

3. increase high school to community transition resources by offering supports and services to those 18 years and older.

B. Allocation of Waiver Opportunities. Waiver opportunities (slots) shall be offered on a first-come, first-served basis to individuals who meet the participant qualifications for this waiver with the exception of the 70 opportunities designated to the two categories as specified under §5501.

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 of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1604 (September 2006), amended LR 40:2583 (December 2014).

Chapter 55. Target Population

§5501. Participant Qualifications and Admissions Criteria

A. In order to qualify for the supports waiver, an individual must be 18 years of age or older, offered a waiver opportunity (slot), and meet all of the following criteria:

1. have a developmental disability as specified in R.S. 28:451.2;

2. be on the developmental disabilities request for services registry (DDRFSR), unless otherwise specified through programmatic allocation in §5501;

3. meet the financial eligibility requirements for the Medicaid Program;

4. meet the requirements for an intermediate care facility for persons with intellectual disabilities (ICF/ID) level of care which requires active treatment of a developmental disability under the supervision of a qualified developmental disability professional;

5. have assurance that the health and welfare of the individual can be maintained in the community with the provision of supports waiver services;

6. have justification, as documentation in the approved plan of care, that supports waiver services are appropriate, cost effective and represent the least restrictive environment for the individual;

7. be a resident of Louisiana; and

8. be a citizen of the United States or a qualified alien.

B. Two separate categories within the supports waiver have been established for 70 opportunities with specific criteria established for each.

1. Transition from School to Work

a. Individuals must meet the following criteria for participation in the 50 transition from school to work opportunities:

i. have a developmental disability as specified in R.S. 28:451.2;

Subpart 5. Supports Waiver

Chapter 53. General Provisions

§5301. Purpose

A. The mission of this waiver is to create options and provide meaningful opportunities that enhance the lives of men and women with developmental disabilities through vocational and community inclusion. The supports waiver is designed to:

1. promote independence for individuals with a developmental disability who are age 18 or older while ensuring health and safety through a system of participant safeguards;

2. provide 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

ii. be on the developmental disabilities request for services registry (DDRFSR), unless otherwise specified through programmatic allocation in §5501;

iii. meet the financial eligibility requirements for the Medicaid Program;

iv. meet the requirements for an ICF/ID level of care which requires active treatment of a developmental disability under the supervision of a qualified developmental disability professional;

v. have assurance that health and welfare of the individual can be maintained in the community with the provision of supports waiver services;

vi. have justification, as documentation in the approved plan of care, that supports waiver services are appropriate, cost effective and represent the least restrictive environment for the individual;

vii. be a resident of Louisiana;

viii. be a citizen of the United States or a qualified alien;

ix. be exiting the school system;

x. desire an individual, integrated job in the community; and

xi. require supports and/or services to obtain and/or maintain employment in the community, specifically supported employment services.

b. Each human services authority or district/local governing entity (LGE) is responsible for the prioritization of the 50 transition from school to work opportunities.

c. Individuals who participate in the 50 transition from school to work opportunities are not required to have a protected request date on the DDRFSR, but must have a current statement of approval indicating they meet the ICF/ID level of care.

d. All other supports waiver provisions apply to the 50 transition from school to work opportunities.

2. "Priority" Opportunity

a. *Priority*—a change in circumstances of the individual and/or caregiver rendering the natural and community support system in place unable to meet the individual's needs and now requires services to sustain the individual in the community.

b. Individuals must meet the following criteria for participation in the 20 priority opportunities:

i. have a developmental disability as specified in R.S. 28:451.2;

ii. be on the developmental disabilities DDRFSR, unless otherwise specified through programmatic allocation in §5501;

iii. meet the financial eligibility requirements for the Medicaid Program;

iv. meet the requirements for an ICF/ID level of care which requires active treatment of a developmental disability under the supervision of a qualified developmental disability professional;

v. have assurance that health and welfare of the individual can be maintained in the community with the provision of supports waiver services;

vi. have justification, as documentation in the approved plan of care, that supports waiver services are appropriate, cost effective and represent the least restrictive environment for the individual;

vii. be a resident of Louisiana; and

viii. be a citizen of the United States or a qualified alien;

ix. be designated by the Office for Citizens with Developmental Disabilities (OCDD) Human Services Authority or district/LGE as meeting the criteria for a "priority" opportunity.

