

RULE

**Department of Health and Hospitals
Office of the Secretary*
Office for Citizens with Developmental Disabilities**

Home and Community-Based Services Waivers, New Opportunities Waiver (LAC
50:XXI.13901 and 13915)

The Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities adopts LAC 50:XXI.13901 and 13915 under the Medical Assistance Program as authorized by R.S. 36:254 and pursuant to Title XIX of the Social Security Act. This Rule is promulgated in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

**Title 50
PUBLIC HEALTH—MEDICAL ASSISTANCE
Part XXI. Home and Community Based Services Waivers
Subpart 11. New Opportunities Waiver**

Chapter 139. Covered Services

§13901. Individualized and Family Support Services

A. - A.1.a. ...

2. Individual and Family Supports-Night (IFS-Nights) is direct support and assistance provided during the recipient's sleeping "night" hours. Night hours are *Louisiana Register Vol. 32, No. 11 November 20, 2006* 2064 considered to be the period of time when the recipient is asleep and there is a reduced frequency and intensity of required assistance. IFS-Night services are not limited to traditional nighttime hours. The IFS-Night worker must be immediately available and in the same residence as the recipient to be able to respond to the recipient's immediate needs. Documentation of the level of support needed, based on the frequency and intensity of needs, shall be included in the CPOC with supporting documentation in the provider's services plan. Supporting documentation shall outline the recipient's safety, communication, and response methodology planned for and agreed to by the recipient and/or their authorized representative identified in their circle of support. The IFS-Night worker is expected to remain awake and alert unless otherwise authorized under the procedures noted below.

a. Recipients who are able during sleeping hours to notify direct support workers of their need for assistance may choose the option of IFS-Night services where staff is not required to remain awake.

b. The recipient's support team shall assess the recipient's ability to awaken staff. If it is determined that the recipient is able to awaken staff and requests that the IFS Night worker be allowed to sleep, the CPOC shall reflect the recipient's request.

c. Support teams should consider the use of technological devices that would enable the recipient to notify/awaken IFS-Night staff. (Examples of devices include wireless pagers, alerting devices such as a buzzer, a bell or a monitoring system.) If the method of awakening the IFS Night worker utilizes technological device(s), the service provider

will document competency in use of devices by both the recipient and IFS-Night staff prior to implementation. The support coordinator will require a demonstration of effectiveness of this service no less than quarterly.

d. A review shall include review of log notes indicating instances when IFS-Night staff was awakened to attend to the recipient. Also included in the review is acknowledgement by the recipient that IFS-Night staff responded to their need for assistance timely and appropriately. Instances when staff did not respond appropriately will immediately be brought to the support team for discontinuation of allowance of the staff to sleep. The service will continue to be provided by awake and alert staff.

e. Any allegation of abuse/neglect during sleeping hours will result in the discontinuation of allowance of the staff to sleep until investigation is complete. Valid findings of abuse/neglect during night hours will require immediate revision to the CPOC.

B. - G. ...

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, Bureau of Community Supports and Services, LR 30:1202 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:2063 (November 2006).

§13915. Transportation for Day Habilitation and Supported Employment Models

A. Transportation provided for the recipient to the site of the day habilitation or supported employment model, or between the day habilitation and supported employment model site (if the recipient receives services in more than one place) is reimbursable when day habilitation or supported employment model has been provided. Reimbursement may be made for a one-way trip if reason is documented in provider's transportation log. There is a maximum fee per day that can be charged for transportation regardless of the number of trips per day.

B. ...

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, Bureau of Community Supports and Services, LR 30:1205 (June 2004), amended by the Department of Health and Hospitals, Office of the Secretary, Office for Citizens with Developmental Disabilities, LR 32:2064 (November 2006).

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Secretary