ensure no loss in services during the transition.

Individuals will transition from CCW or ADHC Waiver to ROW in a phase-in approach during each individual’s annual CPOC meeting. OCDD and OAAS Support Coordinators will work together to ensure person-centered planning occurs related to the transition with a focus on maintaining independence and continuing to live safely in the community. OCDD Support Coordinators will take the lead in development of Comprehensive Plan of Care for individuals who are transitioning. Local Governing Entities will complete ICAP assessments for individuals transitioning 30 – 60 days prior to the transition. The goal is to phase in all of the identified individuals over the course of the first year following implementation. Fair Hearing rights will be provided to each person during person-centered planning meetings as ROW plans of care are developed.

During this phase-in period, individuals with OCDD Statements of Approvals and who would have been eligible to begin receiving CCW or ADHC services or are currently on either the CCW or ADHC waiting list, will be placed on the ROW Request for Services Registry, maintaining their current protected date. At the current time, there are no individuals on the ROW Registry; however, the ROW does allow for a registry to be enacted. Therefore, it is not anticipated that there will be a significant delay in initiation of ROW services. The waiting lists for both CCW and ADHC are substantially longer than the waiting list for ROW will be, so it is certain that individuals will receive services sooner through the ROW waiting list.

DHH is confident in this action as part of its overall plan to improve the identified individuals’ access to I/DD services and create greater efficiencies within the State’s home and community-based services delivery system.

**Attachment #2: Home and Community-Based Settings Waiver Transition Plan**

Specify the state's process to bring this waiver into compliance with federal home and community-based (HCB) settings requirements at 42 CFR 441.301(c)(4)-(5), and associated CMS guidance.

*Consult with CMS for instructions before completing this item. This field describes the status of a transition process at the point in time of submission. Relevant information in the planning phase will differ from information required to describe attainment of milestones. To the extent that the state has submitted a statewide HCB settings transition plan to CMS, the description in this field may reference that statewide plan. The narrative in this field must include enough information to demonstrate that this waiver complies with federal HCB settings requirements, including the compliance and transition requirements at 42 CFR 441.301(c)(6), and that this submission is consistent with the portions of the statewide HCB settings transition plan that are germane to this waiver. Quote or summarize germane portions of the statewide HCB settings transition plan as required.*

*Note that Appendix C-5 HCB Settings describes settings that do not require transition; the settings listed there meet federal HCB setting requirements as of the date of submission. Do not duplicate that information here.*

*Update this field and Appendix C-5 when submitting a renewal or amendment to this waiver for other purposes. It is not necessary for the state to amend the waiver solely for the purpose of updating this field and Appendix C-5. At the end of the state's HCB settings transition process for this waiver, when all waiver settings meet federal HCB setting requirements, enter "Completed" in this field, and include in Section C-5 the information on all HCB settings in the waiver.*

Louisiana assures that the settings transition plan included with this waiver amendment will be subject to any provisions or requirements included in the State's approved Statewide Transition Plan. Louisiana will implement any required changes upon approval of the Statewide Transition Plan and will make conforming changes to its waiver when it submits the next amendment or renewal.

The Statewide Transition Plan submitted to CMS on March 17, 2015, provides an in-depth review of the Settings Rule and includes detailed information about public input, assessment and review, and remediation efforts. OCDD invites reviewers to seek greater details about the OCDD plan and how it relates to the Statewide Transition Plan. The information here represents only the highlights of the OCDD Plan.

#### A) Stakeholder Engagement:

OCDD set about developing public comment phase. To that end, OCDD created a website on October 6, 2014 and published information about the new Settings Rule and the plan to comply. Comments on this information were due on February 28, 2015. Providers were notified via an e-mail blast on February 3, 2015. Three public forums were held on November 17, 2014, February 11, 2015 and February 20, 2015. Five provider meetings were held from October 20, 2014 through February 12, 2015. The comment period for the Supports Waiver, Residential Options Waiver, the New Opportunities Waiver, and the Children's Choice Waiver ran from November 21, 2014- February 28, 2015. There were no additional comments received during the additional time that comments were collected for the Residential Options Waiver. Forums were advertised on the website that was established for the Transition Plan, blast emailed to all providers, and shared through the Developmental Disabilities Council and other advocacy organizations Listserv.

