

**NOTICE OF INTENT**

**Department of Health  
Bureau of Health Services Financing  
and  
Office for Citizens with Developmental Disabilities**

**Home and Community-Based Services Waivers  
Residential Options Waiver  
(LAC 50:XXI.Chapters 161-169)**

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities propose to amend LAC 50:XXI.Chapters 161-169 in the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This proposed Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

The Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities (OCDD) propose to amend the provisions governing the Residential Options Waiver (ROW) in order to align the language and services streamlining process (i.e., services approval, tier waiver transition, billing/same services) in the administrative Rule with other home and community-based waivers in compliance with ROW program changes approved by the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services.

**Title 50**

**PUBLIC HEALTH—MEDICAL ASSISTANCE**  
**Part XXI. Home and Community Based Services Waivers**  
**Subpart 13. Residential Options Waiver**

**Chapter 161. General Provisions**

**§16101. Introduction**

A. The Residential Options Waiver (ROW), a 1915(c) home and community-based services (HCBS) waiver, is designed to ~~enhance the long term services and supports available to individuals with developmental disabilities~~ assist participants in leading healthy, independent and productive lives to the fullest extent possible and promote the full exercise of their rights as citizens of the state of Louisiana. The ROW is person-centered incorporating the participant's support needs and preferences with a goal of integrating the participant into their community. The ROW provides opportunities for eligible individuals with developmental disabilities to receive HCBS services that allow them to transition to and/or remain in the community. These individuals would otherwise require an intermediate care facility for ~~persons~~ individuals with intellectual disabilities (ICF/~~ID~~IID) level of care.

B. The ~~goal of the~~ Residential Options Waiver ~~is to promote~~ services are provided with the goal of promoting independence through strengthening the ~~individual's~~ participant's capacity for self-care, self-sufficiency and community integration utilizing a wide array of services,

supports and residential options, ~~which best meets the individual's needs and preferences.~~ The ROW is person-centered incorporating the participant's support needs and preferences, while supporting the dignity, quality of life, and security ~~in the everyday life of the individual as he/she is a member of his/her~~ with the goal of integrating the participant into the community.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2154 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), LR 47:

**§16103. Program Description**

A. ...

B. The ROW offers an alternative to institutional care ~~that~~ with the objectives to:

1. ~~utilizes a wide array of~~ promote independence for participants through the provision of services, ~~supports and~~

~~residential options, which best meet the individual's needs and preferences~~ meeting the highest standards of quality and national best practices, while ensuring health and safety through a comprehensive system of participant safeguards;

2. ~~meets the highest standards of quality and national best practices in the provision of~~ 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; and

3. ~~ensures~~ offer access to services which would protect the health and safety ~~through a comprehensive system of the participant safeguards.~~

C. ~~All~~ ROW services are accessed through ~~the support coordination agency of the participant's choice~~ a single point of entry in the human services district or authority. All waiver participants choose their support coordination and direct service provider agencies through the freedom of choice process.

1. The plan of care (POC) shall be developed using a person-centered process coordinated by the participant's support coordinator. The initial POC is developed during this person-centered planning process and approved by the human services district or authority. Annual reassessments may be approved by

the support coordination agency supervisor as allowed by Office for Citizens with Developmental Disabilities (OCDD) policy.

D. ...

E. The total expenditures available for each waiver participant is established through an assessment of individual support needs and may not exceed the approved ICF/~~ID~~-IID Inventory for Client and Agency Planning (ICAP) rate/ROW budget level established for that individual except as approved by ~~Office for Citizens with Developmental Disabilities' (OCDD's)~~ the OCDD assistant secretary, deputy assistant secretary, or his/her designee to prevent institutionalization. ROW acuity/budget cap level(s) are based upon each participant's ICAP assessment tool results and may change as the participant's needs change.

1. When the department determines that it is necessary to adjust the ICF/~~ID~~-IID ICAP rate, each waiver participant's annual service budget may be adjusted to ensure that the participant's total available expenditures do not exceed the approved ICAP rate. A reassessment of the participant's ICAP level will be conducted to determine the most appropriate support level.

2. The average participant's expenditures for all waiver services shall not exceed the average Medicaid expenditures for ICF/IID services.

3. Participants may exceed assigned ROW acuity/budget cap level(s) to access defined additional support needs to prevent institutionalization on a case by case basis according to policy and as approved by the OCDD assistant secretary or his/her designee.

4. If it is determined that the ROW can no longer meet the participant's health and safety and/or support the participant, the case management agency will conduct person centered discovery activities.

5. All Medicaid service options will be explored, including ICF/IID placement, based upon the assessed need.

F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2154 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), LR 47:

**§16104. Settings for Home and Community Based Services**

A. ROW participants are expected to be integrated in and have full access to the greater community while receiving services, to the same extent as individuals without disabilities. Providers shall meet the requirements of the [U.S. Department of Health and Human Services](#), Centers for Medicare and Medicaid Services (CMS) home and community-based setting requirements for home and community-based services (HCBS) waivers as delineated in LAC 50:XXI, ~~Subpart 1.901~~ or any ~~subsequent~~ [superseding](#) rule.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1764 (December 2019), amended LR 47:

**§16105. Participant Qualifications**

A. In order to qualify for Residential Options Waiver (ROW), individuals of all ages must meet all of the following criteria:

1. - 2. ...

3. be on the intellectual/developmental disabilities (IDD) request for services registry (RFSR), unless otherwise specified through programmatic allocation in §16107 [of this Chapter](#);

4. meet the requirements for an ICF/~~ID~~-IID level of care which requires active treatment for developmental disabilities under the supervision of a qualified developmental disabilities professional;

5. ...

6. have justification~~r~~ based on a uniform needs-based assessment and a person-centered planning discussion that the ROW is the OCDD waiver that will meet the needs of the individual;

7. be a resident of Louisiana; ~~and~~

8. be a citizen of the United States or a qualified alien~~r~~; and

9. have assurance that health and welfare of the individual can be maintained in the community with the provision of the ROW services.

B. ~~Individuals age 18 through 20 may be offered a funded ROW opportunity if the results of the uniform needs-based assessment and person-centered planning discussion determine that the ROW is the most appropriate waiver. These offers are subject to the approval of the OCDD assistant secretary/designee.~~ Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.



HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1764 (December 2019), LR 47:

**§16106. Money Follows the Person Rebalancing Demonstration**

A. The Money Follows the Person (MFP) Rebalancing Demonstration is a federal demonstration grant awarded by the Centers for Medicare and Medicaid Services to the Department of Health ~~and Hospitals~~. The MFP demonstration is a transition program that targets individuals using qualified institutional services and moves them to home and community-based long-term care services. The MFP rebalancing demonstration will stop allocation of opportunities when the demonstration expires.

1. For the purposes of these provisions, a qualified institution is a nursing facility, hospital, or Medicaid enrolled intermediate care facility for ~~people~~ individuals with intellectual disabilities (ICF/~~ID~~IID).

B. ~~Participants~~ Individuals must meet the following criteria for participation in the MFP Rebalancing Demonstration.

1. ~~Participants~~ Individuals with a developmental disability must:

a. occupy a licensed, approved Medicaid enrolled nursing facility, hospital or ICF/~~ID~~ IID bed for at least three consecutive months; and

b. be Medicaid eligible, eligible for state developmental disability services, and meet an ICF/~~ID~~ IID level of care.

2. ...

C. ~~Participants~~ Individuals in the demonstration are not required to have a protected date on the developmental disabilities request for services registry (RFSR).

D. - E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16107. Programmatic Allocation of Waiver Opportunities**

A. The intellectual/developmental disabilities request for services registry, hereafter referred to as "the registry,"

shall be used to identify ~~persons~~ individuals with intellectual and/or developmental disabilities who are waiting for an OCDD waiver opportunity. Individuals who are found eligible for developmental disabilities services using standardized tools, and who request waiver services will be added to the registry. The request for services registry (RFSR) is arranged by urgency of need and date of application for developmentally disabled (DD) waiver services, ~~except for the priority groups listed in B.1-4 of this Section.~~

B. ~~Funded OCDD waiver opportunities will be offered based on the following priority groups~~ The ROW serves eligible individuals in the following populations and is based on the following priorities:

1. ~~Individuals with intellectual and developmental disabilities (I/DD) who have a statement of approval (SOA) through OCDD, and who currently receive services via the Office of Aging and Adult Services (OAAS)~~ Priority 1. The one-time transition of persons eligible for developmental disability (DD) services in either OAAS Community Choices Waiver (CCW) or OAAS Adult Day Health Care (ADHC) Waiver programs, shall be a priority group to allow for an one time transition into the ROW upon promulgation of this final Rule to the ROW.

2. Priority 2. Individuals living at Pinecrest Supports and Services Center or in a publicly operated ~~ICF-~~

~~ID~~ICF/ID when it was transitioned to a private ~~ICF-ID~~ICF/ID through a cooperative endeavor agreement (CEA facility), or their alternates. Alternates are defined as individuals living in a private ~~ICF-ID~~ICF/ID who will give up the private ~~ICF-ID~~ICF/ID bed to an individual living at Pinecrest or to an individual who was living in a publicly operated ~~ICF-ID~~ICF/ID when it was transitioned to a private ~~ICF-ID~~ICF/ID through a cooperative endeavor agreement. Individuals requesting to transition from ~~either facility listed above~~Pinecrest are awarded ~~the appropriate waiver~~a slot when one is requested, and their health and safety can be assured in an OCDD ~~home and community-based~~ waiver program. This also applies to individuals who were residing in a state operated facility at the time the facility was privatized and became a CEA facility.

3. Priority 3. Individuals on the registry who have the highest level of need and the earliest registry date shall be notified in writing when a funded OCDD waiver opportunity is available and that he/she is next in line to be evaluated for a possible waiver assignment. ~~Participants and the ROW~~ shall have justification, based on a uniform needs-based assessment and a person-centered planning ~~discussion~~ that the ROW is the OCDD waiver that will best meet the needs of the individual.

4. ~~Persons who reside in a Medicaid-enrolled ICF/ID and wish to transition to a home and community-based residential~~

~~services waiver through a voluntary ICF/ID bed conversion process~~  
Priority 4. Individuals transitioning from ICF/IID facilities utilizing ROW conversion.

C. ~~The Office for Citizens with Developmental Disabilities~~ OCDD has the responsibility to monitor the utilization of ROW opportunities. At the discretion of OCDD, specifically allocated waiver opportunities may be reallocated to better meet the needs of citizens with developmental disabilities in the state of Louisiana.

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HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2441 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2155 (October 2015), LR 42:62 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1764 (December 2019), LR 47:

**§16109. Admission Denial or Discharge Criteria**

A. Admission to the ROW Program shall be denied if one of the following criteria is met.

1. ...

2. The individual does not meet the requirements for an ICF/~~ID~~IID level of care.

3. - 8. ...

B. Participants shall be discharged from the ROW if any of the following conditions are determined:

1. ...

2. loss of eligibility for an ICF/~~ID~~IID level of care;

3. - 5 ...

6. admission to an ICF/~~ID~~IID or nursing facility with the intent to stay and not to return to waiver services;

7. ...

8. the participant fails to cooperate in the eligibility renewal process or the implementation of the approved POC, or the responsibilities of the ROW participant; ~~or~~

9. continuity of stay for consideration of Medicaid eligibility under the special income criteria is interrupted as a result of the participant not receiving ROW services during a period of 30 consecutive days;

a. continuity of stay is not considered to be interrupted if the participant is admitted to a hospital, nursing facility, or ICF/~~ID~~IID.

i. ~~the participant shall be discharged from the ROW if the treating physician documents that the institutional stay will exceed 90 days.~~ Repealed.

b. the participant shall be discharged from the ROW if the treating physician documents that the institutional stay will exceed 90 days; or

10. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2156 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

### **Chapter 163. Covered Services**

#### **§16301. Assistive Technology and Specialized Medical Equipment and Supplies**

A. Assistive technology and specialized medical equipment and supplies (AT/SMES) ~~are equipment,~~ service includes providing specialized devices, controls, or appliances, ~~supplies, and~~

~~services which enable the~~ which enable a participant to:  
increase his/her ability to perform activities of daily living,  
ensure safety, and/or to perceive, control, and communicate  
within his/her environment.

1. ~~have life support;~~ This service also includes  
items that meet at least one of the following criteria:

a. items that are necessary for life support;

b. items that are necessary to address physical  
conditions, along with ancillary supplies;

c. address physical conditions;

d. items that will increase, maintain, or  
improve ability of the participant to function more  
independently in the home and/or community; and

e. equipment necessary to the proper  
functioning of such items.

2. ~~address physical conditions;~~ This service also  
includes medically necessary durable and non-durable equipment  
not available under the Medicaid State Plan and repairs to such  
items and equipment necessary to increase/maintain the  
independence and well-being of the participant.

a. All equipment, accessories and supplies must  
meet all applicable manufacture, design and installation  
requirements.



b. The services under the Residential Options Waiver are limited to additional services not otherwise covered under the Medicaid State Plan.

~~3. increase ability to perform activities of daily living;~~The services are limited to additional services not otherwise covered under the state plan, including EPSDT, but consistent with waiver objectives of avoiding institutionalization.

~~4. increase, maintain or improve ability to function more independently in the home and/or community; and~~

~~5. increase their ability to perceive, control, or communicate.~~4. - 5. Repealed.

