

---

**CHAPTER 38: RESIDENTIAL OPTIONS WAIVER**

---

**SECTION 38.7: STAFFING REQUIREMENTS****PAGE(S) 2**

---

## STAFFING REQUIREMENTS

The Louisiana Department of Health (LDH) has the responsibility of establishing reasonable qualifications for providers to ensure that they are capable of providing services of acceptable quality to beneficiaries. The provider qualifications delineated in this section are dictated by the needs of the population to be served, and by the duties and responsibilities inherent in the provision of services as defined by LDH. LDH has established these staffing requirements to maintain an adequate level of quality, efficiency, and professionalism in the provision of all services in the Residential Options Waiver (ROW) program.

### Community Living Supports

---

The following exclusions apply to ~~Community~~ ~~community~~ ~~Living~~ ~~living~~ ~~Supports~~ ~~supports~~ services:

- ~~1. Reimbursement shall not be paid for services furnished by a legally responsible relative. A legally responsible relative is defined as the parent of a minor child, foster parent, curator, tutor, legal guardian, or the beneficiary's spouse;~~
- ~~2. Service may be provided by a member of the beneficiary's family, provided that the beneficiary does not live in the family member's residence and that the family member is not a legally responsible relative as defined above;~~
- ~~3. Family members who provide residential services must meet the same standards as providers or direct care staff who are unrelated to the individual; and~~
  1. Legally responsible individuals may only be paid for services when the care is extraordinary in comparison to that of a beneficiary of the same age without a disability and the care is in the best interest of the beneficiary.
  2. In order to receive payment, relatives must meet the criteria for the provision of the service and the same provider qualifications specified for the service as other providers not related to the beneficiary.
  3. Relatives must also comply with the following requirements:
    - a. Become an employee of the beneficiary's agency of choice and meet the same standards as direct support staff who are not related to the individual;  
or
    - b. If the self-direction option is selected, relatives must:

**CHAPTER 38: RESIDENTIAL OPTIONS WAIVER**

**SECTION 38.7: STAFFING REQUIREMENTS**

- i. Become an employee of the self-direction beneficiary; and
- ii. Have a Medicaid provider agreement executed by the fiscal agent as authorized by the Medicaid agency.

NOTE: Authorized representatives may be the employer in the self-directed option but may not also be the employee.

4. Family members who may provide services include:

- a. Parents of an adult child;
- b. Siblings;
- c. Grandparents;
- d. Aunts, uncles; and
- e. Cousins.

NOTE: Anyone living in the same home and providing services will be capped at 40 hours per week per individual employed.

4.5. Services are not allowed to be provided in the non-related direct service worker's place of residence.

**Host Home (Substitute Family Care)**

Immediate family members, such as a beneficiary's mother, father, brother, sister, spouse, or curator, cannot be ~~Substitute-substitute Family-family Care-care~~ parents.

**Companion Care**

Legally responsible individuals and legal guardians may provide Companion Care services for a beneficiary provided that the beneficiary requests the person as a roommate, living responsibilities and finances in the home are divided and shared with the provider agency, the care is provided in the beneficiary's residence and this service is in the best interest of the beneficiary

~~Family members who are not legally responsible relatives can be the companion to an individual receiving Companion Care services.~~ Companions must meet the direct service worker requirements as provided by LDH licensing standards, and the beneficiary and the companion must live in the same household.

**Adult Day Health Care**

**CHAPTER 38: RESIDENTIAL OPTIONS WAIVER****SECTION 38.7: STAFFING REQUIREMENTS****PAGE(S) 2**

Adult ~~Day-day Health-health Care-care Services-services~~ (ADHC) staffing requirements are identified in the ADHC licensing standards (LAC 48:I.4266, et seq.). Staff at the ADHC center shall meet the educational and experience requirements of job title and professional services.

**Monitored In-Home Caregiving**

Monitored ~~In-Home-home Caregiving-caregiving~~ services (MIHC) staffing requirements are identified in the MIHC licensing standards (LAC 48:I.5101, et seq.). Monitored in-home caregiving providers must be licensed ~~Home-home~~ and ~~Community-community Based-based Services-services~~ (HCBS) providers with a monitored in-home caregiving module that employ professional staff, including a registered nurse and a care manager, to support principal caregivers in performing the direct care activities performed in the home. The principal caregiver shall be contracted by the licensed HCBS provider having a MIHC service module.