Also, the transition plan was presented at five provider meetings with OCDD providers, stakeholders and Support Coordinators on 10/20/14, 11/6/14, 1/13/15, 1/14/2015 and 2/12/15.

Comments could be received either at the public forums, through email, mail or telephone call.

OCDD received several email questions which are attached with answers.

Below is a paraphrased summary of comments and/or questions and answers surrounding the Supports Waiver that was received at the public forums and provider meetings:

If an individual has been at our facility for 30 years and neither the individual nor the family want the individual to go work in the community, does the individual have to go into the community?

The person has choice and through a person-centered process a plan should be developed for each individual. The individual does not have to go to work but it must be explored with the person on a regular basis his or her desire for employment and not just a one-time discussion. All options for work must be explored with the person. The person does not have to go into the community but must be offered choice.

What about individuals who are total care and parents do not want them to interact with others outside the facility?

Through a person-centered process, the individual will establish a plan of what they want to do. Options must be provided to them and given a choice of what they would like to do with their day.

What incentives are being given to employers in the community to hire individuals with disabilities?

There are several work incentives such as a tax-credit that are offered to employers. Louisiana Rehabilitation Services offers different programs that can be an incentive to employers.

Will facilities be closed down?

Facilities are not being closed because of this rule, but must come into compliance in order to continue receiving waiver funding.

What's going to happen to prevocational services?

Prevocational services will take on a new definition and will be time limited to 4 years in the waivers.

Will we be able to still continue day habilitation services and if so how often do the individuals have to go in the community?

Day habilitation services will continue but will have a new definition. Persons in day habilitation will have a choice in how they spend their time and what they would like to do. There is not a prescribed amount of time that is to be spent in the community in order to be considered integrated; however day habilitation must be integrated and must be based on each individual's choice in how they spend their day.

We operate a plant nursery on the grounds of our facility, but it's open to the public and the public can come and go as they please. The nursery is run by a non-disabled manager and then individuals with ID/DD work there along with their staff. At this time, we are getting ready to begin paying the individuals minimum wage. Does this seem like a business that would fit the requirements of CMS?

Each agency will take part in a self-assessment process which will help them to determine if the agency/business will meet the new guidelines set by CMS. If after completion of the self-assessment the provider has additional questions or needs guidance OCDD will be available to provide TA.

Our agency is in the rural part of the state and there are not any businesses in the area. What are we supposed to do with the individuals that we

serve at the facility? They currently work on a contract. Can they continue to work on that contract? If not, what can we do to help our individuals because if we are made to stop serving them then they won't have anywhere to go. Each person that you serve must be given choices that are available to them and through the person-centered process; they must be allowed to decide what they would like to do with their day. If the person continues to work on the contract it must become integrated. Other work options must be explored with the individual and the individual must have the ability to decide for themselves what they wish to do. Will the supervisor of a work crew, who is non-disabled, be considered integrated?

NO

What if the individuals interact with non-disabled folks along the way to work? For example: stopping at stores along the way to buy lunch or snacks. Is this considered integrated?

No, this is not considered integrated

What if group homes are located on the same grounds as the offices and the day programs? Does this meet the rules?

Through the completion of the provider self-assessment tool, providers will be able to understand if they are in compliance or exactly what is considered non-compliant. OCDD will provide TA to providers who have unique situations and need additional guidance.

Do you plan to do outreach to families?

Yes, we have and will continue to do so. OCDD is more than happy to meet with families if the provider sets up a meeting.

Will you come out to share this information with families at our facility?

Yes

Vocational providers shared that it's against the rules if you transport individuals across parish lines in vans that are provided by Department of Transportation. Will we be talking with DOTD?

More information and research will need to be obtained in order to understand the policy of the vans that are obtained through the DOTD. But individuals will have to be given an informed choice and explained their options.

When will the provider self-assessment be ready?

