

**MEDICAID SERVICES MANUAL
TRANSMITTAL LETTER**

January 31, 2023

TO: CUSTODIANS OF MEDICAID SERVICES MANUAL

FROM: CASEY ANGRES
MANAGER OF DIVISION COMPLIANCE

SUBJECT: MEDICAID SERVICES MANUAL CHANGES
CHAPTER 1800 – 1915(i) HCBS STATE PLAN OPTION ADULT DAY
HEALTH CARE AND HABILITATION

BACKGROUND AND EXPLANATION

Revisions to Medicaid Services Manual (MSM) Chapter 1800 – 1915 (i) – Home and Community Based State Plan Option Adult Day Health Care and Habilitation Services are being proposed to clarify language specific to Coverage and Limitations for the program, Provider Responsibilities, Recipient Responsibilities, Serious Occurrence Reports (SOR), Plan of Care (POC), Service Plan (SP) and Program Procedures.

Throughout the chapter, grammar, punctuation, and capitalization changes were made, duplications removed, acronyms used and standardized, and language reworded for clarity. Renumbering and re-arranging of sections was necessary.

Entities Financially Affected: The proposed changes affect all Medicaid-enrolled providers delivering Adult Day Health Care Services. Those Provider Types (PT) include Adult Day Health Care services (PT 39) and Habilitation Services (PT 55).

Financial Impact on Local Government: There is no anticipated fiscal impact known at this time.

These changes are effective February 1, 2023.

MATERIAL TRANSMITTED	MATERIAL SUPERSEDED
MTL OL CHAPTER 1800 – 1915(i) HCBS STATE PLAN OPTION ADULT DAY HEALTH CARE AND HABILITATION SERVICES	MTL 07/20 CHAPTER 1800 – 1915(i) HCBS STATE PLAN OPTION ADULT DAY HEALTH CARE AND HABILITATION SERVICES

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1803.1A(2)(c)	COVERAGE AND LIMITATIONS	Added language as diagnosed by a physician.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1803.1A (3)d		Reconstructed sentence for clarification.
1803.1B(5)	PROVIDER RESPONSIBILITIES	Deleted sentence referencing NRS 200.5091 to 200.50995 regarding elder abuse or neglect.
1803.1B(6)		Added language to clarify the dates of initial discovery and required updates for Serious Occurrence Reports (SOR).
1803.1B(6)c		Added language to include abuse, abandonment, or unexpected death.
1803.1B(6)h		Added language to include ages 18 years old and above.
1803.1B(6)l		Added another category for SOR to include Elopement.
1803.1B(7)		Added language to clarify the duration of the Service Plan (SP) and to ensure person-centered planning.
1803.1B(7)(a)		Created a new section titled Timeframes and moved language from 1803.1(B)(7) to this section. Added language regarding the timeframe of completion of the SP.
1803.1B(7)(b)		Created a new section titled Signatures.
1803.1B(7)(b)(1)		Added language regarding appropriate staff that may sign the SP.
1803.1B(7)(b)(2)		Moved language regarding recipient's signature on SP from 1803.1(B)(7) to this section.
1803.1B(7)(b)(3)		Moved language regarding creation of a signature page from 1803.1(B)(7) to this section and added language regarding designated representative signatures.
1803.2F		Updated language to clarify reportable occurrences.
1803.2H		Added language regarding how to request a transfer.
1803.3B(2)(a)		Updated language regarding development of the SP.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1803.3B(3)		Moved language regarding documentation of daily attendance from 1803.3(B)(2)(d) to this section.
1803.3B(3)(b)		Moved language regarding the delivery of services from 1803.3B(2)(d) to this section and updated terminology. Also, moved language regarding who is responsible for documentation in Nursing Log from 1803.3B(2)(d) to this section.
1803.3B(3)(b)(1)		Added language to clarify what needs to be contained in the nursing log.
1803.3B(3)(b)(2)		Added language regarding timeframe for signature of Nursing Log.
1803.3B(3)(c)	PROVIDER RESPONSIBILITIES ADHC	Created a new section for Signatures to clarify the appropriate staff that may sign the documents.
1803.3B(3)(c)(2)		Added language regarding who must sign or initial the provider's SP and attendance log. Also, moved language regarding the recipient's signature and designated representative from 1803.3B(2)(d) to this section.
1803.3B(3)(c)(3)		Moved language for the creation of the signature page from 1803.3B(2)(d) to this section and added language regarding designated representative.
1803.4B(2)(a)		Created a new section for Attendance Log. Moved language regarding documentation in daily attendance from 1803.4(B)(2) to this section.
1803.4B(2)(b)		Created a new section for Service Log. Also, moved language regarding specific services required by the POC and outlined in the SP from 1803.4(B)(2) to this section.
1803.4B(2)(b)(1)-(2)		Added the components of the Service Log including time frames and appropriate staff signatures. Moved language regarding verification of services for claims from 1803.4(B)(2) to this section.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
1803.4B(2)(c)(1)		<p>Moved language regarding staff member signatures on records from 1803.4B(2) to this section.</p> <p>Added language to identify the appropriate staff that may be required to sign or initial each document.</p>
1803.4B(2)(c)(2)		<p>Added language to clarify the recipient must sign the SP and the Attendance Log. Also moved language regarding signature of a designated representative from 1803.4B(2) to this section.</p>
1803.4B(2)(c)(3)		<p>Moved language regarding creation of a signature page from 1803.4B(2) to this section and added language regarding designated representative.</p>
1803.5	RESIDENTIAL HABILITATION	<p>Added language regarding 24 hours a day to clarify the time for protective oversight and supervision.</p>
1803.5B(2)		<p>Replaced Attendance Records and Daily Logs with Documentation to be consistent throughout.</p>
1803.5B(2)(a)		<p>Created a new section for Service Log. Also moved language regarding specific services required by the POC and outlined in the SP from 1803.5(B)(2) to this section.</p>
1803.5B(2)(a)(1)		<p>Moved language regarding documentation of daily service from 1803.5(B)(2) to this section and added minimum criteria for Service Log.</p>
1803.5B(2)(a)(2)		<p>Added language regarding the appropriate staff member that may sign the Service Log and the timeframe. Also moved language regarding verification of services for claims from 1803.5(B)(2) to this section.</p>
1803.5B(2)(b)		<p>Created a new section for Signatures.</p>
1803.5B(2)(b)(1)		<p>Moved language regarding the staff member that may sign each record from 1803.5(B)(2) to this section and added language regarding the appropriate staff member that may sign each record.</p>
1803.5B(2)(b)(2)		<p>Added language regarding signature for the provider's SP and Service Log and the timeframes.</p>

