

RULE

**Department of Health and Hospitals
Office of the Secretary
and
Department of Social Services
Office of the Secretary**

Community and Family Support System—Cash Subsidy
(LAC 48:I.Chapter 161)

The Department of Health and Hospitals, Office of the Secretary, Office of the Secretary and the Department of Social Services, Office of the Secretary has amended the entire Chapter 161 of Part I concerning the Community and Family Support System Cash Subsidy as authorized by R.S. 28:821. This Rule is promulgated in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

Act 378 of the 1989 Regular Session of the Louisiana Legislature and Act 1011 of the 1991 Regular Session of the Louisiana Legislature created and continued the Community and Family Support System (R.S. 28:821 et seq.). The original Rule was promulgated to implement the Cash Subsidy Program to provide a cash stipend to families of eligible children with severe and profound disabilities to offset the cost of keeping their children at home. This amendment changes terminology for qualifying exceptionalities to reflect current usage, recognizes Human Services Districts and Human Services Authorities (in addition to state program offices) and returns management of the program waiting lists to the administration of these regional governing agencies.

Title 48

PUBLIC HEALTH—GENERAL

Part I. General Administration

Subpart 11. Community and Family Support System

Chapter 161. Community and Family Support System

Cash Subsidy

§16101. Introduction

A. The first and primary natural environment for all people is the family. Children, regardless of the severity of their disability, need families and enduring relationships with adults in a nurturing home environment. As with all children, children with developmental disabilities need families and family relationships to develop to their fullest potential. Services for persons with developmental disabilities should be responsive to the needs of the individual and his family, rather than fitting the person into existing programs. Family supports are those supports that enable a family to keep their child with developmental disabilities at home.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), repromulgated LR 33:1135 (June 2007).

§16103. Definitions

Agency—the Department of Health and Hospitals, Office for Citizens with Developmental Disabilities (OCDD) Regional Offices and Human Services Districts (Districts) and Human Services Authorities (Authorities) providing developmental disabilities services which shall administer the cash subsidy program for the exceptionalities of developmental delay for children between the ages of 3 through 8 years, autism, mental disability/severe, mental disability/profound, deaf-blind (deaf and blind), traumatic brain injury, multiple disabilities, other health impairment and orthopedic impairment, the Office of Mental Health (OMH) and Districts and Authorities providing mental health services which shall administer the cash subsidy program for the exceptionality, emotional disturbance.

Appropriate Documentation for Exceptionalities Served by the OCDD and Districts and Authorities Providing Developmental Disabilities Services—the most recent report, current within a year, which demonstrates parental participation with the Louisiana State Department of Education in development of specialized educational services and/or authorization of specialized educational settings for children with special needs. No evaluation or assessment can be accepted into consideration for eligibility determination unless incorporated into the report of exceptionality generated through the local school system. Only documentation that is current within a year can be accepted into consideration for eligibility determination. Appropriate documentation includes: the Pupil Appraisal Evaluation (for infants and toddlers, this may be called a Multidisciplinary Evaluation for Part C Services); the

Individualized Education Plan (IEP); an approved home study plan; or, the Individual Family Service Plan (IFSP). *Appropriate Documentation for the Exceptionality served by the OMH and Districts and Authorities Providing Mental Health Services*—the most recent report, current within a year, which demonstrates parental participation with the Louisiana State Department of Education in development of specialized educational services and/or authorization of specialized educational settings for children with special needs. Appropriate documents includes: the Pupil Appraisal Evaluation or the Individualized Education Plan (IEP), current within a year; or, evidence of an Interagency Service Coordination Process; or, a certification from a licensed mental health professional that the child meets the Department of Education's criteria for emotional disturbance; or, a current treatment plan from a licensed community mental health center.

Cash Subsidy—a monetary payment to eligible families of children with severe or profound developmental disabilities to offset the costs of keeping their child at home.

Child—an individual under the age of 18.

Developmental Disability—defined in accordance with the Developmental Disability Law at R.S. 28:451.2(12).

Licensed Mental Health Professional—a person credentialed to provide mental health services by a professional board established and approved by the state of Louisiana, including those boards which examine physicians (psychiatrists), psychologists, social workers, counselors, nurse practitioners, etc.

Qualifying Exceptionality—only the following exceptionalities identified through the Department of Education's Evaluation Process may be considered for the cash subsidy from the OCDD and Districts and Authorities providing developmental disabilities services: autism, deaf-blindness (deaf and blind), mental disability/severe, mental disability/profound, multiple disabilities, orthopedic impairment, other health impairment, traumatic brain injury, and developmentally delayed for children between the ages of 3 through 8 years; other exceptionalities listed through that process are not eligible for participation in the cash subsidy program except that the exceptionality, emotional disturbance may be considered for the cash subsidy from the OMH and Districts and Authorities providing mental health services.