OCDD is planning to release the self-assessment during March along with providing training to the providers on how to complete the assessment.

Will the results of the provider's self-assessments be shared?

Yes, the results will be posted on the website that currently is established for getting out the transition plan information.

Concerns were voiced about providers not being a part of the planning process and not being included in what the individuals chooses to do regarding vocational choices.

Individuals have the right to be informed of their choices for services as well as providers and through the person-centered process; they will be afforded this right. Providers will be included once they are chosen and the provider can choose not to provide the service if they want to. The PCP essentially goes on throughout the year and is not a one-time meeting where the POC is updated/amended.

OCDD is still discussing how the surveys will be distributed.

It was shared that parents/families prevent individuals from being integrated and what will be done to help this?

The person-centered process will be utilized to inform them of their choices and establish their interest and goals.

Is licensing going to be addressing the new settings guidelines as well? It was shared that the providers get 'written up' for including individuals with non-disabled peers.

Meetings will be scheduled with Health Standards to address the new rule that CMS issued and changes will be made as necessary.

Is there anything in the transition process that will hold SCs accountable? Not just a 'pretty plan'

Person Centered planning will continue to be utilized and if necessary additional training on PCP may be provided.

How are we going to get the community to accept our individuals and also hire them?

Immersing our individuals in the community and not segregating them will go a long way in helping the community to accept our individuals.

Concerns were voiced by several participants of the public forums around individual's safety in the community and being with people in the community as part of a volunteer position or just doing community activities. Also, there were concerns about having volunteers or the public come into their facilities that have not passed background checks. Just overall concern about integrating the individuals they serve and keeping them safe.

You will continue to have to do everything that you do now to ensure health and safety and provide the necessary staff ratio as established, but at the same time, it does not negate the fact that our individuals must become part of the community and that we must move away from segregation.

Are there going to be provider trainings?

Yes, provider trainings and technical assistance will continue. Round tables in each region for vocational providers will be scheduled to provide an additional level of assistance.

#### General Comments/Suggestions:

Vocational providers expressed their concerns about rates and billing because they believe that having to do more integration and being in the community is going to cost them more money, such as they will be using their vans more often therefore their insurance will change.

OCDD will monitor this but at this time there is not a plan to increase rates.

Several providers suggested letting them know when the participant surveys go out so that they can tell families to be on the lookout for it. They stated that a lot of families will just throw it away if they don't know what it is.

#### Advocacy Center Comments on OCDD Transition Plans

December 17, 2014:

1. The Advocacy Center is submitting these comments regarding the State of Louisiana's "transition plans" for complying with the home- and community-based settings requirements for services under existing § 1915(c) waivers administered by the Office for Citizens with Developmental Disabilities. The State has failed to submit transition plans in compliance with the regulations promulgated by the Secretary 79 Fed. Reg. 3028-39 (January 16, 2014)

CMS issued the final rule with a fact sheet on January 10, 2014. At the time, states were put on notice that a Statewide Transition Plan to ensure compliance was required and must be submitted to CMS on or before March 17, 2015. States were advised that additional information on the

transition process would be forthcoming and, in particular, toolkits would be developed and distributed on: 1) Residential Settings; and 2) Non-Residential Settings. States were given notice that if an amendment to an existing approved waiver is submitted from January, 2014 through March 17, 2015, a transition plan must be submitted with the amendment. States were notified that additional information in the form of a toolkit would be issued soon by CMS.

While Louisiana's overall Transition Plan is not due to be submitted to CMS until March 17, 2015, OCDD wished to develop an amendment to the Supports Waiver; hence a separate transition plan was needed specifically for the amendment.

The State has posted four documents on its website regarding transition plans for services to individuals with developmental disabilities (<http://new.dhh.louisiana.gov/index.cfm/page/1991>).

2. Three of the four documents are referred to as "transition plans":

**OCDD Home and Community-Based Services Setting Transition Summary/Description:** This announcement introduces the new rule and describes what the new rule means to participants, communities, and providers. It further discusses settings owned and controlled by service providers. It specifies certain settings in which HCBS cannot be provided. The OCDD website provides additional information on OCDD's approach to developing the transition plan and assures that on-going opportunities for the public to receive information in a transparent manner will be continuous throughout the transition period. The public is encouraged to submit comments. Comments for the Support Waiver ended February 27, 2015. Comments for the ROW ended March 12, 2015.

