



New Rules and New Tools
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Tools to Use as We Move Forward with Reform Efforts


- ILS Daily Billing
- Shelter Needy Expansion
- Fifth Bed License and Respite Provisions
- Monitoring Technology in Place of Overnight Supervision
- Size and concentration limits
- County notification



ILS Daily Billing for CADI and BI

What does this allow:


- Services do not need to be built around billing in 15 minute increments
- Services can be billed for as a package
- A staff can provide ILS services to more than one person
- DHS has indicated that they may not change the billing for ILS services, but instead will add another service that will look like ILS but allow daily billing


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Shelter Needy


The use of shelter needy when the provider of services also controls the housing is expanded with the following stipulations:

- In multi-family buildings of more than four units the maximum number that may be used by recipients of this program is the greater of 4 units or 25% of the total units
- The individual may chose another provider for services and cannot be discharged for doing this
- There needs to be a plan for transition of a lease into the persons name within 2 years


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AFC Five Bed License

- Extends to June 30, 2016 the period to apply for a five bed license
- Requires DHS to submit the DD and CAC waiver amendment language changes to CMS by December 31, 2012
- Does not allow additional beds into the system- the conditions of the moratorium remain in effect


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Requirements for a Fifth Bed License

- The home must meet the physical environment requirements for Adult Foster Care
- The five bed living arrangement must be specified in each residents individual plan of care, ISP-if required or resident placement agreement
- Written informed consent must be obtained from each resident or their legal guardian


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Fifth Bed Respite (non-crisis)

- Allows the use of a five bed license for respite
- Non-crisis respite cannot increase total beds in the system
- Does not require additional staffing, if one of the permanent residents is not at the home during the respite period
- Staffing levels must not be reduced below the approved level for the individuals served on a permanent basis


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Fifth Bed Respite (non-crisis) Continued

- Does not require a separate entrance for the respite person
- Does require notification to individuals served in the home when variance is approved and prior to respite placement
- No more than two different individuals can be accepted for respite in any calendar month, a maximum of 120 total respite days per program
- The person receiving respite must have his or her own bedroom- may be used for an alternative purpose- cannot be the bedroom of another person


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ISP Changes


- Prevents a provider from being penalized if they do not receive an updated ISP from a case manager- must have an initial ISP prior to providing services
- Allows for documented and signed changes made during a team meeting to be considered an addendum to the ISP
- Changes the "individual service plan" to "coordinated service and support plan".


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Size and Concentration

Community-living settings definition:


- Home or apartment that the individual or family owns or rents or that has plan for transition of the lease from the service provider
- Individual is not required to receive services- may hire a service provider of their choice
- Individual is not required to have a disability
- Individual chooses whether to share the household and with whom


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Size and Concentration – Cont.

Community-living settings definition:


- The home or apartment must have living, sleeping, bathing and cooking areas.
- Individuals must have lockable access and egress
- Individuals must be free to receive visitors
- Individuals must be able to leave at times and durations of their choosing
- Leases must not allow the change of unit assignments by the provider
- Access to the community must be easily facilitated


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Size and Concentration – Cont.

Community-living settings definition:

- Allows people receiving waiver services to occupy a minimum of four units or up to 25% of the total units in a multi-family building
- Useful in delivering services when staff are shared




Home and Community Based Settings

- Licensed foster care of up to 5
- Individual's own home or family home
- Community living settings

They must not:


- Be located in a building that provides institutional treatment or custodial care
- Be located in a building on the grounds or adjacent to an institution
- Be a housing complex designed expressly around a individual's diagnosis



Home and Community Based Set – Cont.

- Be segregated based on disability
- Have the qualities of an institution
 - Regimented meal and sleep times
 - Limitations on visitors
 - Lack of privacy


Services being provided under the home and community based waiver as of the July 1, 2012 effective date that do not meet the criteria will be granted an exception



County Notification


Host County notification replacing concurrence

- If the county of financial responsibility wishes to place someone in another county, they must notify that county
- Arrangements must be made between the two counties for ongoing social service- including review of the coordinated service and support plan
- The county of service cannot make changes to the plan without approval from the county of financial responsibility


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The county of service shall notify the county of financial responsibility if:


- In the case of ICF/DD there is no authorization for admission by the admission review team
- There are concerns about the chosen providers capacity to meet the needs of he individual


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Revised Rules

Which rules were revised?

- 245A- Human Services Licensing
- 245B- Services for Individuals with Developmental Disabilities
- 245C- Human Services Background Studies


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245A

**Human Services Licensing
Licensing Applications**

- Must identify all individuals with controlling interest
 - Owners of 5% or more
 - Officers
 - Board members
 - Managerial officers
