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**CHAPTER 38: RESIDENTIAL OPTIONS WAIVER**

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### **OVERVIEW**

The purpose of the Residential Options Waiver (ROW), a 1915(c) home and community-based services waiver, is to assist beneficiaries in leading healthy, independent, and productive lives to the fullest extent possible and to promote the full exercise of their rights as citizens of Louisiana. Services are provided with the goal of promoting independence through strengthening the individual's capacity for self-care and self-sufficiency. ROW is a person-centered service incorporating the beneficiaries support needs and preferences with a goal of integrating the beneficiaries within their communities.

ROW provides an opportunity for eligible individuals with intellectual disabilities to transition from an intermediate care facility for individuals with intellectual disabilities (ICF/IID), or from a nursing facility placement, by creating community-based alternatives in home settings along with an array of comprehensive supports for those individuals with intensive and/or complex needs.

There is no age restriction as part of the ROW eligibility determination.

The objectives of the ROW are to:

- Promote independence for beneficiaries through the provision of services meeting the highest standards of quality and national best practices, while ensuring health and safety through a comprehensive system of beneficiary safeguards;
- Offer an alternative to institutionalization and costly comprehensive services through the provision of an array of services and supports that promote community inclusion and independence by enhancing and not replacing existing informal networks;
- Support beneficiaries and their families to exercise their rights and share responsibility for their programs, regardless of the method of service delivery; and
- Offer access to services on a short-term basis that would protect the health and safety of the beneficiary if the family or other caregiver were unable to continue to provide care and supervision.

The Louisiana Department of Health (LDH) Bureau of Health Services Financing (BHSF) is the single state Medicaid agency that maintains administrative and supervisory oversight of the ROW. The department within BHSF that has oversight authority of the ROW is the Medicaid Program Support and Waivers (MPSW) section. BHSF MPSW designates the authority for implementation and programmatic oversight of the waiver to the Office for Citizens with Developmental Disabilities (OCDD) through an interagency agreement, with responsibility for day-to-day operations delegated to Human Services Authorities or Districts.

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Services are accessed through a single point of entry in the Human Services Authority or District.

All waiver beneficiaries choose their support coordination and direct service provider agencies through the freedom of choice process. All services must be prior authorized and delivered in accordance with an approved Plan of Care (POC). Prior authorization is completed through an independent entity contracted by LDH that also maintains the service data on all waivers for the intellectually disabled population.

ROW services are accessed through the beneficiary's support coordinator and are based on the individual needs and preferences of the beneficiary. A beneficiary's support team consists of the following persons:

- Support coordinator;
- Authorized representative;
- Appropriate professionals;
- Service providers; and
- Others whom the beneficiary chooses to develop the beneficiary's plan of care (POC) through a person centered planning process.

The POC contains all services and activities involving the beneficiary, including non-waiver services as well as waiver support services. The average beneficiary's expenditures for all waiver services shall not exceed the average Medicaid expenditures for ICF/IID services. The completed POC is submitted to the Support Coordination Agency supervisor or Human Services Authority or District office for review and approval as designated in OCDD policy. POCs approved by the Support Coordination Agency supervisor shall be submitted to the Human Services Authority or District office.

The ROW services include:

- Community Living Supports;
- Companion Care;
- Supported Employment;
- Day Habilitation;

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- Prevocational Services;
- Transportation Community Access;
- Respite Services;
  - Out of Home; and
  - Shared Living Services.
- Host Home;
- Housing Stabilization Transition;
  - Housing Stabilization; and
  - One Time Transition Services.
- Environmental Accessibility Adaptations;
- Assistive Technology/Specialized Medical Equipment and Supplies;
- Personal Emergency Response System;
- Professional Services;
- Nursing;
- Dental;
- Adult Day Health Care;
- Monitored In-Home Caregiving; and
- Support Coordination.

The ROW gives the beneficiary or authorized representative an opportunity to act as the employer in the delivery of designated self-directed services. This option provides beneficiaries with maximum flexibility and control over their supports and 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.

[www.lamedicaid.com/provweb1/Providermanuals/manuals/GIA/GIA.pdf](http://www.lamedicaid.com/provweb1/Providermanuals/manuals/GIA/GIA.pdf)

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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 ROW program must comply with the following CMS Home and Community-Based Services (HCBS) Settings criteria according to 42 CFR 441.530:

- Beneficiaries receiving any ROW 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.
- 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 POC and are based on the individual's needs, preferences, and, for residential settings, resources available for room and board;
- The setting ensures an individual's 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;
- 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.
- Beneficiaries have choice regarding services and supports, and who provides them.
- Residential settings owned or controlled by the provider must also meet the following requirements:
  - 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 Louisiana, the parish, city, or other designated entity.

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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 Louisiana's landlord/tenant law.

- The setting where services are provided must be physically accessible to the individual such that all areas of normal access are not restricted.
- Beneficiaries can control their own schedules 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.
- Beneficiaries are able to have visitors of their choosing at any time.
- Units have entrance doors lockable by the individual, with only appropriate staff having keys to doors, as needed. Individuals in provider owned or controlled residential settings shall have privacy in their living or sleeping unit.
- Individuals sharing units have a choice of roommates in that setting.
- 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 ROW 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.