**OCDD Home and Community-Based Services Setting Transition Plan:** This website address provides the public with a detailed action plan of the Statewide Transition Plan for all DD waivers except the Supports Waiver. It provides the public with information on the specific action items, a description of the action items, proposed start dates and proposed end dates. See comments deadlines above for dates.

**OCDD Supports Waiver Transition Plan:** This website address offers a detailed work plan complete with action item descriptions, proposed start dates and proposed end dates.

3. The fourth document is a draft amendment to one of Louisiana's existing waivers, the Supports Waiver. There is no explanation on the website, or in any of the documents that are denominated "transition plans," of how this draft amendment relates to bringing the Supports Waiver into compliance with the home- and community-based settings requirement. A review of the draft amendment did not reveal any changes that relate to the requirements of the January 2014 regulations.

The Supports Waiver required a transition plan in order to be amended. That is why there is a separate document for the SW. Also, as a requirement of CMS, the SW amendment must be posted on the website for viewing and comments. There are no changes to bring into compliance as those changes have already been completed in the SW renewal effective July, 2014.

4. The website indicates that public comments or input must be provided by December 17, 2014. These documents provide no substantive information as to whether or not the State deems its waivers to be in compliance with the January 2014 regulations, or any detail as to how the State proposes to bring them into compliance. None of these plans contains the required elements of a transition plan.

The Statewide Transition Plan is the vehicle through which states determine their compliance with the regulation requirements for home and community-based settings at 42 CFR 441.301(c) (4) (5) and 441.701(a) (1) (2), and describe to CMS how they will comply with the new requirements. A Statewide Transition Plan includes the state's assessment of the extent to which its regulations, standards, policies, licensing requirements, and other provider requirements ensure settings that comport with the new regulation. The Statewide Transition Plan also describes actions the state proposes to assure full and on-going compliance with the HCBS setting requirements, and sets forth specific timeframes for identified actions and deliverables. The Statewide Transition Plan is subject to public input, as required with the regulation. States are given until March 17, 2019 to comply with the new regulation but will be obligated to develop a transition plan that aggressively progresses to compliance.

The CMS Toolkit was released September 5, 2014. This provided states with the first real insight into CMS expectations about the content of the Statewide Transition Plan. The Plan must include: 1) a detailed description of the state's assessment of compliance with the home and community-based settings requirement and a statement of the outcome of that assessment; and 2) a detailed description of the remedial actions the state will use to assure full compliance with the home and community-based setting requirements, including timelines, milestones and monitoring processes, and remedial activities.

Additional information about Residential Setting was sent to states on March 20, 2014, information about Non-Residential Settings was formulated December 17, 2014.

We feel the information provided on the website meets the CFR requirements for public notice. This is not a one-time announcement. As OCDD continues to work through the action items described in the charts, the public will be kept apprised of progress and will be offered the opportunity to submit questions and comments. An assessment of each waiver and assessment of each provider will be conducted during the first year of the transition plan and notification to the public will be continuous throughout the Statewide Transition Plan process.

The date for the overall transition plan was December 17, 2014; however, the SW was originally set for December 21 but later extended to February 28. This transition plan does envisage that OCDD will have to evaluate providers and their compliance upon their completion of self-assessments and monitoring. This process is laid out over the next year of the transition plan. During that time, an addendum will be made to the plan if needed, describing in more detail what will happen next.

5. It is not clear which of these documents, if any, the State intends to use as transition plans under 42 C.F.R. §441.301(c) (6). This may be because OCDD intends to apply for approval of a § 1115 Demonstration Project in preparation for a move toward managed long-term services and supports. Apparently, the State believes that this fact excuses it from complying with the requirement that it bring services under its existing waivers into compliance with the rule. We would simply note that the January 2014 Rule does not contain an exception for States that intend to apply for § 1115 Demonstration waivers. It requires all States with existing waivers to submit plans that contain an assessment of current compliance and timetables for addressing noncompliance by January 16, 2015.