B. AT/SMES services provided through the ROW include the following services:

1. the evaluation of assistive technology needs of a participant~~needs~~including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the participant in the customary environment of the participant;

2. ~~customization of the equipment or devices~~services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

3. coordination of necessary therapies, interventions or services with assistive technology devices;

4. ...

5. training or technical assistance, ~~when appropriate, for~~ on the use for the participant, or where appropriate, family members, guardians, advocates, authorized representatives of the participant, professionals, ~~or other service providers, employers, or other individuals who are substantially involved in the participant's major life functions~~ others;

6. all service contracts and warranties included in the purchase of the item by the manufacturer; ~~and~~

7. equipment or device repair and replacement of batteries and other items that contribute to ongoing maintenance of the equipment or device~~;~~ ;

a. ~~Separate~~ separate payment will be made for repairs after expiration of the warranty only when it is determined to be cost effective~~;~~ and

8. services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices for participants.

C. - D. ...

E. Service Exclusions

1. Assistive technology devices and specialized equipment and supplies that are of general utility or maintenance and ~~have no~~ items that are not of direct medical or remedial benefit to the participant are excluded from coverage.

2. Any equipment, device, appliance or supply that is covered and has been approved under the Medicaid State Plan, ~~Medicare, or any other third party insurance~~ is excluded from coverage.

3. For adults over the age of 20 years, specialized chairs, whether mobile or travel, ~~are~~ are not covered.

F. Provider Participation Requirements. Providers of AT/SMES services must meet the following participation requirements. The provider must:

1. be enrolled in the Medicaid Program ~~as a assistive devices or durable medical equipment provider and must meet all of the applicable vendor standards and requirements for manufacturing, design and installation of technological equipment and supplies;~~

2. ~~furnish written~~ provide documentation ~~of authorization to sell, install, and/or repair technological equipment and supplies from the respective manufacturer of the designated equipment and supplies; and~~ on manufacturer's letterhead that the agency listed on the Louisiana Medicaid Enrollment Form and Addendum (PE-50) is:

a. authorized to sell and install assistive technology, specialized medical equipment and supplies, or devices for assistance with activities of daily living; and

b. has training and experience with the application, use fitting and repair of the equipment or devices they propose to sell or repair; and

3. ~~provide documentation of individual employees' training and experience with the application, use, fitting, and repair of the equipment or devices which they propose to sell or repair;~~Upon completion of the work and prior to payment, the provider shall give the participant a certificate of warranty for all labor and installation and all warranty certificates.

~~a. upon completion of the work and prior to payment, the provider shall give the participant a certificate of warranty for all labor and installation and all warranty certificates.~~Repealed.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2156 (October 2015), amended by the

Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:

**§16303. Community Living Supports**

A. Community living supports (CLS) are ~~services~~ provided to ~~assist participants to achieve and~~ a participant in his/her own home and in the community to achieve and/or to maintain the outcomes of increased independence, productivity, and enhanced family functioning, to provide relief of the caregiver, and to provide for inclusion in the community ~~by utilizing teaching and support strategies.~~ ~~CLS~~ Community living supports may be ~~furnished through a self-direction or through a licensed, enrolled agency~~ directed service.

B. Community ~~Living Supports are related to acquiring, retaining and improving~~ living supports focus on the achievement of one or more goals as indicated in the participant's approved plan of care by incorporating teaching and support strategies. Supports provided are related to the acquisition, improvement, and maintenance of independence, autonomy and adaptive skills.

~~CLS may include the following services~~ These skills include:

1. ~~direct support services or~~ self-help skills ~~training for the performance of all the activities of daily living and self-care;~~
2. socialization skills ~~training;~~

3. cognitive, and communication ~~tasks, and adaptive~~ skills ~~training~~; and

4. ...

C. Place of Service. CLS services are furnished to adults and children who live in a home that is leased or owned by the participant or his/her family. Services may be provided in the home or community, with the place of residence as the primary setting.

D. Community living supports may be shared by up to three participants who may or may not live together, and who have a common direct service provider agency. In order for CLS services to be shared, the following conditions must be met.

1. An agreement must be reached among all of the involved participants, or their legal guardians, regarding the provisions of shared CLS services. If the person has a legal guardian, their approval must also be obtained.

2. The health and welfare ~~of~~ must be assured for each participant ~~must be assured through the provision of shared services.~~

3. ~~Services must be reflected in each~~ Each participant's ~~approved~~ plan of care ~~and based on an individual-~~ by-individual-determination must reflect shared services and include the shared rate for the service indicated.

4. A shared rate must be billed.

5. The cost of transportation is built in to the community living services rate and must be provided when integral to community living services.

E. Service Exclusions

1. ~~Staff providing services may not sleep during billable hours of Community Living Supports~~ living supports staff are not allowed to sleep during billable hours of community living supports.

2. ~~Routine~~ Payment will not be made for routine care and ~~supervision support~~ that is normally provided by the participant's ~~spouse or family, and~~ or for services provided to a minor by the child's parent or step-parent, ~~are not covered~~ or by a participant's spouse.

3. ...

4. ~~Participants~~ The participant and community living supports staff may not live in the same ~~house as CLS staff~~ place of residence.

5. ~~Room~~ Payment does not include room and board or the maintenance, upkeep, and improvement of the ~~individual's provider's~~ or family's residence ~~is not covered.~~

6. Community living supports ~~shall~~ may not be provided in a licensed respite care facility.

7. Community living supports services are not available to ~~individuals~~ participants receiving any of the following services:

- a. - c. ...
- d. monitored in-home caregiving (MIHC).

8. Community living supports ~~cannot~~ may not be billed ~~or provided for during~~ at the same ~~hours~~ time on the same day ~~that the participant is receiving the following services~~ as:

- a. ...
- b. prevocational services;
- c. ...
- d. respite ~~out-of-home~~ care services ~~out of~~ home;
- e. transportation-community access;
- f. monitored in-home caregiving (MIHC); or
- g. adult day health care.

9. Payment will not be made for services provided by a relative who is:

- a. parent(s) of a minor child;
- b. legal guardian of an adult or child with developmental disabilities;
- c. spouse of or legally responsible adult for the participant; or



d. power of attorney, curator, or authorized responsible representative for the waiver participant.

F. Provider Qualifications. CLS providers must ~~possess a current, valid license~~ be licensed by the Department of Health as a ~~Personal Care Attendant Agency~~ home and community-based services provider and meet the module requirements for personal care attendant in LAC 48:I.Chapter 50.

1. Family members who provide CLS services must meet the same standards as providers who are unrelated to the participant.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2443 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2157 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

**§16305. Companion Care**

A. Companion care services provide supports to assist the participant ~~to achieve~~ in achieving and/or ~~maintain the outcomes~~

~~of maintaining~~ increased independence, productivity and ~~community inclusion in the community as identified in the~~ participant's plan of care. These services are designed for individuals who live independently and can manage their own household with limited supports. The companion provides ~~personal care and supportive services in the participant's home and lives with the~~ to a participant who resides as a roommate with his/her caregiver. ~~Companion care services may be furnished through self-direction or through a licensed provider organization as outlined in the participant's POC.~~ This service includes:

1.- 2. ...

B. Companion care services can be arranged by licensed providers who hire companions, ~~or services can be self-directed by the participant.~~ The participant must be able to self-direct services to companion. The companion is a principal care provider who is at least 18 years of age, who lives with the participant as a roommate, and provides services in the participant's home. The companion is a contracted employee of the provider agency and is paid as such by the provider.

### C. Provider Responsibilities

1. The provider organization shall develop a written agreement ~~as part of the participant's POC which~~ that defines all of the shared responsibilities between the companion and the

participant. This agreement becomes a part of the participant's plan of care. The written agreement shall include, but is not limited to:

a. - c. ...

2. Revisions to this agreement must be facilitated by the provider and approved ~~by the support team~~ as part of the participant's plan of care following the same process as would any revision to a plan of care. Revisions ~~may occur at the request of~~ can be initiated by the participant, the companion, the provider, or ~~other~~ a member of the participant's support team ~~members.~~

3. The provider is responsible for performing the following functions which are included in the daily rate:

a. ...

b. ~~making~~ conducting an initial ~~home~~ inspection of the participant's home, ~~as well as periodic home visits as required by the department~~ with on-going periodic inspections of a frequency determined by the provider;

c. ~~contacting~~ making contact with the companion at a minimum of once per week, or more often as specified in the participant's ~~POC~~ plan of care; and

d. providing 24-hour oversight, back-up staff, and companion supervision ~~of the companion care services,~~

~~including back-up for the scheduled and unscheduled absences of the companion.~~

4. ...

D. ~~Companion~~ Responsibilities of the companion include:

1. ~~The companion is responsible for:~~ providing assistance with activities of daily living (ADLs);
  - ~~a. participating in and abiding by the POC;~~
  - ~~b. maintaining records in accordance with State and provider requirements; and~~
  - ~~c. purchasing his/her own food and personal care items.~~ a. - b. Repealed.
2. community integration;
3. providing transportation;
4. coordinating and assisting as needed with transportation to medical/therapy appointments;
5. participating in and following the participants plan of care and any support plans;
6. maintaining documentation/records in accordance with state and provider requirements;
7. being available in accordance with a pre-arranged time schedule as outlined in the participant's plan of care;
8. purchasing own personal items and food; and

9. being available 24 hours a day (by phone contact) to the participant to provide supports on short notice as a need arises.

E. Service Limits

1. The provider ~~agency~~ must provide relief staff for scheduled and unscheduled absences, available for up to 360 hours (15 days) ~~as authorized by the POC~~per plan of care year.  
~~Relief staff for~~The companion care provider's rate includes funding for relief staff for scheduled and unscheduled absences ~~is included in the provider agency's rate.~~

F. Service Exclusions

1. Companion care is not available to individuals receiving the following services:

a. - d. ...

e. monitored in-home caregiving (MIHC).

2. Companion care services are not available to participants under the age of 18.

3. Payment will not be made for services provided by a relative who is a:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with developmental disabilities; or

c. spouse of the participant.

4. Payment does not include room and board or maintenance, upkeep, and improvement of the participants or provider's property.

5. transportation is billed by the vocational provider.

G. Provider Qualifications. ~~The provider agency~~Providers must be licensed ~~as a personal care attendant agency~~ by the Department of Health as a home and community-based services provider and meet the module requirements for personal care attendant in LAC 48:I.Chapter 50.

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LR 33:2444 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2158 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

**§16307. Day Habilitation Services**

A. Day habilitation services are aimed at developing activities and/or skills acquisition to support or further

community integration opportunities outside of ~~an individual's~~ a participant's home. ~~These activities shall~~ that promote independence, ~~and~~ and autonomy and assist ~~the participant with~~ him/her in developing a full life in his/her community. ~~The primary Services should~~ focus of day on habilitation ~~services is~~ acquisition of new activities that enable the participant to attain maximum skills ~~or maintenance of existing skills~~ based on ~~individualized preferences and goals~~ his/her valued outcomes. These services should be provided in a variety of community venues, and these venues and services should routinely correspond with the context of the skill acquisition activity to enhance the habilitation activities. Overarching goals of the program shall include regular community inclusion and the opportunity to build towards maximum. The primary focus of day habilitation services is acquisition of new skills or maintenance of existing skills based on individualized preferences and goals.

1. The skill acquisition and maintenance activities should include formal strategies for teaching the ~~individualized~~ personalized skills and include the intended outcome for the participant.

2. ~~Individualized~~ Personalized progress for the skill acquisition and maintenance activities should be routinely

reviewed and evaluated, with revisions made as necessary to promote continued skill acquisition.

3. As ~~an individual~~ a participant develops new skills, his/her training should ~~progress~~ move along a continuum of habilitation services offered toward greater independence and self-reliance.

B. Day habilitation services may serve to reinforce skills or lessons taught in school, therapy, or other settings.

Day habilitation services shall:

1. focus on enabling ~~participants~~ the participant to attain his/her maximum skills;

2. be coordinated with any physical, occupational, or speech therapies listed in the participant's ~~POC~~ plan of care; and

3. ~~serve to reinforce skills or lessons taught in school, therapy or other settings; and~~ be furnished on a regularly scheduled basis and limited to no more than eight hours a day, five days per week.

a. Services are based on a 15 minute unit of service and on time spent at the service site by the participant.

b. Services shall not exceed 32 units of service on any given day or 160 units in any given week in a plan of care.



c. Any time less than 15 minutes of service is not billable or payable.

d. No rounding up of units is allowed.

~~4. be furnished on a regularly scheduled basis for one or more days per week;~~

~~a. services are based on a 15 minute unit of service and on time spent at the service site by the participant;~~

~~b. services shall not exceed 32 units of service on any given day or 160 units in any given week in a plan of care;~~

~~c. any time less than the 15 minute unit of service is not billable or payable; and~~

~~d. no rounding up of hours is allowed.~~4. - 4.d.

Repealed.

C. The day habilitation provider is responsible for all transportation ~~from the agency to all work sites related to the provision of service~~ between day habilitation sites.

1. Transportation ~~to and from the service site is offered and billable as a component of the day habilitation service; however, transportation is payable only when a~~ provided on the day that a day habilitation service is provided ~~on the same day.~~

2. Transportation services are offered and billable as a component of day habilitation. Transportation may be provided to and/or from the participant's residence or a location agreed upon by the participant or authorized representative.