Responsible Care Giver—a child's natural or adoptive mother or father or the person who is responsible for the primary care and management of the child.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1019 (May 2002), LR 33:1135 (June 2007).

§16105. Application Process

A. Applications for cash subsidy will be accepted by mail only and only in the OCDD Regional Office or OMH or district or authority providing developmental disability or mental health services in which the child resides. There is no closing date for accepting applications.

B. The responsible care giver is responsible for completing the application and submission of appropriate documentation of a qualifying exceptionality. The responsible care giver is responsible for all aspects of the application process and for maintaining eligibility of their child.

C. To be complete, the documentation listed in §16103 which identifies a qualifying exceptionality must accompany the application for the cash subsidy and the application must be signed by the responsible care giver and received by the appropriate agency through the mail.

D. Applications for the cash subsidy shall be screened at the point of initial application to determine whether the child has a qualifying exceptionality and the child is appropriately served by the agency to ensure that applications are routed to the appropriate agency.

E. Only complete applications will be placed on the waiting list for eligibility determination with a post mark date of application of the envelope containing the complete application. Applications that are not complete will be returned to the responsible care giver with instructions on how to complete the application.

F. Applications will be maintained on the waiting list by date/time order of application, only in the region in which the child lives; no child may be placed on a waiting list or receive a cash subsidy from more than one region or agency.

G. Responsible care givers will receive confirmation of the date of receipt of the initial completed application and of their post marked date of application on the waiting list for eligibility determination, and annually thereafter.

H. A re-application can be submitted at any time a cash subsidy is terminated for any reason other than exceeding the eligible age for participation in the cash subsidy program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:862 (July 1997), LR 28:1020 (May 2002), LR 33:1136 (June 2007).

§16107. Determining Children Eligible for the Cash Subsidy

A. In all cases, the exceptionality reported on the most current, current within a year, appropriate documentation (§16103) shall be used to make a determination of eligibility for the cash subsidy program.

B. Only evaluations reported through the Pupil Appraisal process will be accepted for consideration for exceptionalities served by the OCDD, OMH, or Districts or Authorities providing developmental disabilities services; such evaluations shall be considered when reported through that process.

C. Children must be involved in an educational setting approved by the local educational agency; documentation of such approval must be received on an annual basis.

D. Children must meet the criteria for developmental disability and severity of exceptionality, as appropriate, to be eligible to participate in the cash subsidy program through the OCDD or District or Authority providing developmental disabilities services.

1. If a child is classified with the following primary or secondary exceptionalities, the child is eligible for the cash subsidy from the OCDD or District or Authority providing developmental disabilities services without a screening of the severity of their exceptionality: autism, deaf-blindness (deaf and blind), mental disability/severe, mental disability/profound and multiple disabilities.

2. If a child is classified with the following primary or secondary exceptionalities, the child shall be screened by the OCDD or district or authority providing developmental disabilities services to determine whether they meet the severity criteria specific to their exceptionality: developmental delay for children between the ages of 3 through 8 years, orthopedic impairment, other health impaired, and traumatic brain injury. Only children who meet the criteria for severity of exceptionality shall be eligible to receive the cash subsidy.

E. If a child is classified with a primary or secondary exceptionality of emotional disturbance or presents other appropriate documentation that identifies an emotional disturbance, the child shall be screened by the OMH or district or authority providing mental health services to determine whether they meet the severity criteria specific to that exceptionality to be eligible to receive the cash subsidy.

F. Children who are adopted are eligible to participate in the cash subsidy program, including families who are receiving a specialized adoption subsidy; families who have more than one child who is eligible to participate in the cash subsidy program will be eligible for the cash subsidy amount for each child.

AUTHORITY NOTE: Promulgated in accordance with R.S.28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:186 (February 1992), amended LR 23:863 (July 1997), LR 28:1020 (May 2002), LR 33:1136 (June 2007).

§16109. Children Ineligible for the Cash Subsidy

A. These children cannot participate in the cash subsidy program:

1. children living in subsidized out-of-home settings such as state-funded foster care or specialized foster care;
2. children living and/or attending schools outside the state of Louisiana; and
3. children in residence at the Louisiana School for the Deaf and the Louisiana School for the Visually Impaired.

B. Any removal of the cash subsidy recipient from the home of the responsible care giver that exceeds 30 days may be considered an out-of-home placement, except that acute care hospitalization does not disqualify a child, and psychiatric hospitalizations of up to 90 days are not automatically considered out-of-home placements. With appropriate documentation, the responsible agency shall make an individual assessment of the continuation of the cash subsidy in light of family situation and circumstances.