You are correct in that these documents are "draft" and will most likely be amended based on public comment. OCDD understands and is in compliance with CMS' rule. We understand that we are not being excused from meeting CMS' rule and requirements.

6. The first step in any transition plan is for the State to determine its current level of compliance with the settings requirements in each waiver. The "Toolkit" published by CMS states that the State should provide a written description to CMS, including in this written description its assessment of the extent to which its standards, rules, regulations, and other requirements comply with the Federal HCBS settings requirements.

As you will note in OCDD's transition plan, OCDD will be assessing compliance of each service provided in the HCBS setting. We plan on issuing a self-assessment to each provider, conducting random site reviews, and distributing participant surveys to determine the level of compliance. These actions meet the requirements of the CFR and will be available for public input.

6. This description is a required part of the transition plan, and should be available for public comment. The public will have an opportunity to review the self-assessment and the participant survey prior to distribution.

7. The OCDD Supports Waiver Transition Plan states that by November 30, 2014, OCDD will assess all HCBS rules/regulations, related licensing, and policies/procedures to determine degree of compliance with the HCBS rule for the Supports Waiver.

8. The OCDD Home and Community-Based Services Setting Transition Plan states that by October 31, 2014 Louisiana will assess all HCBS rules/regulations and policies/procedures. However, no results of any such assessments have been published, so the public has been given no opportunity to review or comment on this aspect of the plan. The assessments of the rules and services definitions of all 4 waivers were conducted in-house. Notes were made where changes needed to be made to come into compliance. OCDD will make all information available for public comment. In addition, the plan has been revised based on new guidance given by CMS. Revisions are currently being made in the Transition Plan timelines.

9. The OCDD Home and Community-Based Services Setting Transition Plan also states that by November 1, 2014, Louisiana will draft and finalize informational letters describing the proposed transition plan, appropriate HCBS settings, deadlines for compliance, and technical assistance availability. Louisiana will also offer a public stakeholder meeting and invite participants and their families, advocacy groups, service providers, support coordination, local governing entities, etc.

10. There was a stakeholder meeting on November 17, 2014, but it did not involve a discussion of proposed transition, appropriate HCBS settings, deadlines for compliance, and technical assistance availability. During the November 17, 2014 meeting a presentation was made and included the following: 1) description of the new rule; 2) introduction of the Statewide Transition Plan and the process Louisiana would be adopting to effectuate it; 3) an examination of what all states must do to comply with the new rule; and 4) introducing an outline method for public input. In addition to the meeting held on the 17th, 2 additional forums were held to discuss the transition.

11. Other than these deadlines, which have already passed without the State's having presented any of the information for public comment; the plans simply set forth some desired steps, not to attain compliance with the regulations, but to assess current compliance. The only actions the "plans" describe are that the State will require HCBS providers to submit "corrective action plans." But the plans do not provide any detail at all about what sorts of corrective action will be necessary. As mentioned the deadlines are being internally reviewed. These will be final once the Statewide Transition Plan is complete and all information will be available to the public via the website. We have built a robust assessment and evaluation process into our settings reviews. If compliance issues are identified, correction action plans will be developed specific to providers, however; our transition plan does include language on broad-based corrective action strategies.

12. These regulations were promulgated almost a year ago. Instead of evaluating its existing services so that it could present a transition plan for public comment, the State has apparently done nothing. It is extremely obvious that some of the State's services under existing waivers fail to comply with the home and community-based settings requirements. For example, day habilitation and prevocational services under the NOW, the Supports Waiver, and the ROW are often provided in completely segregated settings, and more appropriate integrated services are not offered, or are extremely limited. It should not have taken the State a year to figure out how to figure this out. Yet the "transition plans" do not even propose to have data as to whether or not different services comply with the regulation available to the public until December 31, 2015. CMS has been slow to provide States with detailed information about the action to be taken to come into compliance with the new Rule due to the complexities of the Rule. Please keep in mind, CMS issued the toolkit on September 5, 2014 and guidance on the non-residential setting on December 17, 2014. For the state to take action prematurely, might have resulted in participant and provider confusion, and individuals being transitioned unnecessarily. Only about 20% of the states have approved Statewide Transition Plans at this time. Louisiana's progress mirrors the progress of most other states. The law gives states until March 17, 2019 to comply with the regulation. We are aware that services are sometimes segregated, however; we will have a period of up to 5 years to come into compliance with regulations. That is the deadline for compiling the information obtained from self-assessments and on-site visits. Once this information is compiled it will be shared on the website.