D. Participants may receive more than one type of vocational ~~/~~ or habilitative service per day as long as the service and billing criteria are followed and as long as requirements for the minimum time spent on site are adhered to.

E. Service Exclusions

1. Time spent ~~traveling to and from in~~ transportation between the participant's residence/location and the day habilitation program site shall is not to be included in the ~~calculation of the~~ total number of day habilitation ~~service services~~ hours ~~provided~~ per day, except when the transportation is for the purpose of travel training.

a. Travel training for the purpose of teaching the participant to use transportation services may be included in determining the total number of service hours provided per day, ~~but only for the period of time specified in the POC.~~ Travel training must be included in the participants plan of care.

2. ...

3. Day habilitation services cannot be billed ~~or~~ ~~provided during~~for at the same ~~hours on the~~ time on the same day as ~~any of the following services:~~

- a. community living supports;
- b. professional services, except ~~those when~~ there are direct contacts needed ~~to develop a behavioral management in the development of a support plan or any other type of specialized assessment/plan;~~
- c. respite ~~care services~~ out of home;
- d. adult day health care; ~~or~~
- e. monitored in-home caregiving (MIHC);
- f. prevocational services; or
- g. supported employment.

F. Provider Qualifications. Providers must be licensed ~~as~~ ~~an~~ by the Department of Health as a home and community-based services provider and meet the module requirements for adult day care ~~agency in LAC 48:I.Chapter 50.~~

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2445 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental

Disabilities, LR 41:2158 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

**§16309. Dental Services**

A. Dental services are available to adult participants over the age of 21 as of component of the ROW. Covered dental services include:

1. adult diagnostic services (radiographs, complete series including bitewing);
2. ...
3. prophylaxis~~-adult~~, new and patient of record adult (cleanings).

B. Service~~Exclusion. Participants must first access dental services covered under the Medicaid State Plan before utilizing dental services through the Residential Options Waiver.~~ Exclusions

1. ROW dental services are not available to children (up to 21 years of age). Children access dental services through EPSDT.

2. All available Medicaid State Plan services must first be exhausted prior to accessing ROW dental services.

C. Provider Qualifications. Providers must have a current, valid license to provide dental services from the

Louisiana State Board of ~~Examiners for~~ Dentistry for the specific dental services in all specialty areas provided to the participant.

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HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2445 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2159 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**\$16311. Environmental Accessibility Adaptations**

A. Environmental accessibility adaptations are physical adaptations to the participant's home or vehicle which ~~must be specified in the POC as are~~ necessary to ~~enable~~ ensure health, welfare, and safety of the participant ~~to integrate more fully into the community and to ensure his/her health, welfare and safety,~~ or which enable the participant to function with greater independence, without which the participant would require additional supports or institutionalization. Environmental adaptations must be specified in the participant's plan of care.

1. ...

B. Environmental adaptation services to the home and vehicle include the following:

1. performance of necessary assessments to determine the ~~types~~ type(s) of modifications that are needed;

2. training the participant and ~~appropriate direct care staff~~ the provider in the use and maintenance of ~~devices, controls, appliances and related items~~ the environmental adaptation(s);

3. repair of ~~all~~ equipment and/or devices, including ~~replacement of batteries~~ battery purchases for vehicle lifts and other reoccurring replacement items that contribute to the ongoing maintenance of the approved adaptation(s); and

4. ~~all~~ standard manufacturer provided service contracts and warranties ~~which the manufacturer includes in the purchase of the item.~~

C. ~~In order to accommodate the medical equipment and supplies necessary to assure the welfare of the participant, home accessibility~~ Home adaptations which pertain to modifications that are made to a participant's primary residence. Such adaptations to the home may include ~~the following:~~ bathroom modifications, ramps, or other adaptations to make the home accessible to the participant.

1. ~~installation of ramps and grab bars;~~ The service must be for a specific approved adaptation.

2. The service may include the installation of ramps and grab-bars, widening of doorways, modification of bathroom facilities, or installation of specialized electric and plumbing systems which are necessary to accommodate the medical equipment and supplies which are necessary for the welfare of the participant.

~~3. modification of bathroom facilities; or~~  
~~4. installation of specialized electric and plumbing systems.~~  
3. - 4. Repealed.

D. ~~Home accessibility adaptations~~ Modifications may be applied to rental or leased property only ~~under the following conditions:~~ with the written approval of the landlord and approval of OCDD.

~~1. the participant is renting or leasing the property; and~~  
~~2. written approval is obtained from the landlord and OCDD.~~  
1. - 2. Repealed.

E. ~~When state and local building or housing code~~ All environmental accessibility adaptations to home and to a vehicle must meet all applicable standards ~~are applicable, modifications to the home shall meet such standards~~ of manufacture, design, and installation.

F. Service Exclusions for Home Adaptations

1. ...

2. Home modifications shall not be furnished to adapt living arrangements that are owned or leased by paid caregivers or providers of waiver services.

3. Home modifications ~~shall~~may not include ~~those~~ modifications which add to the total square footage of the home, except when the additional square footage is necessary to make the required ~~adaptation work~~ adaptions function appropriately.

EXAMPLE: if a bathroom is very small and a modification cannot be done without increasing the total square footage, this would be considered as an approvable cost.

a. When new construction or remodeling is a component of the service, payment for the service is to only cover the difference between the cost of typical construction and the cost of specialized construction.

4. Home modifications ~~shall~~may not include ~~those~~ modifications to the home which are of general utility and ~~are~~ not of direct medical or remedial benefit to the ~~individual~~participant, including, but not limited to:

a. - g. ...

5. Home modification funds may not be used for service warranties and contracts above those provided by the manufacturer at the time of purchase (e.g., extended warranties, extended service contracts).



G. Vehicle adaptations ~~are~~ pertain to modifications to ~~an automobile or van~~ a vehicle that is the waiver participant's primary means of transportation in order to accommodate his/her special needs.

1. ~~The modifications~~ Such adaptations to the vehicle may include ~~the installation of~~ a lift, or other adaptations, to make the vehicle accessible to the participant or for ~~him/her to~~ the participant to drive.

2. The service must be for a specific approved adaptation.

H. Service Exclusions for Vehicle Adaptations

1. Payment will not be made to:

a. ...

b. ~~to~~ purchase or lease of a vehicle.

2. Vehicle modification funds may not be used for modifications which are of general utility and are not of direct medical or remedial benefit to the participant ~~are not covered in the ROW.~~

3. ~~Regularly~~ Vehicle modification funds may not be used for regularly scheduled upkeep and maintenance of a vehicle ~~is not covered,~~ except upkeep and maintenance of the modifications.

4. ...

5. Vehicle modification funds may not be used for service warranties and contracts above those provided by the manufacturer at the time of purchase (e.g., extended warranties, extended service contracts).

I. - I.4. ...

J. Provider Qualifications. In order to participate in the Medicaid Program, providers must meet the following qualifications.

1. Home Adaptations. Providers of environmental accessibility adaptations for the home must ~~be registered through the Louisiana State Licensing Board for Contractors as a home improvement contractor.~~

a. ~~In addition, these providers~~ be registered through the State Licensing Board for Contractors as a home improvement contractor. The provider must have a current license from the State Licensing Board for Contractors for any of the following building trade classifications:

i. ~~meet the applicable state and/or local requirements governing their licensure or certification;~~ and general contractor;

ii. ~~comply with the applicable state and local building or housing code standards governing home modifications.~~ home improvement; or

iii. residential building; or

b. ~~The individuals performing the actual service (building contractors, plumbers, electricians, carpenters, etc.) must also comply with the applicable state and/or local requirements governing individual licensure or certification.~~ If a current Louisiana Medicaid provider of durable medical equipment, have documentation from the manufacturing company (on its letterhead) that confirms that the provider is an authorized distributor of a specific product that attaches to a building. The letter must specify the product and state that the provider has been trained on its installation.

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

3. All environmental adaptations providers must comply with all applicable local (city or parish) occupational license(s).

4. All environmental adaptation providers, as well as the person performing the service (i.e., building contractors, plumbers, electricians, engineers, etc.), must meet any state or local requirements for licensure or certification. When state and local building or housing code standards are applicable, modifications to the home shall meet such standards,

and all services shall be provided in accordance with applicable State or local requirements.

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HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2446 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2159 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16313. Host Home**

A. Host home services ~~assist participants in meeting their basic adaptive living needs and offer direct support where required. Participants are afforded a welcoming, safe and nurturing~~ are personal care and supportive services provided to a participant who lives in a private home with a family atmosphere in a family home environment in which the participant may receive supports, services and training in accordance with the POC who is not the participant's parent, legal representative, or spouse. Host home ~~services take into account compatibility, including individual interests, age, needs for privacy, supervision and support needs. These services are~~

~~provided in a private home by a contractor of the host~~ families  
are a stand-alone family living arrangement in which the  
principle caregiver in the host home assumes the direct  
responsibility for the participant's physical, social, and  
emotional well-being and growth in a family environment. Host  
~~home agency who lives in the home, and either rents or owns the~~  
~~residence. The contractor utilizes specific teaching strategies~~  
~~to encourage independence and autonomy when required as a part~~  
~~of the participant's POC~~ services are to take into account  
compatibility with the host home family members, including age,  
support needs, and privacy needs.

B. Host home services include assistance with:

1. personal care, assistance with the activities of daily living and adaptive living needs;
2. leisure activities, assistance to develop leisure interests and daily activities in the home setting;
3. social development/family inclusion, assistance to develop relationships with other members of the household;  
and
4. community inclusion supports in accessing community services, and activities and pursuing and developing recreational and social interests outside the home; ~~and.~~
5. ~~teaching community living skills to achieve~~  
~~participant's goals concerning community and social life as well~~

~~as to maintain contacts with biological families and natural supports.~~ Repealed.

NOTE: Natural supports are also encouraged and supported when possible. Supports are to be consistent with the participant's skill level, goals, and interests.

C. Host home provider agencies oversee and monitor the host home contractor to ensure the availability, quality, and continuity of host home services ~~as specified in the ROW manual~~. Host home provider agencies are responsible for the following functions:

1. ~~arranging for a,~~ training, and overseeing host home services (host home family);
2. making an initial inspection and periodic inspections of the host home and upon any significant changes in the host family unit or significant events which may impact the participant; ~~and~~
3. ~~providing~~ having 24-hour ~~oversight and supervision of~~ responsibility over host home services ~~including emergency services and~~ to the participant, which includes back-up staffing for ~~the~~ scheduled and ~~nonscheduled~~ unscheduled absences of the ~~contractor.~~ host home family for up to 360 hours (15 days) as authorized by the participant's plan of care; and
4. providing relief staffing in the participant's home or in another host home family's home.

D. Host home contractors are responsible for:

1. ~~assisting with the development of~~ attending the participant's ~~POC and complying with the provisions~~ plan of care meeting and participating, including providing information needed in the development of the plan;
2. ~~maintaining and providing data to assist in the evaluation~~ following all aspects of the participant's ~~personal goals~~ plan of care and any support plans;
3. ~~maintaining adequate records to substantiate service delivery and producing such records upon request~~ the participant's documentation;
4. assisting the participant in attending appointments (i.e., medical, therapy, etc.) and undergoing any specialized training deemed necessary by the provider agency, or required by the department, to provide supports in the host home setting; ~~and~~
5. following all requirements for staff as in any other waiver service including immediately reporting to the department and applicable authorities any major issues or concerns related to the participant's safety and well-being; ~~;~~ and
6. providing transportation as would a natural family member.

E. Host home contractors who serve children are required to provide daily supports and supervision on a 24-hour basis ~~to meet on-going support needs and to handle emergencies as any family would do for their minor child as required and based on age, capabilities, health conditions and any special needs.~~

1. If the participant is a child, the host home family is to provide the supports required to meet the needs of a child as any family would for a minor child.

2. Support needs are based on the child's age, capabilities, health, and special needs.

3. A host home family can provide compensated supports for up to two participants, regardless of the funding source.

F. - H. ...

I. Service Exclusions

1. ...

2. ~~Separate payment~~Payment will not be made for the following ~~residential service models if the participant is receiving host home services:~~

a. respite care services-out of home;

b. shared living/shared living conversion;

c. ~~shared living-conversion~~community living supports;

d. companion care; ~~or~~



e. monitored in-home caregiving- (MIHC);

f. transportation-community access; or

g. one-time transition services.

3. ...

4. Payment will not be made for services provided by  
a relative who is a:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with  
developmental disabilities;

c. parent(s) for an adult child, regardless of  
whether or not the adult child has been interdicted; or

d. spouse of the participant.

5. Children eligible for Title IV-E services are not  
eligible for host home services.

6. Payment does not include room and board or  
maintenance, upkeep, or improvement of the host home family's  
residence.

7. Environmental adaptations are not available to  
participants receiving host home services since the  
participant's place of residence is owned or leased by the host  
home family.

J. Provider Qualifications

1. ~~All~~ Home host service provider agencies must meet  
the following qualifications:

a. - b. ...

c. screen, train, oversee and provide technical assistance to the host home ~~contractors~~ family in accordance with OCDD requirements, including the coordination of an array of medical, behavioral and other professional services ~~appropriate for~~ geared to persons with developmental disabilities (DD); and

d. provide on-going assistance to the host home ~~contractors~~ family so that all HCBS waiver health and safety assurances, monitoring, and critical incident reporting requirements are met.