C. Each human services authority or district/LGE is responsible for the prioritization of these Priority opportunities.

D. Determination of prioritization for a priority opportunity is defined as follows:

1. without requested supports, there is an immediate need for services due to out-of-home placement or homelessness or potential threat of out-of-home placement or homelessness due to a change in the individual's circumstances, including but not limited to, behavioral changes/challenges, problems with the law, or changes in his/her living arrangements or threat of losing his/her job;

2. without requested supports, there is an immediate need for services due to out-of-home placement or homelessness or potential threat of out-of-home placement or homelessness due to a change in the care giver's circumstances, including but not limited to, health issues, death, changes in job (i.e., being switched from night shift to day shift or being switched to different work location requiring more travel time) or other changes that effect the current situation; or

3. without requested supports, there is an immediate need for services due to out-of-home placement or homelessness or potential threat of out-of-home placement or homelessness due to some other family crisis which leaves the individual with no care giver support available, such as abuse/neglect or a second person in the household becomes disabled and must be cared for by the same care giver causing inability of the natural caregiver to continue necessary supports to assure health and safety of the individual.

E. Individuals who participate in the priority opportunities are not required to have a protected request date on the DDRFSR but they must have a current statement of approval indicating they meet the ICF/ID level of care.

F. All other supports waiver provisions apply to the priority opportunities.

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 of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1604 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2583 (December 2014).

Chapter 57. Covered Services

§5701. Supported Employment Services

A. 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. Participants utilizing these 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.

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

1. individual job, group employment, or self-employment;
2. job assessment, discovery and development; and
3. initial job support and job retention, including assistance in personal care with activities of daily living in the supported employment setting and follow-along.

C. When supported employment services are provided at a work site where a majority of the persons employed are without disabilities, payment is only made for the adaptations, supervision and training required by participants receiving the service as a result of their disabilities. It does not include payment for the supervisory activities rendered as a normal part of the business setting.

D. Transportation is included in supported employment services, but whenever possible, family, neighbors, friends, coworkers or community resources that can provide needed transportation without charge should be utilized.

E. These services are also available to those participants who are self-employed. Funds for self-employment may not be used to defray any expenses associated with setting up or operating a business.

F. Supported employment services may be furnished by a coworker or other job-site personnel under the following circumstances:

1. the services furnished are not part of the normal duties of the coworker or other job-site personnel; and
2. these individuals meet the pertinent qualifications for the providers of service.

G. Service Limitations

1. Services for job assessment, discovery and development in individual jobs and self-employment shall not exceed 2,880 units of service in a plan of care year.

2. Services for job assessment, discovery and development in group employment shall not exceed 480 units of service in a plan of care year.

3. Services for initial job support, job retention and follow-along shall not exceed 960 units of service in a plan of care year.

4. Services for initial job support, job retention and follow-along in group employment shall not exceed 240 units of service in a plan of care year.

H. 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. 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.

I. Choice of this service and staff ratio needed to support the participant must be documented on the plan of care.

J. There must be documentation in the participant's file that these services are 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.

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 of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:1605 (September 2006), amended by the Department of Health and Hospitals, Bureau of Health Services Financing and the Office for Citizens with Developmental Disabilities, LR 40:2585 (December 2014).

1. Day Habilitation and Prevocational Services. The provider must possess a current, valid license as an adult day care center in order to provide these services.

2. Supported Employment Services. The provider must possess a valid certificate of compliance as a community rehabilitation provider (CRP) from Louisiana rehabilitation services.

3. Respite Services. The provider must possess a current, valid license as a personal care attendant agency or a respite care center in order to provide these services.

4. Habilitation Services. The provider must possess a valid license as a personal care attendant agency in order to provide this service.

5. Personal Emergency Response System. The provider must be enrolled to participate in the Medicaid Program as a provider of personal emergency response systems.

6. Support Coordination. Providers must be licensed as support coordination agencies and enrolled in the Medicaid Program to deliver these services.

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

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Chapter 59. Provider Participation

§5901. General Provisions

A. In order to participate in the Medicaid Program as a provider of Supports Waiver services, a provider must meet all qualifications outlined in LAC 50.XXI, Subpart 1, Chapter 1 and all applicable amendments.

B. If transportation is provided as part of a service, the provider must have \$1,000,000 liability insurance coverage on any vehicles used in transporting a participant.

C. In addition to meeting the requirements cited in this 5901 A. and B., providers must meet the following requirements for the provision of designated services.