13. If these documents satisfy the requirement that the States submit transition plans within a year of the effective date of the January 2014 regulations, to bring existing waivers into compliance with the regulations, after first making the transition plans available for meaningful public input, then that requirement is meaningless. The Statewide Transition Plan that is due to CMS on March 17, 2015 simply outlines the approach the state will take to implement the Plan. CMS has been providing direction to states during the last year. There are certain components that CMS feels must be in the plan and these include: 1) a means for public input; 2) an assessment of each service; 3) conducting self-assessments with certain criteria included; 4) development of strategies for remediation; and 5) development of a quality assurance plan to ensure compliance. The Statewide Transition Plan will include all the CMS requirements and Louisiana will throughout the implementation phase keep the public apprised of related activity.

14. One of Louisiana's waivers that offer services in settings that do not comply with the January 2014 regulation is the Supports Waiver 0453-R0200. This waiver was submitted for a five-year renewal on June 3, 2014, making the transition plan due, according to the January 2014 regulation, on October 1, 2014. All waiver amendments must be submitted to CMS 90 days prior to renewal. We did not meet this cutoff date; therefore the transition plan was not due in October. Further, according to CMS interpretation, a transition plan must accompany any amendment submitted prior to March 17, 2015. Hence this is why the transition plan is being submitted at this time with the Supports Wavier.

We appreciate your interest and look forward to working with you closely on the successful implementation of the Statewide Transition Plan. Updated information specific to the current transition plan should be posted on the website no later than March 20, 2015.

#### B) Assessment and Review:

OCDD identified the following services in the Supports Waiver as setting that may be compliant, or with changes will comply with the HCBS characteristics: 1) habilitation; 2) day habilitation; 3) pre-vocational services; and 4) supported employment group.

An initial State-level assessment of standards, rules, regulations, and other requirements to determine if they are consistent with the federal requirements has been accomplished. Louisiana staff reviewed licensure and certification rules and operations. Staff reviewed such documents from October 1, 2014 through November 30, 2014. During this review, processes were carefully examined and it was determined that modifications to licensure and certification rules and program operations were not needed. Further, provider qualifications were assessed. Modifications are not needed in this area.

#### Self-Assessments:

After carrying out the analysis of the services, DHH developed a provider self-assessment for residential settings, completed on September 22, 2014 and one for non-residential settings, completed on January 11, 2015. These may be found in Appendix C of the Statewide Transition Plan. OCDD intends to solicit stakeholder input via the website beginning on March 18, 2015 with comments to be returned by April 18, 2015. The self-assessments will be distributed to providers from April 19, 2015 to April 30, 2015.

The links to the self assessments are as follows:

<http://new.dhh.louisiana.gov/assets/docs/OCDD/waiver/OCDDHomeandCommunityBasedServicesSettingResidentialAssessmenttoolDRAFT.pdf>  
<http://new.dhh.louisiana.gov/assets/docs/OCDD/waiver/OCDDHomeandCommunityBasedServicesSettingNonResAssessmenttoolDRAFT.pdf>

#### Site Visits:

DHH will conduct site visits to validate self-assessments. Site visits will begin May 1, 2015 and continue until September 30, 2015. During the site visits, staff will determine if the elements of the HCB Settings Rule are in compliance or with additional modifications, can achieve compliance. Participant Surveys:

Since Louisiana does not assume any of the HCBS settings meet the new regulations, validation will also include actively engaging individuals receiving Medicaid-funded HCBS services. Opinions and insights on how providers are meeting the HCBS requirements will be determined by developing a participant survey. This survey is currently under development and stakeholder input will be critical. Once public comments are received and modifications made based on those comments, the surveys will be distributed from July 1, 2015. A complete set of instructions will be forwarded with each survey and training will also be available. OCDD surveys will be returned by October 1, 2015.