2. Agencies serving children must be licensed by the Department of Children and Family Services as a Class "A" Child Placing Agency under the Specialized Provider Licensing Act (R.S. 46:1401-46:1430), LAC 67:V.Chapter 73.

3. Agencies serving adults must be licensed by the Department of Health as a home and community-based services provider ~~of~~ and meet the module requirements for substitute family care ~~services~~ in LAC 48:I.Chapter 50.

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Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2160 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1765 (December 2019), LR 47:

**§16317. Nursing Services**

A. Nursing services are medically necessary services ordered by a physician and provided by a licensed registered nurse or a licensed practical nurse under the supervision of a registered nurse, within the scope of the State's Nurse Practice Act. Nursing services provided in the ROW are an extension of nursing services provided through the Home Health Program covered under the Medicaid State Plan.

1. ~~These Nursing services ~~require an individual nursing service plan and~~ must be included in the participant's plan of care- and must have the following:~~

- a. physician's order,
- b. physician's letter of medical necessity,
- c. Form 90-L,
- d. Form 485,
- e. individual nursing service plan,
- f. summary of medical history, and
- g. skilled nursing checklist.

2. The participant's nurse must submit updates ~~of any changes to the individual's needs and/or the physician's orders to the support coordinator~~ every 60 days and include any changes to the participant's needs and/or physician's orders.

B. ~~Nursing consulting services~~ Consultations include assessments ~~and,~~ health related training ~~and~~ /education for ~~participants and~~ the participant and the participant's caregivers, and healthcare needs related to prevention and primary care activities.

1. Assessment services are offered on an ~~individual~~ individualized basis only and must be performed by a registered nurse

2. ...

3. ~~The health~~ Health related training and education service is the only nursing ~~service procedure~~ which can be provided to more than one participant simultaneously. ~~The cost of the service is allocated equally among all participants.~~

C. Service Requirement. ~~Participants over the age of 21 years must first exhaust all available nursing visits provided under the Medicaid State Plan prior to receiving services through the waiver program.~~ Limitations

1. Services are based on 15-minute units of service.

D. ~~Provider Qualifications~~ Service Requirements

1. ~~In order to participate in the Medicaid Program, the provider agency must possess a current, valid license as a home health agency or, if under the ROW shared living conversion model, be an enrolled shared living~~ Nursing services agency with a current, valid license as a supervised independent living agency are secondary to EPSDT services for participants under the age of 21 years. Participants under the age of 21 have access to nursing services (home health and extended care) under the Medicaid State Plan.

2. Adults have access only to home health nursing services under the Medicaid State Plan. Participants must access and exhaust all available Medicaid State Plan services prior to accessing ROW nursing services.

E. ~~Staffing Requirements~~ Provider Qualifications

1. ~~Nursing services shall be provided by individuals with either~~ In order to participate in the Medicaid Program, a provider agency must possess a current, valid license as a ~~registered nurse from the Louisiana State Board of Nursing or a current, valid license as a practical nurse from the Board of Practical Nurse Examiners.~~ home health agency under R.S. 40:2116.31-40:2116.40 as verified by the LDH Health Standards Section; or

2. ~~The RN or the LPN must possess one year of service delivery experience to persons with intellectual~~

~~disabilities defined under the following criteria:~~If under the ROW shared living conversion model, a provider agency must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for supervised independent living-conversion in LAC 48:I.Chapter 50.

~~a. full-time experience gained in advanced and accredited training programs (i.e. masters or residency level training programs), which includes treatment services for persons with developmental disabilities;~~

~~b. paid, full-time nursing experience in specialized service/treatment settings for persons with developmental disabilities (i.e. intermediate care facilities for persons with developmental disabilities;~~

~~c. paid, full-time nursing experience in multi-disciplinary programs for persons with developmental disabilities (i.e. mental health treatment programs for persons with dual diagnosis, mental illness and developmental disabilities); or~~

~~d. paid, full-time nursing experience in specialized educational, vocational and therapeutic programs or settings for persons with developmental disabilities (i.e. school special education program).~~

~~3. Two years of part-time experience with a minimum of 20 hours per week may be substituted for one year of full-time experience.~~

~~4. The following activities do not qualify for the required experience:~~

~~a. volunteer nursing experience; or~~

~~b. experience gained by caring for a relative~~

~~or friend with developmental disabilities.~~ 2.a - 4.b. Repealed.

#### E. Staffing Requirements

1. Nursing services shall be provided by individuals with either a current, valid license as a registered nurse from the State Board of Nursing or a current, valid license as a practical nurse from the Board of Practical Nurse Examiners.

2. Nurses must have one-year experience serving persons with developmental disabilities. Experience may include any of the following:

a. full-time experience gained in advanced and accredited training programs, (i.e., masters or residency level training programs) which includes treatment services to persons with a developmental disability;

b. paid, full-time nursing experience in specialized service/treatment settings for persons with a developmental disability (i.e., intermediate care facilities for persons with a developmental disability);

c. paid, full-time nursing experience in multi-disciplinary programs for persons with a developmental disability (i.e., mental health treatment programs for persons with dual diagnosis - mental illness and a developmental disability); or

d. paid, full-time nursing experience in specialized educational, vocational, and therapeutic programs or settings for persons with a developmental disability (i.e., school special education program).

3. Two years of part-time experience (minimum of 20 hours per week) may be substituted for one year of full-time experience.

4. The following activities do not qualify for the required experience:

a. volunteer nursing experience; or

b. experience gained by caring for a relative or friend with developmental disabilities.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

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Disabilities, LR 41:2161 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16319. ~~One~~ One-Time Transitional Services**

A. One-time transitional services are ~~one-time, set-up services to assist individuals in making the transition from an institution to their own~~ non-reoccurring set-up expenses to assist a participant who is moving from an institutional setting to his or her own ~~home or apartment in the community of their choice.~~ The participant's support coordinator assists in accessing funds and making arrangements in preparation for moving into the residence.

B. ~~Allowable~~ One-time transitional ~~expenses~~ services may ~~include~~ be accessed for the following:

1. ~~non-refundable security deposits that do not include rental payments~~ deposit;
2. utility deposits (~~set up fees~~ set-up/deposit fee for ~~utilities~~ telephone service);
3. essential furnishings to establish basic living arrangements, including:
  - a. bedroom ~~and living room~~ furniture;
  - b. ~~table and chairs~~ living room furniture;
  - c. ~~window blinds~~ tables and chairs; and

d. ~~food preparation items and eating utensils~~ window blinds; and

e. kitchen items (i.e., food preparation items, eating utensils, etc.);

4. ~~set-up/deposit fee for telephone service~~ moving expenses; and

5. ~~moving expenses; and~~ health and safety assurances (i.e., pest eradication, one-time cleaning prior to occupancy, etc.).

~~6. health and safety assurances including:~~

~~a. pest eradication; or~~

~~b. one-time cleaning prior to occupancy.~~6. -

6.b. Repealed.

#### C. Service Limits

1. There is One a one-time, ~~transitional expenses are capped at \$3,000 per person over a participant's lifetime~~ maximum services cap of \$3,000 per participant.

2. Service expenditures will be prior authorized and tracked by the prior authorization contractor.

#### D. Service Exclusions

1. One-time transitional services may not be used to pay for the following:

a. housing, rent, or refundable security deposits; or

NOTE: Non-refundable security deposits are not to include rental payments.

1.b. - 3. ...

E. The Office for Citizens with Developmental Disabilities shall be the entity responsible for coordinating the delivery of one time transitional services. Providers must have a BHSF (Medicaid) provider enrollment agreement as a transition support provider as verified by Department of Health (LDH) Health Standards Section.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2449 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2162 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1766 (December 2019), LR 47:

**§16321. Personal Emergency Response System (PERS)**

A. Personal emergency response system (PERS) service is ~~a system~~ an electronic device connected to the participant's ~~telephone~~ phone that ~~incorporates an electronic device which~~

enables ~~the participant~~ him or her to secure help in an emergency. The ~~device can be worn as a portable "help" service~~ also includes an option in which the participant would wear a portable help button ~~and when activated, a response center is contacted.~~ The device is programmed to emit a signal to the PERS response center where trained professionals respond to the participant's emergency situation.

B. Participant Qualifications. PERS ~~services are available to individuals~~ service is most appropriate for participants who:

1. ~~have a demonstrated need for quick~~ are able to identify when they are in an emergency ~~back-up situation and then able to activate the system requesting assistance;~~ and
2. are unable to ~~use~~ summon assistance by dialing 911 or other ~~communication systems due to experiencing difficulty in summoning emergency assistance;~~ or emergency services available to the general public.

3. ~~do not have 24-hour direct supervision.~~ Repealed.

C. ~~PERS services include~~ Coverage of the PERS is limited to the rental of the electronic device, ~~initial installation,~~ training the participant to use the equipment, and monthly. PERS services shall include the cost of maintenance ~~fees~~ and training the participant to use the equipment.

D. Service Exclusions

1. ...

2. PERS services are not available to participants who receive 24-hour direct care supports.

E. Provider Qualifications

1. ...

2. ~~The provider shall be in compliance~~ Providers must comply with all applicable federal, state, county (parish), and local laws and regulations ~~governing the operation of personal emergency response systems including staffing requirements for the response center.~~

3. Providers must meet manufacturers specifications, response requirements, maintenance records, and enrollee education.

4. The provider's response center shall be staffed by trained professionals.

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Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16323. Prevocational Services**

A. Prevocational services are ~~time limited with employment at the individual's highest level of work in the most integrated community setting, with the job matched to the individual's interests, strengths, priorities, abilities and capabilities, with integrated~~ prevocational activities designed to assist a participant in acquiring and maintaining basic work-related skills necessary to acquire and retain competitive employment as the optimal outcome. Individuals receiving prevocational services may choose to pursue employment opportunities at any time. Career planning must be a major component of prevocational services. Overall goals of the program include regular community inclusion and development of work skills and habits to improve the employability of the participant.

B. Prevocational services ~~are to be provided in a variety of locations in the community and are not to be limited to a fixed site facility. Activities associated with prevocational services should be focused on preparing the participant for paid employment or a volunteer opportunity in the community. These~~ should be offered that engage workers in real and simulated employment tasks to determine vocational potential. Services

focus on teaching concepts and skills, such as following directions, attending to tasks, task completion, problem solving, and job safety skills. All prevocational services are  
~~operated through a provider agency that is licensed by the appropriate state licensing agency. Services are furnished one or more hours per day on a regularly scheduled basis for one or more days per week~~to be reflective of the participant's plan of care and directed toward habilitation rather than teaching a specific job skill.

1. The primary focus of prevocational services is the acquisition of employment related skills based on the participant's vocational preferences and goals.

2. Activities associated with prevocational services should include formal strategies for teaching the skills and the intended outcome for the participant.

3. Personalized progress for the activities should be routinely reviewed and evaluated with revisions made as necessary.

4. As an Employment First state, the state's strategy to facilitate participant transition from prevocational services to supported employment and/or employment in the participant's occupation of choice includes individually identifying persons receiving prevocational services and targets them for transition to integrated employment opportunities.

a. This is accomplished through a revised person-centered process prominently featuring the values and principles of the state's Employment First initiative.

b. As part of this implementation, the support team must clearly identify integrated community-based vocational goals, action steps, and timelines. This is reviewed on at least a quarterly basis and revised as needed.

c. Success is measured by the individual's transition to an integrated employment setting in addition to the state meeting national core indicator integrated employment targets.

~~C. Participants receiving services must have an employment related goal in their plan of care, and the general habilitation activities must be designed to support such employment goals. Prevocational services are designed to create a path to integrated community-based employment for which a participant is compensated at or above minimum wage, but not less than the customary wage and level of benefits paid by the employer for the same or similar~~ provided to participants who are working or will be able to work performed by individuals without disabilities in a paid work setting.

1. Participants need intensive ongoing support to perform in a paid work setting because of their disabilities.



2. In the event participants are compensated in the prevocational services, pay must be in accordance with the United States Fair Labor Standards Act of 1985.

D. ~~Prevocational services can include assistance in personal care and with activities of daily living. Choice of this service and staff ratio needed to support the participant must be documented on the~~ Individual goals are identified and included in the participant's plan of care. These goals are re-assessed at least quarterly, or more often as needed, and revised as appropriate.

1. During the person-centered planning process, support coordinators identify various types of activities the participant enjoys participating in or would like to participate in given personal preferences and goals.

a. These activities are included in the participant's plan of care and monitored to ensure that the participant has the opportunity to participate.

b. These activities are to include formal strategies for teaching the skills and the intended outcome for the participant. Personalized progress for the activities should be routinely reviewed and evaluated with revisions made as necessary.

2. Support coordinators are to monitor and ensure that meaningful activities are occurring and that the participant is not being exploited.

3. Support coordinators are required to visit the participant at the prevocational site to ensure that the participant is participating in meaningful activities, is satisfied with services, and is free from abuse/neglect. This is documented in the Case Management Information System.

E. The prevocational provider is responsible for all transportation between prevocational sites. All transportation costs are included in the reimbursement rate for prevocational services. The participant must be present to receive this service. ~~If a participant needs transportation, the provider must physically provide, arrange, or pay for appropriate transport to and from a central location that is convenient for the participant and agreed upon by the team.~~ Transportation may be provided between the participant's residence, or other location as agreed upon by the participant or authorized representative, and the prevocational site. The participant's transportation needs ~~and this central location~~ shall be documented in the plan of care.