C. It will be the responsibility of the responsible care giver to notify the agency when a child is removed from the home; failure to notify the responsible agency of such removal shall be potential grounds for termination of the cash subsidy.

AUTHORITY NOTE: Promulgated in accordance with R.S.28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:187 (February 1992), amended LR 23:863 (July 1997), LR 28:1021 (May 2002), LR 33:1136 (June 2007).

§16111. Eligibility Determination

A. The OCDD Regional Offices and the OMH or Districts or Authorities providing developmental disabilities or mental health services shall be responsible for determination of eligibility of all applicants for the cash subsidy for which they have responsibility.

B. An initial determination for eligibility for the cash subsidy will be made at the time that a slot becomes available; if receiving the cash subsidy, an annual determination of eligibility shall be made.

C. At any time a responsible care giver cannot provide adequate and appropriate documentation of a qualifying exceptionality, the responsible care giver may request the local school agency to re-evaluate the child's exceptionality.

1. If the request for re-evaluation occurs at the initial determination of eligibility, the eligibility determination process will be held open for the period of re-evaluation, plus 10 working days. If the child can then be determined to be eligible, the cash subsidy will begin in the month that the next slot becomes available.

2. If the request for re-evaluation occurs at the annual determination of eligibility, the cash subsidy will be discontinued until the re-evaluation becomes available, plus 10 working days. If the child can then be determined to be eligible, the cash subsidy will resume in the month when the determination is made.

D. The OCDD Regional Offices and the OMH and Districts and Authorities providing developmental disabilities or mental health services shall be responsible to maintain a waiting list of all cash subsidy applicants to the agency according to their post marked date of application to ensure that applicants for the cash subsidy program are not receiving the cash subsidy from other agencies. Cash subsidy opportunities will be offered to applicants by date/time order of application (first come, first serve).

E. There shall be no financial criteria for eligibility for the cash subsidy.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:187 (February 1992), amended LR 23:863 (July 1997), LR 28:1021 (May 2002), LR 33:1137 (June 2007).

§16113. Payment Guidelines

A. The amount of the cash subsidy shall be \$258 monthly to families of eligible children with severe and profound disabilities to off-set the cost of keeping their child at home; families will not be required to document how the subsidy is used.

B. The termination date for a child attaining age 18 years shall be the last day of the birthday month.

C. If for any reason a recipient receives excess payment, repayment of that amount will be requested. Failure to cooperate with repayment will be referred to DHH for recoupment.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:188 (February 1992), amended LR 23:864 (July 1997), LR 28:1021 (May 2002), LR 33:1137 (June 2007).

§16115. Terminations

A. Reasons for termination may include the following: child moves out of state; family requests termination of the cash subsidy payment; child is placed into a subsidized living setting or attends school away from the home or in another state; death of the child; fraud; theft; termination or limitation of funding of the program; failure to comply with the provisions of the individual agreement or the cash subsidy program including the requirement to maintain quarterly contact with the agency administering the cash subsidy; child's exceptionality or degree of severity no longer meets eligibility criteria; child attains age 18 years; and, responsible care giver fails to maintain the child in an approved educational program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:188 (February 1992), amended LR 23:864 (July 1997), LR 28:1022 (May 2002), LR 33:1137 (June 2007).

§16117. Ongoing Monitoring

A. The responsible care giver is responsible to maintain contact with the agency administering the cash subsidy at least every 90 days to verify that the child is in the home and the conditions of the individual agreement and cash subsidy program are being met.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:188 (February 1992), amended LR 23:865 (July 1997), LR 28:1022 (May 2002), LR 33:1137 (June 2007).

§16119. Appeals

A. All persons receiving an eligibility determination shall have access to the Department of Health and Hospital's appeal process and shall be informed of their right of appeal and the process to make an appeal at the point of initial eligibility determination and at termination of a cash subsidy for any reason other than exceeding the eligible age for participation in the program.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:188 (February 1992), amended LR 23:865 (July 1997), LR 28:1022 (May 2002), LR 33:1137 (June 2007).

§16121. Program Evaluation

A. An annual external evaluation based on participant satisfaction with the program and performance may be

completed by the responsible program office.

AUTHORITY NOTE: Promulgated in accordance with R.S. 28:821 et seq.

HISTORICAL NOTE: Promulgated by the Department of Health and Hospitals, Office of the Secretary and the Department of Social Services, Office of the Secretary, LR 18:188 (February 1992), amended LR 23:865 (July 1997), LR 28:1022 (May 2002), LR 33:1138 (June 2007).

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