Once self-assessments, site visit findings, and participant surveys are analyzed, the State will begin developing a final report for CMS. State final reports are due at various times depending on the Office. Final reports from OCDD will be forwarded to CMS on January 31, 2016.

#### C) Remediation:

##### Ensuring Providers are Compliant:

Once OCDD reviews the self-assessment, site visit results, and participant survey, an analysis of the responses will begin. Office staff will determine if: 1) the setting is in compliance; 2) the setting will be in compliance with additional modifications; or 3) the setting is out of compliance. Notification of the analysis will be shared with providers in writing and will identify areas that they must change to come into compliance. Each provider will have the opportunity to provide the State additional information to show they are in compliance. Providers who are not in compliance may request technical assistance from the State but will be required to submit and implement a State approved corrective action plan. Each Office will conduct an on-site review to evaluate the validity of remediation compliance. An appeal process, to be developed, will allow the provider to dispute the HCB Setting's compliance. A disenrollment process of non-compliant providers will be developed and consist of: 1) provider disenrollment as a Medicaid provider; 2) a transition plan for participants; and 3) an appeal mechanism for participants and providers. Implementation of a transition plan will be developed for those needing to transfer to an appropriate HCB Setting. Individuals will be given timely notice and a choice of alternative providers. Transition of each individual will be tracked to ensure successful placement and continuity of services.

The timeline for activities are as followed:

Conduct site visits 5/1/15-10/31/15

Assessment from providers due to OCDD 9/30/15

Analyze Findings from self-assessment and site visits 5/1/15-12/31/15

Post Findings 1/31/16

Submit to CMS as a Final Report 1/31/16

Draft participant survey for public review - Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Post on website for public notice - Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Circulate to stakeholders - Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Distribute participant survey - Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Participant survey due to OCDD- Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Analyze Findings -Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Post Findings -Timelines will need to be adjusted based on stakeholder feedback on results of assessments and evaluation of Provider quality framework in order to develop a robust participant survey.

Submit to CMS as Final Report 1/31/16.



**Ensuring Quality:**

All certifications, licensing, rules, policy and procedures and other documents have been reviewed by OCDD to ensure compliance with the HCB Setting Rule. The provider enrollment process, provider qualifications, and service definitions are in line with the Setting Rule. All staff associated with the above listed functions will be trained on the new regulations and the Louisiana Statewide Transition Plan. Changes to enhance support of the Settings Rule will continue to be considered and adopted. Louisiana will assess provider compliance through reports, interviews and on-site inspections that will gather information from providers and individuals receiving services. Participant surveys, including the National Core Indicators survey, will ask questions whose specific object is that of obtaining the individual's perception of the Settings Rule. Progress on completion of this Statewide Transition Plan will be monitored at least every three months and will include public posting on the status of the Plan to facilitate public input. Stakeholder engagement and sharing public information will continue through the implementation of the Plan, with the following benchmarks appearing on the website: 1) final copies of the residential and non-residential assessment documents; 2) final copy of the participant survey; and 3) a copy of the Master Plan, updated as needed. Each Office will issue a final report to CMS in March, 2019.

**Summary of comments:**

During the initial comment period, OCDD received a number of comments/questions through telephone, email, and at public forums. In instances where the focus was on persons that have attended vocational programs for many years there was concern expressed that the person and/or their families may be opposed to looking for work or other activities in the community. Some concerns expressed included individual safety in the community as well as acceptance/willingness of employers to hire the individual's we support. The State's response included that the person must be offered choice through a person-centered planning process and this area must be explored on a regular basis and is not a one-time discussion. Safety concerns should be addressed as they are now by identifying potential risk and planning potential mitigation strategies through the plan of care. The State has expressed that for all persons their services must be individualized and integrated.