F. Service Limitations

1. Services shall ~~not exceed 8,320 units~~ be limited to no more than eight hours a day, five days per week, based on

a 15-minute unit of service ~~in a plan of care~~. The 15-minute units of services must be spent at the service site by the participant.

a. Any time less than 15 minutes of service is not billable or payable.

b. No rounding up of units of service is allowed.

2. Prevocational services are not available to ~~participants~~ individuals who are otherwise eligible to participate in special education or related services programs ~~funded~~ as defined under Sections 602(16) and (17) of the Education of the Handicapped Act, through a local educational agency, or in vocational rehabilitation services through a program funded under Section 110 of the Rehabilitation Act of 1973 ~~or the Individuals with Disabilities Education Act~~.

3. ~~Multiple vocational/habilitative~~ Prevocational services cannot be ~~provided or~~ billed for ~~during~~ at the same ~~hours on the same~~ time of the day as the following ~~services~~:

a. community living supports;

b. professional services, except ~~those when~~ there are direct contacts needed ~~to develop a behavioral management~~ in the development of a support plan ~~or other type of specialized assessment/plan~~;

c. respite ~~care services~~ -out of home;

- d. adult day healthcare; ~~or~~
- e. monitored-in-home caregiving- (MIHC);
- f. day habilitation services; or
- g. supported employment.

4. Transportation ~~to and from the service site~~ is only ~~payable when a vocational/habilitative service is~~ provided on the ~~same~~ day that a prevocational service is provided.

a. Time spent in ~~traveling to and from the prevocational program~~ transportation between the participant's residence/location and the prevocational site ~~shall is~~ not to be included in the ~~calculation of the~~ total number of ~~service prevocational services~~ hours ~~provided~~ per day, except when the transportation is for the purpose of travel training. Travel training must be included in the participant's plan of care.

b. ...

c. Transportation-community access services shall not be used ~~to transport ROW participants~~ for transportation to or from any prevocational services

#### G. Restrictions

1. Participants receiving prevocational services may also receive day habilitation or individualized supported employment services, but these services cannot be provided during the same time ~~period of the day and cannot total more than five hours combined in the same service day. Group~~

~~supported employment services cannot be provided on the same day, but can be utilized on a different service day.~~

2. Prevocational services are expected to be time limited to four years after which time the participant should be prepared for competitive employment in the community. This four-year time frame may be extended if needed.

3. If a participant is compensated, compensation must be less than 50 percent of minimum wage and must be in accordance with the United States Department of Labor's Fair Labor Standards Act. If a participant is paid above 50 percent of minimum wage, there must be a review every six months to determine the suitability of continuing prevocational services or changing vocational services to supported employment.

~~H. There must be documentation in the participant's file that this service is not available from programs funded under section 110 of the Rehabilitation Act of 1973 or sections 602 (16) or (17) of the Individuals with Disabilities Education Act [230 U.S.C. 1401 (16 and 71)] and those covered under the state plan~~Provider Qualifications. Providers must be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for adult day care in. LAC 48:11. Chapter 50.

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**§16325. Professional Services**

A. Professional services are direct services to participants, based on the participant's need, ~~that that may be utilized to increase the individual's independence, participation and productivity in the home, work and community. Service intensity, frequency and duration will be determined by individual need. Professional services must be delivered with~~ the which assist the participant, unpaid caregivers, and/or paid caregivers in carrying out the participant's approved plan and which are necessary to improve the participant's independence and inclusion in his/her community. The participant must be present and in accordance with approved POC order for the professional to bill for services. Professional services include nutritional services, speech therapy, occupational therapy, physical therapy, social work, and psychological

services. All services are to be included in the participant's plan of care. The specific service provided to a participant must be within the professional's area of specialty and licensing.

B. Professional services include ~~the~~ services provided by the following licensed professionals:

1. - 6. ...

C. Professional services ~~may be utilized to~~can include:

1. ~~perform~~ assessments and/or re-assessments specific to ~~professional disciplines to accomplish the desired outcomes for the participant and to provide~~ the area of specialty with the goal of identifying status and developing recommendations, treatment, and follow-up;

2. ~~provide~~ providing training ~~or therapy to a~~ the participant ~~and/or natural and formal supports necessary to either develop critical skills that may be self-managed by the participant or maintained according to the participant's needs,~~ family, and caregivers with the goal of increased skill acquisition and proficiency;

3. ~~intervene~~ intervening in ~~and stabilize~~ a crisis situation ~~(behavioral or medical) that could result in the loss of home and community-based services, including the development, implementation, monitoring, and modification of behavioral support plans~~ with the goal of stabilizing and addressing issues

related to the cause(s) of the crisis. Activities may include development of support plan(s), training, documentation strategies, counseling, on-call supports; back-up crisis supports, on-going monitoring, and intervention;

4. provide consultative services and recommendations as the need arises;

5. ~~provide necessary~~providing information to the participant, family, and caregivers, ~~and/or along with other support team members,~~ to assist in planning, developing, and implementing ~~services or treatment~~a participant's plan of care;

6. ~~provide caregiver~~providing training and counseling ~~for the participant's natural, adoptive, foster, or host family members in order to develop and maintain healthy, stable relationships among all~~services for natural supports and caregivers, ~~including family members, to support meeting the needs of the participant~~ in a home setting with the goal of developing and maintaining healthy, stable relationships;

a. ...

b. services are intended to maximize the emotional and social adjustment and well-being of the individual, family, and caregiver; ~~and~~

7. ~~provide~~providing nutritional services, including dietary evaluation and consultation with individuals or their care provider-;



a. ~~Services~~ services are intended to maximize the individual's nutritional health-;

8. providing therapy to the participant necessary to the development of critical skills; and

9. assistance in increasing independence, participation, and productivity in the participant's home, work, and/or community environments.

\*\*\*

#### D. Service Exclusions

1. Private insurance must be billed and exhausted prior to accessing waiver funds. Professional services may only be furnished and reimbursed through ROW when the services are medically necessary, or have habilitative or remedial benefit to the participant.

2. ~~Participants who are participating in ROW and are up to the age of 21 must~~ Children must access ~~these~~ and exhaust services through the Early and Periodic Screening, Diagnosis and Treatment (EPSDT) Program prior to accessing waiver funds.

E. Provider Qualifications. The provider of professional services must be a Medicaid-enrolled provider. Each professional must possess a current valid Louisiana license to practice in his/her field and have at least one year of experience post licensure in his/her area of expertise.

1. Enrollment of individual practitioners.

Individual practitioners who enroll as providers of professional services must:

a. ...

b. ~~possess~~ have a minimum of one year ~~of~~ ~~service-delivery~~ experience ~~with~~ delivering services to persons with developmental disabilities.

1.c. - 2. ...

a. The following provider agencies may enroll to provide professional services:

i. - ii. ...

iii. a supervised independent living agency licensed by the department to provide shared living services; ~~or~~

iv. a substitute family care agency licensed by the department to provide host home services; ~~or~~ or

v. a federally qualified health center (U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) grant recipient or Clinical Laboratory Improvement Amendments (CLIA) certificate holder).

b. - c. ...

3. All professionals delivering professional services must meet the required one year of service delivery experience as defined by the following:

a. full-time experience gained in advanced and accredited training programs (i.e. master's or residency level training programs), which includes treatment services for persons with a developmental ~~disabilities~~disability;

b. paid, full-time professional experience in specialized service/treatment settings for persons with a developmental ~~disabilities~~disability (i.e. ~~ICFs/ID,~~ intermediate care facilities for persons with a developmental disability);

c. paid, full-time professional experience in multi-disciplinary programs for persons with a developmental ~~disabilities~~disability (i.e., mental health treatment programs for persons with dual diagnosis - mental illness and a developmental disability); or

d. paid, full-time professional experience in specialized educational, vocational, and therapeutic programs or settings for persons with a developmental ~~disabilities~~disability (i.e., school special education program).

NOTE: Two years of part-time experience (minimum of 20 hours per week) may be substituted for one year of full-time experience.

~~e. Two years of part-time experience with a minimum of 20 hours per week of the qualifying work experience~~

~~activities may be substituted for one year of full-time experience.~~ Repealed.

4. The following activities do not qualify for the ~~professional's~~ required ~~service-delivery~~ experience:

- a. volunteer professional experience; or
- b. experience gained ~~by~~ in caring for a relative or friend with a developmental ~~disabilities~~ disability.

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**§16327. Respite Care Services-Out of Home**

A. Respite care services-out of home are ~~supports and services~~ provided ~~for the relief of those unpaid caregivers who normally provide care to participants who are unable to care for themselves. These services are furnished~~ on a short-term basis in a licensed to participants who are unable to care for themselves due to the absence of, or need for, relief of

caregivers who normally provide care and support. Services are provided by a center-based respite center provider.

1. ...

a. ~~The rate for respite care services-out of home includes the transportation costs for the community activities.~~Repealed.

2. While receiving respite care services, the participant's routine is maintained in order to attend school, school activities or other community activities~~he/she would typically participate in if not in the center-based respite facility.~~ Community activities and transportation to and from these activities in which the participant typically engages in are to be available while receiving respite services-out of home.

a. These activities should be included in the participant's approved plan of care. This will provide the participant the opportunity to continue to participate in typical routine activities.

b. Transportation costs to and from these activities are included in the respite services-out of home rate.

## B. Service Limits

1. Respite care services are limited to 720 hours per participant, per POC year.

2. ~~Requests for an extension of the service limit are subject to the department's~~ The process for approving hours in excess of 720 hours must go through the established approval process ~~and require~~with proper justification and documentation.

3. Federal financial participation (FFP) will be claimed for the cost of room and board only if it is provided as part of respite care furnished in a respite center approved by the state that is not a private residence.

C. Service Exclusions

1. ...

2. Respite care services-out of home ~~may is~~ not ~~be billed for~~ a billable waiver service to participants receiving the following services:

a. ~~shared~~ community living supports;

b. companion care;

c. host home; ~~or~~

d. ~~monitored in-home caregiving.~~ shared living;

or

e. monitored in-home caregiving (MIHC).

3. Respite care services-out of home cannot be provided in a personal residence.

4. Payment will not be made for transportation-community access.

D. Provider Qualifications. ~~The provider~~Providers must ~~possess a current, valid license as a~~ be licensed by the Department of Health as a home and community-based services provider and meet the module requirements for center-based respite ~~care center by the department~~in LAC 48:I.Chapter 50.

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**§16329. Shared Living Services**

A. Shared living services ~~assist the~~ are provided to a participant in ~~acquiring, retaining and improving the self-care, adaptive and leisure skills needed to reside successfully in a shared~~ his/her home ~~setting within the~~and community to achieve, improve, and/or maintain social and adaptive skills necessary to enable the participant to reside in the community and to participate as independently as possible. Services are chosen

by the participant and developed in accordance with his/her goals and wishes with regard to compatibility, interests, age and privacy in the shared living setting.

1. - 1.g. ...

2. Shared living services focus on the participant's preferences and goals.

3. Supports provided are related to the acquisition, improvement, and maintenance in level of independence, autonomy, and adaptive skills and are to be included in each participant's plan of care. This includes:

a. self-care skills,

b. adaptive skills, and

c. leisure skills.

4. The overall goal is to provide the participant the ability to successfully reside with others in the community while sharing supports.

5. Shared living services take into account the compatibility of the participants sharing services, which includes individual interests, age of the participants, and the privacy needs of each participant.

a. Each participant's essential personal rights of privacy, dignity and respect, and freedom from coercion are protected.



6. The shared living setting is selected by each participant among all available alternatives and is identified in each participant's plan of care.

a. Each participant has the ability to determine whether or with whom he or she shares a room.

b. Each participant has the freedom of choice regarding daily living experiences, which include meals, visitors, and activities.

c. Each participant is not limited in opportunities to pursue community activities.

7. Shared living services may be shared by up to four participants who have a common shared living provider agency.

8. Shared living services must be agreed to by each participant and the health and welfare must be able to be assured for each participant.

a. If the person has a legal guardian, the legal guardian's approval must also be obtained.

b. Each participant's plan of care must reflect the shared living services and include the shared rate for the service indicated.

9. The shared living service setting is integrated in, and facilitates each participant's full access to, the greater community, which includes providing participants with

the same opportunities as individuals without disabilities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community.

B. An ICF/~~ID~~-IID may elect to permanently relinquish its ICF/~~ID~~-IID license and all of its Medicaid ~~Facility Need Review~~ facility need review approved beds from the total number of ~~Certificate of Need~~certificate of need (CON) beds for that home and convert it into a shared living waiver home or in combination with other ROW residential options as deemed appropriate in the approved conversion agreement.

1. ...

2. ICF/~~ID~~-IID residents who choose transition to a shared living waiver home must also agree to conversion of their residence.

3. ...

4. All shared living service participants are required to have an individualized back-up staffing plan and an individualized emergency evacuation plan which are to be submitted with their plan of care.

5. Shared living services are not located in a building that is a publicly or privately operated facility that provides inpatient institutional treatment, or in a building on the grounds of, or immediately adjacent to, a public

institution, or disability-specific housing complex. Shared living services are not provided in settings that are isolated from the larger community.

6. Family members who provide shared living services must meet the same standards as unrelated provider agency staff.

7. Shared living service providers are responsible for providing 24-hour staff availability along with other identified responsibilities as indicated in each participant's individualized plan of care. This includes responsibility for each participant's routine daily schedule, for ensuring the health and welfare of each participant while in his or her place of residence and in the community, and for any other waiver services provided by the shared living services provider.

