
CHAPTER 32: NEW OPPORTUNITIES WAIVER

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OVERVIEW

The New Opportunities Waiver (NOW) program is a Medicaid waiver designed to provide home and community-based supports and services to beneficiaries with developmental disabilities who require the level of care of an intermediate care facility for individuals with intellectual disabilities (ICF/IID). This waiver is operated by the Office for Citizens with Developmental Disabilities (OCDD) under the authorization of the Bureau of Health Services Financing (BHSF). Both OCDD and BHSF are agencies within the Louisiana Department of Health (LDH).

The objectives of the NOW program are to offer an alternative to institutionalization and promote independence and community inclusion for beneficiaries through the provision of services. The NOW program utilizes the principles of self-determination as a foundation for supports and services and to supplement the family and/or community supports that are available to maintain the beneficiary in the community.

The NOW program includes an array of services such as residential supports, respite, community integration and development, employment-related supports, habilitation, environmental modifications and specialized equipment, professional services, as well as other services. The NOW program also includes a self-direction option which allows beneficiaries or their authorized representative to act as the employer in the delivery of their designated self-directed services. This option provides beneficiaries with maximum flexibility and control over their supports and services. NOW services should not be viewed as a lifetime entitlement or a fixed annual allocation. The average beneficiary's expenditures for all waiver services must not exceed the average Medicaid expenditures for ICF/IID services.

Providers are responsible for complying with the requirements in Chapter 1, "General Information and Administration Provider Manual" of the *Medicaid Services Manual*. This manual is available on the Louisiana Medicaid website under the "Provider Manuals" tab or at: www.lamedicaid.com/provweb1/Providermanuals/manuals/GIA/GIA.pdf.

Services provided in NOW are community-based, and designed to allow an individual experience that mirrors experiences of individuals without disabilities. These services are not to be restrictive, but liberating, by empowering beneficiaries to experience life in the most fulfilling manner as defined by the beneficiary while still assuring health and safety.

Beneficiaries have the choice of available support coordination and service provider agencies and are able to select enrolled qualified agencies through the freedom of choice process. Beneficiaries also have the right to request changes to the staff that support them. NOW services are accessed through the beneficiary's support coordinator and are based on the individual needs and preferences of the beneficiary. A support team, which consists of the beneficiary, support coordinator, beneficiary's authorized representative, appropriate professionals/service providers, and others whom the beneficiary chooses, is established to develop the beneficiary's plan of care (POC) through a person-centered planning process. The POC contains all services and activities

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involving the beneficiary, including non-waiver services as well as waiver support services. The completed POC is submitted to the support coordination agency supervisor or local governing entity (LGE) for review and approval as designated in OCDD policy. All POCs approved by the Support Coordination Agency supervisor shall be submitted to the LGE.

The Medicaid data contractor is responsible for performing prior and post authorization of waiver services based on the information included in the beneficiary's approved POC and services entered into the service provider data collection system. The LDH fiscal intermediary maintains a computerized claims processing system, with an extensive system of edits and audits for payment of claims to providers.

Services provided in the NOW program must comply with the CMS Home and Community-Based Services (HCBS) Settings Final Rule 42 CFR441.530. Services provided in the NOW program must meet the following criteria:

1. Beneficiaries receiving any NOW services are expected to be integrated in and have full access to the greater community while receiving services, as well as have opportunities to seek employment and work in competitive integrated settings. Additionally, Beneficiaries have the right to control their personal resources, engage in community life, and receive services in the community to the same degree of access as individuals not receiving home and community based services;
2. The setting is selected by the beneficiary from among setting options including non-disability specific settings and an option for a private unit in a residential setting. The setting options are identified and documented in the person-centered service plan and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board;
3. The setting ensures individual rights of privacy, dignity and respect, and freedom from coercion and restraint, including the right to respectful interactions and privacy in both residential and non-residential settings;
4. The setting optimizes, but does not regiment, individual initiative, autonomy, and independence in making life choices, including but not limited to, daily activities, physical environment, and with whom to interact;
5. Beneficiaries have choice regarding services and supports, and who provides them;
6. Beneficiaries can control their own schedule and activities, including access to food at any time to the same extent as individuals who are not receiving Medicaid home and community based services;

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7. Beneficiaries are able to have visitors of their choosing at any time to the same extent as individuals who are not receiving Medicaid home and community based services;
8. The setting where services are provided must be physically accessible to the individual such that all areas of normal access are not restricted; and
9. Residential settings owned or controlled by the provider must also meet the following requirements:
 - a. The unit or dwelling is a specific physical place that can be owned, rented, or occupied under a legally enforceable agreement by the individual receiving services, and the individual has, at a minimum, the same responsibilities and protections from eviction that tenants have under the landlord/tenant law of the State, county, city, or other designated entity. For settings in which landlord tenant laws do not apply, the State must ensure that a lease, residency agreement or other form of written agreement will be in place for each HCBS beneficiary, and that the document provides protections that address eviction processes and appeals comparable to those provided under the jurisdiction's landlord tenant law;
 - b. Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors. Individuals in provider owned or controlled residential settings shall have privacy in their living or sleeping unit;
 - c. Individuals sharing units have a choice of roommates in that setting; and
 - d. Individuals have the freedom to furnish and decorate their sleeping or living units within the lease or other agreement.

This chapter is intended to give a NOW provider the information needed to fulfill its vendor agreement with the state of Louisiana, and is the basis for federal and state reviews of the program. Full implementation of these regulations is necessary for a provider to remain in compliance with federal and state laws and LDH rules.