Many stakeholders had questions surrounding the future of prevocational and day habilitation services. Stakeholders were interested in future plans for prevocational and day habilitation settings, specifically whether or not these facilities would be closed. The State's response to these questions is that it is not our intent to close these programs, but there is an expectation that all of these setting will come into compliance with the settings rule. The State will also introduce changes to prevocational services, modifying the service definition for all of our waivers to time limit this service option for 4 years.

Many of the State's vocational providers described their current practices and requested feedback/guidance from the state related to whether their businesses would be considered in compliance. The State has provided guidance to each of these providers related to modifications to policies and/or practices that would bring them into compliance with the CMS rule. In many instances when the service provider has requested guidance, the State has sent a representative to the service provider agency to review and explore ways in which compliance can be met. Discussions have surrounded individualizing each person's experience and offering choice via the person centered plan; process to integrate current programs by getting out into the community or bringing the community into their facilities; and reviewing current employee structure.

Multiple questions/comments were received related to barriers with other state operating agencies that could potentially impact the service provider's ability to successfully implement changes to integrate their programs. The State is committed to working with other state agencies to educate and work closely with those entities to modify rules, regulations, policies, and procedures to comport with the CMS rule.

In response to comments/questions related to the provision of outreach to families, the State has always recognized the need to offer opportunities to meet with individuals and/or their families and educate them related to all activities/changes to services. We will continue to be responsive to our stakeholders and provide outreach opportunities to individuals and/or their families on a regular basis.

In response to comments/questions posed related to inclusion of service providers in the person centered planning process, it is the expectation of the State that all entities involved in planning for the individuals supported in our programs will be responsible for engaging in the person centered planning process to identify and assure that the person's individual choices and preferences are reflected in their plan of care. It is further our expectation that planning is an ongoing process and not a one-time event and that all persons that need to be a part of that process are present and engaged in the development/implementation of the person-centered plan.

Several questions/comments received focused on the provider self-assessment, specifically a timeline for training and receipt of assessment. The State will provide each provider agency with a self-assessment tool to complete and determine whether they are in compliance with the settings rule. Training/Guidance will be provided as to how the assessments are to be completed and the results of the assessments will be posted for the public to access. For those service provider agencies not in compliance a transition plan will be developed by each agency detailing how they will come into compliance with the CMS rule.

Finally, the State received feedback outlining questions/concerns as to whether our transition plan and the process initiated were in compliance with CMS requirements. It further outlined concerns with the State meeting deadlines as posted. In response the State provided detailed information related to the transition process, actions taken to date, future actions, such as, an internal review of deadlines as outlined, and descriptions of the documents posted online for review.

**OCDD's Quarter 3 updates to Statewide Transition Plan.**

- Continue on-going stakeholder engagement through State associations and website: DHH, with representation from OAAS, OCDD, OBH, and Medicaid, attended the Community Provider Association Legislative & Public Policy Conference on 7/8/15. Representatives from each program office sat on a panel for the HCBS Settings Rule and provided updates on their transition plans and participated in a Q&A session with providers.
- Conduct training with service providers related to how to complete the self-assessment: OCDD provided mandatory training for service providers specific to the self-assessment and expectations in terms of incorporating into existing Quality Enhancement structures. There were four opportunities for providers to participate in training (2 specific to Residential Self-Assessment and 2 specific to Non-Residential Self-Assessment. Trainings conducted 7-13 and 7-20-15.
- Providers to conduct self-assessments: All self-assessments have not yet been received. OCDD and the LGE offices are working in conjunction to draft another communication to the providers explaining the process and how to submit this information.
- Develop training materials and a validation tool for the self-assessments: OCDD will provide training to all LGEs related to their role in the validation process.
- Pull a sample of service provider agencies for validation: The sample will reflect a 95% +/- level of confidence of Non-Residential providers

and a 95% +/- level of confidence for Residential providers for the validation visits.

The final Statewide Transition Plan Report will be forwarded CMS no later than March, 2019.

**Additional Needed Information (Optional)**

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Provide additional needed information for the waiver (optional):