8. Shared living services may be provided in a residence that is owned or leased by the provider or that is owned or leased by the participant. Services may not be provided in a residence that is owned or leased by any legally responsible relative of the participant. If shared living services are provided in a residence that is owned or leased by the provider, any modification of the conditions must be supported by specific assessed needs and documented in the participant's plan of care. The provider is responsible for the cost of, and implementation of, the modification when the residence is owned or leased by the provider.

9. In a provider-owned or controlled residential setting, the following additional conditions must be met. Any modifications of the conditions must be supported by a specific assessed need and documented in the plan of care:

a. the unit or room is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the participant receiving services, and the participant has, at a minimum, the same responsibilities and protections from eviction that the tenants have under the landlord/tenant laws of the state, parish, city, or other designated entity;

b. each participant has privacy in their sleeping or living unit, which requires the following:

i. units have lockable entrance doors, with appropriate staff having keys to doors;

ii. participants share units only at the participant's choice; and

iii. participants have the freedom to furnish and decorate their sleeping or living units;

c. participants have the freedom and support to control their own schedules and activities, and have access to food at any time;

d. participants are able to have visitors of their choosing at any time; and

e. the setting is physically accessible to the participant.

C. Shared Living Options

1. Shared Living Conversion Option. The shared living conversion option is only allowed for providers of homes which were previously licensed and Medicaid certified as an ICF/~~ID~~-IID for up to a maximum of eight licensed and Medicaid-funded beds on October 1, 2009.

a. The number of participants for the shared living conversion option shall not exceed the licensed and Medicaid-funded bed capacity of the ICF/~~ID~~-IID on October 1, 2009, or up to six individuals, whichever is less.

b. The ICF/~~ID~~-IID used for the shared living conversion option must meet the department's operational, programming and quality assurances of health and safety for all participants.

c. - d. ...

2. Shared Living Non-Conversion (New) Option. The shared living non-conversion option is allowed only for new or existing ICF/~~ID~~-IID providers to establish a shared living waiver home for up to a maximum of three individuals.

a. The shared living waiver home must be located separate and apart from any ICF/~~ID~~-IID.

b. - d. ...

3. ICF/IID providers who convert an ICF/IID to a shared living home via the shared living conversion model must be approved by OCDD and licensed by HSS prior to providing services in this setting, and prior to accepting any ROW participant or applicant for residential or any other developmental disability service(s).

4. An ICF/IID provider who elects to convert to a shared living home via the shared living conversion process shall obtain the approval of all of the residents of the home(s) (or the responsible parties for these residents) regarding the conversion of the ICF/IID prior to beginning the process of conversion.

5. ICF/IID providers who elect to convert to a shared living home via the shared living conversion process shall submit a licensing application for a HCBS provider license, shared living module.

D. Service Exclusions and Limitations

1. ~~Payments are~~ Payment does not made for ~~include~~ room and board, ~~the cost of home~~ or maintenance, upkeep or improvements of the participant's or the provider's property.

2. - 5. ...

6. The following services are not available to participants receiving shared living services:

a. ...

b. respite care services out of home;

c. -d. ...

e. ~~personal emergency response system~~ monitored in-home caregiving (MIHC); ~~or~~

f. ~~monitored in-home caregiving.~~ transportation-community access; or

g. environmental accessibility adaptations (if housing is leased or owned by the provider).

7. Shared living services are not available to participants 17 years of age and under.

8. The shared living services rate includes the cost of transportation.

a. The provider is responsible for providing transportation for all community activities except for vocational services.

b. Transportation for vocational services is included in the rate of the vocational service.

9. All Medicaid State Plan nursing services must be utilized and exhausted.

10. Payment will not be made for services provided by a relative who is a:

a. parent(s) of a minor child;

b. legal guardian of an adult or child with developmental disabilities;

c. parent(s) for an adult child regardless of whether or not the adult child has been interdicted; or

d. spouse of the participant.

11. The shared living staff may not live in the participant's place of residence.

E. Provider Qualifications. Providers must be ~~approved by the department and have a current, valid license as a licensed~~ by the Department of Health as a home and community-based services provider and meet the module requirements for supervised independent living~~agency~~ and/or supervised independent living-conversion in LAC 48:I.Chapter 50.

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**§16333. Support Coordination**



A. Support coordination services are provided to all ~~ROW~~ participants to ~~assist them~~ provide assistance in gaining access to needed waiver services and Medicaid State Plan services, as well as needed medical, social, ~~educational~~ education, and other services, regardless of the funding source for the services. Support coordination ~~will provide information and~~ services include assistance ~~to waiver participants by directing and managing their services in compliance with the rules and regulations governing case management~~ selection of service providers, development/revision of the plan of care, and monitoring of services.

1. - 2. ...

3. Support coordination services includes on-going support and assistance to the participant.

B. ~~Support coordinators are responsible for providing assistance to~~ When participants ~~who choose the self-direction option with their review of the Self-Direction Employer Handbook and for being available to these participants for on-going~~ to self-direct their waiver services, the support ~~and help with carrying out their employer responsibilities~~ shall provide information, assistance, and management of the service being self-directed.

C. ~~Provider Qualifications. Providers must have a current, valid license as a case management agency and meet all~~

~~other requirements for targeted case management services as set forth in LAC 50:XV.Chapter 105 and the Medicaid Targeted Case Management Manual.~~ Service Limits

1. Support coordination shall not exceed 12 units.  
A calendar month is a unit.

2. ROW will utilize support coordination for assisting with the moving of individuals from the institutions. Up to 90 consecutive days or per LDH policy, but not to exceed 180 days will be allowed for transition purposes.

a. Payment will be made upon certification and may be retroactive no more than 90 days or per LDH policy, but not to exceed 180 days prior to the certification date.

3. OCDD supports and services centers are prohibited from providing case management/support coordination services in the ROW.

D. Provider Qualifications. Providers must have a current, valid license as a case management agency and meet all other requirements for targeted case management services as set forth in case management, LAC 48:I.Chapter 49.

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**§16335. Supported Employment**

A. Supported employment ~~services consists of intensive, ongoing supports and services necessary for a participant to achieve the desired outcome of~~ is competitive work in an integrated work setting, or employment in ~~a community an integrated work~~ setting in ~~the state of Louisiana where a majority of the persons employed are without disabilities. Participants utilizing these~~ which the participant is working toward competitive work, consistent with strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, with ongoing support ~~services may need long-term supports for the life of their employment due the nature of their disability, and natural supports would not meet this need to those participants for whom competitive employment has not traditionally occurred.~~

1. Supported employment services consists of intensive, ongoing supports and services necessary for a participant to achieve the desired outcome of employment in a

community setting in the state of Louisiana where a majority of the persons employed are without disabilities.

2. Supported employment services are provided to participants who are not served by Louisiana Rehabilitation Services or through a local education agency under the Individuals with Disabilities Education Act and who need more intense, long-term monitoring and who usually cannot be competitively employed because supports cannot be successfully reduced due to the nature of their disability, and natural supports would not meet this need.

B. Supported employment services provide supports in the following areas:

1. ~~individual job, group~~ Individual placement. A supported employment ~~or self-employment;~~ placement strategy in which an employment specialist (job coach) assists a person locating competitive employment, providing training, and supporting, then gradually reducing time and assistance at the worksite.

2. ~~job assessment, discovery and development; and~~ Services that assist a participant to develop and operate a micro-enterprise. This consists of:

a. assisting the participant to identify potential business opportunities;

b. assistance in the development of a business plan, including potential sources of business financing and other assistance related to developing and launching a business;

c. identification of the supports that are necessary for the participant to operate the business; and

d. ongoing assistance, counseling, and guidance once the business has been launched.

3. ~~initial job support and job retention, including assistance in personal care~~ Enclave. An employment situation in competitive employment in which a group of eight or fewer workers with activities of daily living in the supported employment setting and follow-along disabilities are working at a particular work setting performing similar general job tasks. The disabled workers may be disbursed throughout the company and among non-disabled workers or congregated as a group in one part of the business.

4. Mobile Work Crew. A group of eight or fewer workers with disabilities who perform work in a variety of locations under the supervision of a permanent employment specialist (job coach/supervisor).

C. When supported employment services are provided at a work site ~~where a majority of the~~ in which persons ~~employed are~~ without disabilities are employees, payment ~~is only~~ will be made only for the adaptations, supervision and training required by

~~participants~~ individuals receiving ~~the service~~ waiver services as a result of their disabilities. ~~It does not include, but~~ payment will not be made for the supervisory activities rendered as a normal part of the business setting.

D. ~~Transportation is included in supported employment~~ The provider is responsible for all transportation to all work sites related to the provision of services, ~~but whenever possible, family, neighbors, friends, coworkers or community resources that can provide needed transportation without charge should be utilized.~~ Transportation to and from the service site is offered and billable as a component of the supported employment service.

1. Transportation is payable only when a supported employment service is provided on the same day.

2. Time spent in transportation to and from the program shall not be included in the total number of services hours provided per day.

E. - F.2. ...

G. Service Limits. Participants may receive more than one type of vocational or ~~habilitative~~ habilitation service per day as long as the ~~service and~~ billing criteria is followed and as long as the requirements for ~~each service are met~~ the minimum time spent on site are adhered to. The required minimum number of service hours per day, per participant are as follows:

1. ~~Services for individual/micro-enterprise job assessment, discovery and development in individual jobs and self-employment shall not exceed 2,880 units of service in a~~ Individual placement-one hour (four units ). One-on-One services shall be billed in quarterly hour units and shall be based on the person centered plan-of-care year and the ROW budget.

2. ~~Services for group job assessment, discovery and development in group employment shall not exceed 480 units of service in a plan of care year~~ that assist a participant to develop and operate a micro-enterprise-one hour (four units).

3. ~~Services for initial job support, job retention and follow-along for individual/micro-enterprise shall not exceed 1280 quarter~~ Mobile crew/enclave services shall be in quarterly hour units of service in a plan of care and shall not exceed 8,320 units of service per POC year-, without additional documentation. Mobile crew and enclave services are an eight hours per day, five days per week service.

4. ~~Services for initial job support, job retention and follow-along in group employment shall not exceed 8,320 quarter hour units of service in a plan of care year.~~ Repealed.

H. Service Exclusions/ and Restrictions. Participants receiving individual supported employment services may also receive prevocational or day habilitation services. However,

these services cannot be provided during the same service hours ~~and cannot total more than five hours of services in the same day~~. Participants receiving group supported employment services may also receive prevocational or day habilitation services; however, these services cannot be provided in the same service day.

1. ...

2. ~~Any Supportive employment cannot be billed for the same time less than one hour for individual placement and micro-enterprise is not billable or payable.~~ as any of the following services:

a. community living supports;

b. professional services (except those direct contacts needed to develop a behavioral management plan);

c. respite services-out of home;

d. adult day health care; or

e. monitored in-home care giving (MIHC).

3. ~~Supported employment services cannot be billed for the same Any time as any of the following services: less than the minimum 15 minute unit of service is provided for any model is not billable or payable.~~

~~a. community living supports;~~

~~b. professional services except direct contacts needed to develop a behavioral management plan; or~~



- ~~c. respite care services out of home,;~~
- ~~d. adult day health care; or~~
- ~~e. monitored in-home caregiving.~~ a. - e.

Repealed.

4. ~~Any time less than fifteen minutes for enclaves and mobile crews is not billable or payable~~ Time spent in transportation to and from the program shall not be included in the total number of services hours provided per day.

a. Travel training for the purpose of teaching the participant how to use transportation services may be included in determining the total service numbers hours provided per day, but only for the period of time specified in the POC.

b. Transportation is payable only when a supported employment service is provided on the same day.

5. ~~Time spent in traveling to and from the prevocational program site shall not be included in the calculation of the total number of service hours provided per day.~~ FFP will not be claimed for incentive payments, subsidies, or unrelated vocational training expenses, such as the following:

~~a. Travel training for the purpose of teaching the participant how to use transportation services may be included in determining the total service numbers hours provided per day, but only for the period of time specified in the~~

~~POC.~~ incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;

b. payments that are passed through to users of supported employment programs; or

c. payments for vocational training that is not directly related to an individual's supported employment program.

6. ~~The following incentive payments, subsidies or unrelated vocational training expenses are excluded from coverage in supported~~ Supported ~~employment services; are not available to individuals who are otherwise eligible to participate in special education or related services programs, as defined under Sections 602(16) and (17) of the Education of the Handicapped Act, through a local educational agency or in vocational rehabilitation services through a program funded under Section 110 of the Rehabilitation Act of 1973.~~

~~a. incentive payments made to an employer to encourage or subsidize the employer's participation in a supported employment program;~~

~~b. payments that are passed through to users of supported employment programs; or~~

~~c. payments for vocational training that is not directly related to an individual's supported employment program.~~  
a. - c. Repealed.

7. ~~There must be documentation in the participant's file that these services are not available from programs funded under the Rehabilitation Act of 1973 or sections 602 (16) or (17) of the Individuals with Disabilities Education Act [230 U.S.C. 1401 (16 and 17)] and those covered under the State Plan.~~  
No rounding up of service units is allowed.

8. ~~No rounding up of service units~~  
Billing for multiple vocational or habilitative services at the same time is allowed  
prohibited.

