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STAFFING REQUIREMENTS

The Louisiana Department of Health (LDH) has the responsibility to establish reasonable qualifications for providers to ensure that they are capable of providing services of acceptable quality to beneficiaries. The provider qualifications delineated in this section are dictated by the needs of the population to be served, and by the duties and responsibilities inherent in the provision of services as defined by LDH. LDH has established these staffing requirements to maintain an adequate level of quality, efficiency, and professionalism in the provision of all services in the Children's Choice (CC) Waiver program.

All personnel who are at a supervisory level must have a minimum of one-year verifiable work experience in planning and providing direct services to people with intellectual disabilities or other developmental disabilities.

Providers must:

1. Document that criminal record history checks have been obtained.
2. Ensure that employees and the employees of subcontractors do not have a criminal record as defined in 42 CFR 441.404 (b) which states that providers of community supported living arrangements services do not employ individuals who have been convicted of child abuse, neglect, or mistreatment, or of a felony involving physical harm to an individual.
3. Take all reasonable steps to determine whether applications for employment by the provider have histories indicating involvement in child or client abuse, neglect, or mistreatment, or a criminal record involving physical harm to an individual.

Failure to comply with these regulations may result in any or all of the following:

1. Recoupment;
2. Sanctions;
3. Loss of enrollment; or
4. Loss of licensure.

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Support Coordination Requirements

The criteria for staffing and credentialing in addition to training and supervision are found in the Case Management Services manual chapter. Support coordination providers should refer to this document to assure compliance with waiver requirements.

Direct Service Provider Requirements

Direct service providers must ensure that all direct service staff possess the minimum requisite skills, qualifications, training, supervision, and coverage in accordance with the Home and Community Based Services Licensing Standards (Personal Care Attendant module), the Home and Community Based Services Waiver Program Standards of Participation, and the Direct Service Worker Registry. Providers must maintain sufficient staff and office site(s) to adequately serve beneficiaries in the LDH region(s) where they are enrolled.

The following individuals shall **not** be employed or contracted by the service provider to provide family support services reimbursed through the CC Waiver:

1. Legally responsible relatives (spouses, parents or stepparents, foster parents, or legal guardians); or
2. Any other relative who lives in the same household with the beneficiary.

Family members who provide family support services must meet the same standards of service, training requirements, and documentation requirements as caregivers who are unrelated to the participant. Service hours shall be capped at 40 hours per week, Sunday to Saturday, for services delivered by staff living in the home.

Legally responsible individuals (such as a parent or spouse) and legal guardians may provide family support services for their own child, provided that the care is extraordinary in comparison to that of a child of the same age without a disability and the care is in the best interest of the child.

Legally responsible individuals and legal guardians may not provide family support services delivered through self-direction.