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**CHAPTER 14: CHILDREN'S CHOICE**

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**RIGHTS AND RESPONSIBILITIES**

Beneficiaries of the Louisiana Children's Choice (CC) Waiver services are entitled to the specific rights and responsibilities that accompany eligibility and participation in the Medicaid and CC Waiver programs.

Support coordinators and service providers must assist beneficiaries to exercise their rights and responsibilities. Every effort must be made to assure that applicants or beneficiaries understand their available choices and the consequences of those choices. Support coordinators and service providers are bound by their provider agreement with Medicaid to adhere to the following policies regarding beneficiary rights.

**Freedom of Choice of Program**

Applicants/beneficiaries who qualify for an Intermediate Care Facility for People with Intellectual Developmental Disabilities (ICF/IID) level of care have the freedom to select institutional or community-based services. Applicants/beneficiaries have the responsibility to participate in the evaluation process. This includes providing the medical and other pertinent information or assisting in obtaining it for use in the person-centered planning process and certification for services.

**Notification of Changes**

The Louisiana Department of Health (LDH) - Bureau of Health Services Financing (BHSF) is responsible for determining financial eligibility for Louisiana CC. In order to maintain eligibility, beneficiaries have the responsibility to inform BHSF of changes in their income, address, and living situation.

The LDH/Office for Citizens with Developmental Disabilities (OCDD) is responsible for approving level of care and medical certification per the Plan of Care (POC). In order to maintain this certification, beneficiaries have the responsibility to inform OCDD through their support coordinator of any significant changes which will affect their service needs.

**Participation in Care**

Support coordinators and service providers shall allow beneficiaries/authorized representatives to participate in all person-centered planning meetings and any other meeting concerning their services and supports. Person-centered planning will be utilized in developing all services and supports to meet the beneficiary's needs. By taking an active part in planning their services, the beneficiary is better able to utilize the available supports and services.

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In order for providers to offer the level of service necessary to ensure the beneficiary's health, welfare, and support, the beneficiary must report any change in their service needs to the support coordinator and service provider(s).

At the request of the beneficiary/authorized representative, the support coordinator must request changes in the amount of services at least seven days before taking effect, except in emergencies. Service providers may not initiate requests for change of service or modify the POC without the participation and consent of the beneficiary.

### **Freedom of Choice of Support Coordination and Service Providers**

The beneficiary/authorized representative has a choice of support coordination agencies and service providers whenever there is a choice available.

Beneficiaries/authorized representative may request a change in support coordination agencies at the time of admission to the waiver and every six months thereafter or with good cause by contacting the Human Service Authority or District.

Support coordinators will provide beneficiaries/authorized representative with their choice of direct service providers and help arrange for the service included in the POC.

### **Voluntary Participation**

Providers must assure that the beneficiary's health and welfare needs are met. As part of the planning process, methods to comply with these assurances may be negotiated to suit the beneficiary's needs and outcomes. Beneficiaries have the right to refuse services, to be informed of the alternative services available to them, and to know the consequences of their decisions. Therefore, a beneficiary will not be required to receive services that they may be eligible for but does not wish to receive. The intent of Louisiana CC Waiver is to provide home and community-based services (HCBS) to individuals who would otherwise require institutionalization.

### **Compliance with Civil Rights**

Providers shall operate in accordance with Titles VI and VII of the Civil Rights Act of 1964, as amended, and the Vietnam Veterans Readjustment Act of 1974 and all requirements imposed by or pursuant to the regulations of the U.S. Department of Health and Human Services. This means that all services and facilities are available to persons without regard to race, color, religion, age, sex, or national origin. Beneficiaries have the responsibility to cooperate with providers by not requesting services, which in any way violate state or federal laws.

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**Quality of Care**

Providers must be competent, trained, and qualified to provide services to beneficiaries as outlined in the POC. In cases where services are not delivered according to the POC, or there is abuse or neglect on the part of the provider, the beneficiary shall follow the complaint reporting procedure and cooperate in the investigation and resolution of the complaint. Beneficiaries may not request providers to perform tasks that are illegal or inappropriate and may not violate the rights of providers.

**Grievances/Fair Hearings**

Each support coordination/direct service provider shall have grievance procedures through which beneficiaries may grieve the supports or services they receive. The support coordinator shall advise beneficiaries of this right and of their rights to appeal any denial or exclusion from the program or failure to recognize a beneficiary's choice of a service and of their right to a fair hearing through the Medicaid program. In the event of a fair hearing, a representative of the service provider and support coordination agency shall appear and participate in the proceedings.

The beneficiary has a responsibility to bring problems to the attention of providers or the Medicaid program and to participate in the grievance or appeal process.

**Rights and Responsibilities of Families**

The support coordinator must review these rights and responsibilities with the beneficiary/family as part of the initial intake process into waiver services. (See Appendix D for information on where to obtain a complete list of the beneficiary's rights and responsibilities).