I. Provider Qualifications. ~~In order to enroll in the Medicaid Program, providers must have a compliance certificate from the Louisiana Rehabilitation Services as a community rehabilitation program or a current, valid license as an adult day care center~~  
Supported employment services may be delivered either by an adult day care center provider or a community rehabilitation program provider.

1. Adult day care center provider agencies must be licensed by the Department of Health as home and community-based services providers and meet the module requirements for adult day care in LAC 48:I.Chapter 50.

2. Community Rehabilitation Program provider agencies must possess a Louisiana rehabilitation services compliance certificate from Louisiana Rehabilitation Services.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2453 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2166 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1767 (December 2019), LR 47:

**§16337. Transportation-Community Access**

A. Transportation-community access services ~~enable participants to gain access to waiver and other~~ are provided to assist the participant in becoming involved in his or her community ~~services, activities and resources. These services are necessary.~~ The service encourages and fosters the developmental of meaningful relationships in the community which reflects the participant's choice and values. This service provides the participant with a means of access to community activities and resources. The goal is to increase the participant's

independence, productivity, and community inclusion and to support self-directed employees benefits as outlined in the participant's POC. ~~Transportation community access shall be offered as documented in the participant's approved POC.~~

1. ~~The participant must be present to receive this service~~Transportation-community access services are to be included in the participant's plan of care.

2. ~~Whenever possible, the~~The participant must ~~utilize the following resources for transportation:~~ be present for the service to be billed.

~~a. family, neighbors, friends or community agencies which can provide this service without charge; or~~

~~b. public transportation or the most cost-effective method of transport available.~~a. - b. Repealed.

3. Prior to accessing transportation-community access services, the participant is to utilize free transportation provided by family, friends, and community agencies.

4. When appropriate, the participant should access public transportation or the most cost-effective method of transportation prior to accessing transportation-community access services.

B. Service Limits

1. Community access trips are limited to no more than three round trips per day and must be arranged for geographic efficiency.

2. ...

C. Service Exclusions

1. Transportation community access services ~~offered through ROW~~ shall not replace the ~~medical transportation following~~ services ~~covered under the Medicaid State Plan or transportation services provided as a means to get to and from school.~~

a. transportation services to medically necessary services under the Medicaid State Plan;

b. transportation services provided as a means to get to and from school; or

c. transportation services to or from day habilitation, prevocational services, or supported employment services.

2. ~~Separate payment will not be made for transportation~~ Transportation-community access ~~and the following~~ services are not available to participants receiving the following services:

a. shared living ~~services;~~

b. ~~community living services~~ host home; or

c. companion care ~~+~~.

~~d. adult day health care; or~~

~~e. monitored in-home caregiving.~~ d. - e.

Repealed.

3. ...

4. Transportation-community access services may not be billed for the same day at the same time as community living supports.

D. Provider Qualifications. Friends and family members who furnish transportation-community access services to waiver participants must be enrolled as Medicaid non-emergency medical transportation (NEMT) ~~friends-family~~ and ~~family-transportation friends~~ providers with the Department of Health (Bureau of Health Services Financing).

1. In order to receive reimbursement for transporting Medicaid recipients to waiver services, family and friends must maintain compliance with the following:

a. ~~the~~ state minimum automobile liability insurance coverage;

b. possess a current state inspection sticker;  
and

c. possess a current valid driver's license.

2. - 3.a. ...

4. ~~Family~~ NEMT (family and friends transportation) providers ~~are limited to transporting~~ may provide for up to three ~~specific~~ identified waiver participants.

E. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2454 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2166 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), LR 47:

**§16339. Housing Stabilization Transition Services**

A. Housing stabilization transition services enable participants who are transitioning into a permanent supportive housing unit, including those transitioning from institutions, to secure their own housing. This service is provided while the participant is in an institution and preparing to exit the institution using the waiver. ~~Housing stabilization transition services include~~ The service includes the following components:

1. - 1.h. ...



2. assisting ~~the~~ a participant to view and secure housing, as needed, ~~including~~. This may include the following:

a. - d. ...

e. locating furnishings);

3. 5. ...

B. This service is only available to participants upon referral from the support coordinator, and is not duplicative of other waiver services, including support coordination. ~~It is only available to persons who reside in a state of Louisiana permanent supportive housing unit, or who are linked for the state of Louisiana permanent supportive housing selection process.~~

1. participants must be residing in a state of Louisiana permanent supportive housing unit; or

2. participants must be linked for the state of Louisiana permanent supportive housing selection process.

C. Participants ~~may not exceed~~ are limited to receiving no more than 165 combined units of this service and the housing stabilization transition service ~~without written approval from OCDD~~. This limit on combined units can only be exceeded with written approval from OCDD.

D. Provider Qualifications. The permanent supportive housing (PSH) agency must be under contract and enrolled with

the Department of Health statewide management organization for behavioral health services, and must also either:

1. meet the requirements for completion of the training program as verified by the PSH director; or

2. have at least one year of completion of housing support team experience in the PSH program as verified by the PSH director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2169 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16341. Housing Stabilization Services**

A. Housing stabilization services enable waiver participants to maintain their own housing as set forth in the participant's approved plan of care. Services must be provided in the home or a community setting. Housing stabilization services include the following components:

1. conducting a housing assessment ~~to~~ ~~identify~~identifying the participant's preferences related to housing (~~i.e.,~~ type, location, living alone or with someone

else, accommodations needed, and other important preferences), and ~~his/her~~ needs for support to maintain housing, including:

a. - h. ...

2. ~~participating in the development of the plan of care, incorporating elements of the~~ assisting a participant to view and secure housing support plan; ~~as needed and may include the following:~~

a. arranging or providing transportation;

b. assisting in securing supporting documents/records;

c. completing/submitting applications;

d. securing deposits; and

e. locating furnishings;

3. - 3.c. ...

4. ~~providing supports and interventions according to the individualized housing support~~ participating in the development of the plan ~~(if additional supports or services are identified as needed outside the scope of~~ care, incorporating elements of the housing stabilization service, ~~the needs must be communicated to the support coordinator)~~ provider plan, and in plan of care renewal and updates, as needed;

5. providing ~~ongoing communication with the landlord or property manager regarding:~~ supports and interventions according to the individualized housing stabilization service

provider plan. If additional supports or services are identified as needed outside of the scope of housing stabilization services, the needs must be communicated to the support coordinator;

~~a. the participant's disability;~~

~~b. accommodations needed; and~~

~~c. components of emergency procedures involving the landlord or property manager;~~  
a. - c. Repealed.

~~6. updating the housing support plan annually or as needed due to changes in the participant's situation or status;~~  
providing ongoing communication with the landlord or property manager regarding:

a. the participant's disability;

b. accommodations needed; and

c. components of emergency procedures involving the landlord or property manager; and

7. if at any time the participant's housing is placed at risk (i.e., eviction, loss of roommate or income), housing stabilization ~~service~~services will provide supports to retain housing or locate and secure housing to continue community-based supports, including locating new housing, sources of income, etc.

B. This service is only available upon referral from the support coordinator. ~~Housing stabilization,~~ and is not

duplicative of other waiver services, including support coordination. ~~It is only available to persons who reside in a state of Louisiana permanent supportive housing unit.~~

1. Participants must be residing in a state of Louisiana permanent supportive housing unit; or

2. participants must be linked for the state of Louisiana permanent supportive housing selection process.

C. Participants ~~may not exceed~~ are limited to receiving no more than 165 combined units of this service and the housing stabilization transition service ~~without~~. This limit on combined units can only be exceeded with written approval from OCDD.

D. Provider Qualifications. The permanent supportive housing (PSH) agency must be under contract and enrolled with the Department of Health and statewide management organization for behavioral health services, and must also either:

1. meet the requirements for completion of the training program as verified by the PSH director; or

2. have at least one year of completion of housing support team experience in the PSH program as verified by the PSH director.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2170 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16343. Adult Day Health Care Services**

A. Adult day health care (ADHC) services shall be furnished as specified in the POC and at an ADHC facility in a non-institutional, community-based setting encompassing both health~~,~~/medical, and social services needed to ensure the optimal functioning of the participant.

B. ADHC services include those core service requirements identified in the ADHC licensing standards (LAC 48~~-~~:I.4243), in addition to the following:

1. ...
2. transportation between the participant's place of residence and the ADHC (if the participant is accompanied by the ADHC staff) in accordance with licensing standards;
3. - 6. ...
7. health education classes;
8. individualized health/nursing services; and

9. meals. Meals shall not constitute a full nutritional regimen (three meals per day), but shall include a minimum of two snacks and a hot, nutritious lunch per day.

a. ~~Meals shall not constitute a full nutritional regimen (three meals per day), but shall include a minimum of two snacks and a hot, nutritious lunch.~~Repealed.

C. The number of ~~participants~~ people included in the service per day ~~shall be determined by the facility's~~ depends on the licensed capacity and attendance at each facility. The average capacity per facility is 49 participants.

D. Nurses shall be involved in the participant's service delivery as specified in the plan of care (POC) or as needed. ~~The~~ Each participant has a plan of care from which the ADHC shall develop an individualized service plan based on the participant's POC. If the individualized service plan ~~requires~~ calls for certain health and nursing services, the nurse on staff shall ensure that the services are delivered while the participant is at the ADHC facility.

E. ...

F. The following services are not available to ~~AFDC~~ ADHC recipients:

1. ~~respite care services out of home;~~ monitored in-home caregiving (MIHC).

~~2. shared living;~~

~~3. companion care, or~~  
~~4. monitored in-home caregiving.~~ 2. - 4. Repealed.

G. Provider Qualifications:

1. ADHC providers must be licensed according to the adult day health care provide licensing requirements contained in the Revised Statutes (R.S. 40:2120.41-40:2120.47).

2. ADHC providers must be enrolled as a Medicaid ADHC provider.

3. ADHC providers must comply with LDH rules and regulations.

4. Qualifications for ADHC center staff are set forth in the Louisiana Administrative Code.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 42:62 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), LR 47:

**§16345. Monitored In-Home Caregiving Services**

A. Monitored in-home caregiving (MIHC) services are provided ~~by a principal caregiver to a participant who lives~~ in living in a private ~~unlicensed residence~~ home with a principal



caregiver. The principal caregiver shall be contracted by the licensed HCBS provider having a MIHC service module. The principal caregiver shall reside with the participant.

Professional staff employed by the HCBS provider shall provide oversight, support and monitoring of the principal caregiver, service delivery, and participant outcomes through on-site visits, training, and daily~~r~~ web-based electronic information exchange.

1. The goal of this service is to provide a community-based option that provides continuous care, supports, and professional oversight.

2. This goal is achieved by promoting a cooperative relationship between a participant, a principal caregiver, the professional staff of a monitored in-home caregiver agency provider, and the participant's support coordinator.

B. The principal caregiver is responsible for supporting the participant to maximize the highest level of independence possible by providing necessary care and supports that may include:

1. - 4. ...

5. supervision or assistance while escorting~~r~~or accompanying the individual outside of the home to perform tasks, including instrumental activities of daily living, health maintenance or other needs as identified in the plan of care and

to provide the same supervision or assistance as would be rendered in the home; and

6. ...

C. ~~Unless the individual is also the spouse of the participant, the following individuals are prohibited from being paid as a monitored in-home caregiving principal caregiver:~~

Service Exclusions and Restrictions

1. ~~the participant's curator;~~ Participants electing monitored in-home caregiving are not eligible to receive the following Residential Options Waiver services during the period of time that the participants are receiving monitored in-home caregiving services:

- a. community living supports (CLS);
- b. companion care supports;
- c. host home;
- d. shared living supports;
- e. adult day health Care services; and
- f. day habilitation, pre-vocational, or supportive employment services.

- ~~2. the participant's tutor;~~
- ~~3. the participant's legal guardian;~~
- ~~4. the participant's responsible representative; or~~

~~5. the person to whom the participant has given representative and mandate authority (also known as power of attorney).~~  
2. - 5. Repealed.

D. ~~Participants electing monitored~~ Monitored in-home caregiving ~~services shall not receive the following Residential Options Waiver services during the period of time that the participant is receiving monitored in-home caregiving services:~~  
providers must be agency providers who employ professional nursing staff, including a registered nurse and a care manager, and other professionals to train and support principal caregivers to perform the direct care activities performed in the home.

1. ~~community living supports;~~ The agency provider must assess and approve the home in which services will be provided, and enter into contractual agreements with caregivers whom the agency has approved and trained.

2. ~~companion care;~~ The agency provider will pay per diem stipends to caregivers.

3. ~~host home;~~ The agency provider must capture daily notes electronically and use the information collected to monitor participant health and caregiver performance.

4. ~~shared living (conversion or non-conversion);~~  
~~or~~ The agency provider must make such notes available to support coordinators and the state, upon request.

5. ~~adult day health care services.~~Repealed.

E. ~~Monitored in-home caregiving providers~~The MIHC provider must ~~be licensed HCBS providers with a monitored in-home caregiving module who employ professional staff, including a registered nurse and a care manager, to support principal caregivers to perform the direct care activities performed in the home. The agency provider~~use secure, web-based information collection from principal caregivers for the purposes of monitoring participant health and caregiver performance. All protected health information must ~~assess and approve the home in which services will be provided, and shall enter into contractual agreements with caregivers who the agency has approved and trained. The agency provider will pay per diem stipends to caregivers~~be transferred, stored, and otherwise utilized in compliance with applicable federal and state privacy laws. Providers must sign, maintain on file, and comply with the LDH HIPAA business associate addendum.

F. ~~The MIHC provider must use secure, web-based information collection from principal caregivers for the purposes of monitoring participant health and caregiver performance. All protected health information must be transferred, stored, and otherwise utilized in compliance with applicable federal and state privacy laws. Providers must sign, maintain on file, and comply with the LDH HIPAA business~~

~~associate addendum.~~ The department shall reimburse for monitored in-home caregiving services based on a two-tiered model which is designed to address the participant's acuity.

G. ~~The department shall reimburse for monitored in-home caregiving services based upon a two-tiered model which is designed to address the participant's ROW acuity level.~~ Provider Qualifications

1. MIHC providers must be licensed according to the home and community based service provider licensing requirements contained in the R.S. 40:2120.2-2121.9.

2. MIHC providers must enroll as a Medicaid monitored in-home caregiving provider.

3. MIHC providers must comply with LDH rules and regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 45:1768 (December 2019), amended LR 47:

## **Chapter 165. Self-Direction Initiative**

### **§16501. Self-Direction Service Option**

A. ~~The self~~Self-direction ~~initiative~~ is a ~~voluntary, self-determination~~ service delivery option which allows ~~the~~

~~waiver participant to coordinate~~ participants (or their authorized representative) to exercise employer authority in the delivery of designated ROW services through an individual direct support professional rather than through a licensed, enrolled provider agency. Selection of this option requires that the participant utilize a payment mechanism approved by the department to manage the required fiscal functions that are usually handled by a provider agency. their authorized self-directed services (community living supports).

1. 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.

2. 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.

3. Support coordinators assist participants by providing the following activities:

- a. the development of the participant's plan of care;
- b. organizing the unique resources the participant needs;
- c. training participants on their employer responsibilities;
- d. completing required forms for participation in self-direction;
- e. back-up service planning;
- f. budget planning;
- g. verifying that potential employees meet program qualifications; and
- h. ensuring participant's needs are being met through services.

B. Participant ~~Responsibilities~~Eligibility. ~~Waiver participants choosing the~~ Selection of the self-direction service option ~~must understand the rights, risks and responsibilities of managing their own care and individual budget. If the participant is unable to make decisions independently, he must have an authorized representative who understands the rights, risks and responsibilities of managing his care and supports within his individual budget.~~ ~~Responsibilities of the participant or authorized representative~~

~~include~~ is strictly voluntary. To be eligible to participate in the self-direction service option, waiver participants must:

1. ~~completion of mandatory trainings, including the rights and responsibilities of managing his own services and supports and individual budget~~ 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;

2. ~~participation in the self-direction service option without a lapse in, or decline in quality of care or an increased risk to health and welfare~~ complete the training programs (e.g., initial enrollment training) designated by OCDD;

and

~~a. participants must adhere to the health and welfare safeguards identified by the support team, including:~~

~~i. the application of a comprehensive monitoring strategy and risk assessment and management systems;~~  
and

~~ii. compliance with the requirement that employees under this option must have criminal background checks prior to working with waiver participants;~~ a. - a.ii. Repealed.

3. ~~participation in the development and management of the approved personal purchasing~~ understand the rights, risks, and responsibilities of managing his or her own care and effectively managing his or her plan of care.



NOTE: If the waiver participant is unable to make decisions independently, the participant must have a willing decision maker (an 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 the plan of care.

~~a. This annual budget is determined by the recommended service hours listed in the participant's POC to meet his needs.~~

~~b. The participant's individual budget includes a potential amount of dollars within which the participant, or his authorized representative, exercises decision-making responsibility concerning the selection of services and service providers.~~  
a. - b. Repealed.

~~C. Termination of Self-Direction Service Option. Termination of participation in the self-direction service option requires a revision of the POC, the elimination of the fiscal agent and the selection of the Medicaid-enrolled~~  
Participant Responsibilities. Responsibilities of the waiver ~~service provider(s) of choice.~~  
participant or his or her authorized representative include the following:

~~1. Voluntary termination. The waiver participant may choose at any time to withdraw from the self-direction service~~

~~option and return to the traditional provider agency management of services.~~ Participants must adhere to the health and welfare safeguards identified by the support team, including the following:

a. the application of a comprehensive monitoring strategy and risk assessment and management system; and

b. compliance with the requirement that employees under this option must have criminal background checks prior to working with waiver participants;

2. ~~Involuntary termination. The department may terminate the self-direction service option for a participant and require him to receive provider-managed services under the following circumstances:~~ Waiver participant's participation in the development and management of the approved personal purchasing plan.

a. ~~the health or welfare of the participant is compromised by continued participation in the self-direction service option;~~ This annual budget is determined by the recommended service hours listed in the participant's POC to meet his needs.

b. ~~the~~ The participant's individual budget includes a potential amount of dollars within which the participant is no longer able to direct his own care and there

~~is no responsible representative to direct the care;~~ or his/her authorized representative, exercises decision-making responsibility concerning the selection of services and service providers.

~~e. there is misuse of public funds by the participant or the authorized representative; or~~

~~d. over three payment cycles in the period of a year, the participant or authorized representative:~~

~~i. places barriers to the payment of the salaries and related state and federal payroll taxes of direct support staff;~~

~~ii. fails to follow the personal purchasing plan and the POC;~~

~~iii. fails to provide required documentation of expenditures and related items; or~~

~~iv. fails to cooperate with the fiscal agent or support coordinator in preparing any additional documentation of expenditures.~~ c. - d.iv. Repealed.

3. 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, the benefits and risks of each service option, and the process for enrolling in self-direction.

4. Prior to enrolling in self-direction, the participant or his/her authorized representative is trained by the support coordinator on the process for completing the following duties:

a. best practices in recruiting, hiring, training, and supervising staff;

b. determining and verifying staff qualifications;

c. the process for obtaining criminal background checks on staff;

d. determining the duties of staff based on the service specifications;

e. determining the wages for staff within the limits set by the state;

f. scheduling staff and determining the number of staff needed;

g. orienting and instructing staff in duties;

h. best practices for evaluating staff performance;

i. verifying time worked by staff and approving timesheets;

j. terminating staff, as necessary;

k. emergency preparedness planning; and

l. back-up planning.

5. 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.

6. Participants who choose self-direction verify that they have received the required training by signing the service agreement form.

D. ~~Employees of participants~~ Termination of Self-Direction Service Option. Termination of participation in the self-direction service option ~~are not employees~~ requires a revision of the POC, the elimination of the fiscal agent ~~or the Department of Health and Hospitals~~ and the selection of the Medicaid-enrolled waiver service provider(s) of choice.

1. Voluntary Termination. The waiver participant may choose at any time to withdraw from the self-direction service option and return to the traditional provider agency management of services.

a. Proper arrangements will be made by the support coordinator to ensure that there is no lapse in services.

b. Should the request for voluntary withdrawal occur, the participant will receive counseling and assistance from his or her support coordinator immediately upon identification of issues or concerns in any of the above situations.

2. Involuntary Termination. The department may terminate the self-direction service option for a participant and require him or her to receive provider-managed services under the following circumstances:

a. the participant does not receive self-directed services for 90 days or more;

b. the health, safety, or welfare of the participant is compromised by continued participation in the self-direction service option;

c. the participant is no longer able to direct his own care and there is no responsible representative to direct the care;

d. there is misuse of public funds by the participant or the authorized representative;

e. over three payment cycles in the period of a year, the participant or authorized representative:

i. permits employees to work over the hours approved in the participant's plan of care or allowed by the participant's program;

ii. places barriers to the payment of the salaries and related state and federal payroll taxes of direct support staff;

iii. fails to follow the personal purchasing plan and the POC;

iv. fails to provide required documentation of expenditures and related items; or

v. fails to cooperate with the fiscal agent or support coordinator in preparing any additional documentation of expenditures; or

f. the participant or the authorized representative consistently violates Medicaid program rules or guidelines of the self-direction option.

3. 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.

~~E. Relief coverage for scheduled or unscheduled absences, which are not classified as respite care services, can be covered by other participant-directed providers and the terms can be part of the agreement between the participant and the primary companion care provider.~~  
Employees of participants in the self-direction service option are not employees of the fiscal agent or the department.

1. Employee Qualifications. All employees under the self-direction option must:

a. be at least 18 years of age on the date of hire;

b. pass required criminal background checks;  
and

c. be able to complete the tasks identified in the plan of care.

F. Relief coverage for scheduled or unscheduled absences, which are not classified as respite care services, can be covered by other participant-directed providers and the terms can be part of the agreement between the participant and the primary companion care provider.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.



HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2167 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**Chapter 167. Provider Participation**

**§16701. General Provisions**

A. - E. ...

F. ~~Providers, including direct care staff, cannot live in the same residence as the participant, except host home contractors and companion care workers~~Any ROW service may be provided by a member of the participant's family, provided that the family member is not the legally responsible relative.

1. Services may not be provided by an individual who lives with the participant, whether or not the individual is a family member.

2. An exception to the lives with exclusion applies to adult companion care and monitored in-home caregiving since these services are based on a roommate/in-home caregiver providing supports to the participant.

3. Payment for services rendered are approved by prior and post authorization as outlined in the POC.

4. During periods of emergency, participants may live with their direct support staff on a temporary basis as allowed, in writing, by the OCDD Assistant Secretary or designee.

G. - G.3.a. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2455 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), LR 42:63 (January 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**§16703. Staffing Restrictions and Requirements**

A. - B. ...

1. Relatives must also comply with the following requirements:

a. become an employee of the participant's ~~chosen waiver provider~~ agency of choice and meet the same

standards as direct support staff who are not related to the individual;

b. - c.ii. ...

2. Family members who may provide services include:

a. parents of an adult child;

b. siblings;

c. grandparents;

d. aunts, and uncles; and

e. cousins.

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 41:2168 (October 2015), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 47:

**Chapter 169. Reimbursement**

**§16901. Unit of Reimbursement**

A. - F. ...

G. Transition expenses from an ICF/~~ID~~-IID or nursing facility to a community living setting are reimbursed at the cost of the service(s) up to a lifetime maximum rate of \$3,000.

H. - J. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 36:254 and Title XIX of the Social Security Act.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities, LR 33:2456 (November 2007), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 39:1049 (April 2013), LR 41:2168, 2170 (October 2015), LR 42:63 (January 2016), LR 42:900 (June 2016), amended by the Department of Health, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 43:2530 (December 2017), LR 45:1769 (December 2019), LR 47:

Implementation of the provisions of this Rule may be contingent upon the approval of the U.S. Department of Health and Human Services, Centers for Medicare and Medicaid Services (CMS), if it is determined that submission to CMS for review and approval is required.

#### **Family Impact Statement**

In compliance with Act 1183 of the 1999 Regular Session of the Louisiana Legislature, the impact of this proposed Rule on the family has been considered. It is anticipated that this proposed Rule will have a positive impact on family functioning, stability or autonomy as described in R.S. 49:972 as it will increase access to supports and services for ROW participants.

### **Poverty Impact Statement**

In compliance with Act 854 of the 2012 Regular Session of the Louisiana Legislature, the poverty impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on child, individual, or family poverty in relation to individual or community asset development as described in R.S. 49:973.

### **Small Business Analysis**

In compliance with Act 820 of the 2008 Regular Session of the Louisiana Legislature, the economic impact of this proposed Rule on small businesses has been considered. It is anticipated that this proposed Rule will have no impact on small businesses, as described in R.S. 49:965.2 et seq.

### **Provider Impact Statement**

In compliance with House Concurrent Resolution (HCR) 170 of the 2014 Regular Session of the Louisiana Legislature, the provider impact of this proposed Rule has been considered. It is anticipated that this proposed Rule will have no impact on the staffing level and qualifications required to provide the same level of service, no direct or indirect cost to the provider to provide the same level of service, and no impact on the provider's ability to provide the same level of service as described in HCR 170.

### **Public Comments**

Interested persons may submit written comments to Tara A. LeBlanc, Bureau of Health Services Financing, P.O. Box 91030, Baton Rouge, LA 70821-9030. Ms. LeBlanc is responsible for responding to inquiries regarding this proposed Rule. The deadline for submitting written comments is at 4:30 p.m. on August 29, 2021.

### **Public Hearing**

Interested persons may submit a written request to conduct a public hearing by U.S. mail to the Office of the Secretary ATTN: LDH Rulemaking Coordinator, Post Office Box 629, Baton Rouge, LA 70821-0629; however, such request must be received no later than 4:30 p.m. on August 9, 2021. If the criteria set forth in R.S.49:953(A)(2)(a) are satisfied, LDH will conduct a public hearing at 9:30 a.m. on August 26, 2021 in Room 118 of the Bienville Building, which is located at 628 North Fourth Street, Baton Rouge, LA. To confirm whether or not a public hearing will be held, interested persons should first call Allen Enger at (225)342-1342 after August 9, 2021. If a public hearing is to be held, all interested persons are invited to attend and present data, views, comments, or arguments, orally or in writing. In the event of a hearing, parking is available to the public in the Galvez Parking Garage which is located between North Sixth and North Fifth/North and Main Streets (cater-corner from the Bienville Building). Validated parking for the Galvez

Garage may be available to public hearing attendees when the parking ticket is presented to LDH staff at the hearing.

Dr. Courtney N. Phillips

Secretary