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
		Moved language regarding signature of the designated representative from 1803.5(B)(2) to this section.
1803.5B(2)(b)(3)		Moved language regarding creation of signature page from 1803.5(B)(2) to this section and added language regarding when the designated representative should sign on behalf of the recipient.
1803.5B(2)(c)		Created new section for Notifications and added language regarding evictions and discharges.
1803.5B(2)(c)(1)		Created a new section for Eviction. Added language regarding the timeframe and content of the written eviction notice.
1803.5B(2)(c)(2)		Created a new section for Discharge and added language regarding types of discharges.
1803.6A		Changed title Intake Procedures to Assessment.
1803.6A (1)		Created a new section for New Referrals. Added language regarding how to request services including the referral form.
1803.6A (1)(d)		Moved language regarding the assessment process and timeframe from 1803.6(A)(2) to this section.
1803.6A (2)		Added new section titled Re-Assessment. Moved language regarding length of authorization period from 1803.6(C)(1) to this section.
1803.6A (2)(a)		Moved language regarding timeframe related to re-assessment from 1803.6(C)(1)(a) to this section. Added language to include contact via telehealth under certain circumstances.
1803.6B		Created new section titled Transfer. Moved language regarding the process to transfer to another provider from 1803.6(C)(3) to this section.

Manual Section	Section Title	Background and Explanation of Policy Changes, Clarifications and Updates
		Added reference to authorization period and the 1915(i) Transfer form.
1803.6B(1)-(4)		Added language regarding completion of the transfer form, review by DHCFP, approval process and when the recipient may start services at the newly chosen provider.
1803.6C		Added language regarding Plan of Care (POC) development process.
1803.6C (1)		Deleted Initial POC and Initial assessment.
1803.6C (5)		Updated language from Statement of Understanding (SOU) to Statement of Choice (SOC).
1803.6C (7)(c)		Added language regarding a designated representative and the need to have the Designated Representative Attestation form completed and signed.
1803.6D		Created a new section titled Notice of Decision (NOD) for 1915(I) Services.
		Added language regarding a NOD for adverse action, reason, and effective date.
1803.6D (1)		Created a new section titled Denial Nod for Services.
		Moved language regarding recipient eligibility criteria, basis of denial and subsections from 1803.6(A)(3) to this section.
		Added new denial reasons.
1803.6D (2)		Created new section titled Termination NOD for Services and moved language regarding ineligibility from 1803.7 to this section.
		Added termination reasons and moved a, b, c, d, f, g, h, I, j, k, l, and m.
1803.7	TERMINATION OF 1915(i) SERVICES	Deleted Section Title and moved into 1803.6D(2) items a. – l.

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1803 POLICY

1803.1 NEEDS-BASED ELIGIBILITY CRITERIA

The DHCFP 1915(i) Home and Community-Based Services (HCBS) State Plan Option utilizes a needs-based criteria to evaluate and reevaluate whether an individual is eligible for services. The criteria considers the individual’s support needs and risk factors.

In order to be eligible, a recipient must need assistance or prompting in at least two Activities of Daily Living (ADL) which includes bathing, dressing, grooming, toileting, transfer, mobility, eating and must also have one of the following risk factors:

1. At risk of social isolation due to lack of family or social supports;
2. At risk of a chronic medical condition being exacerbated if not supervised by a registered nurse (RN); or
3. A history of aggressive behavior if not supervised or if medication is not administered by an RN.

The DHCFP Health Care Coordinator (HCC) conducts the needs-based eligibility determinations.

1803.1A COVERAGE AND LIMITATIONS

1. PROGRAM ELIGIBILITY

- a. An individual must meet and maintain Medicaid eligibility.
- b. An individual must be 18 years of age or older.
- c. An individual must meet the needs-based eligibility requirements.
- d. The individual must reside in the community.

2. COVERED SERVICES

- a. Adult Day Health Care.
- b. Day ~~habilitation~~Habilitation-targeted to individuals with Traumatic Brian Injury (TBI) or Acquired Brain Injury (ABI).
- c. Residential Habilitation-targeted to individuals with TBI or ABI as diagnosed by a physician.

3. NON-COVERED SERVICES

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The following services are not covered benefits under the 1915(i) HCBS State Plan Option and are therefore not reimbursable:

- a. Services provided to an individual who is not eligible for Nevada Medicaid.
- b. Services rendered to a recipient who no longer meets the needs-based eligibility criteria.
- c. Services rendered to a recipient who is no longer in the community setting but is institutionalized (hospital, nursing facility, correction or Intermediate Care Facility (ICF) for intellectual or developmental disabilities).
- d. ~~For Adult Day Health Care (ADHC),~~ aA recipient who resides in a residential setting such as group home, assisted living or other type of residential facility where a per diem rate is paid for 24-hour care is not eligible ~~for ADHC services.~~
- e. For Day Habilitation or Residential Habilitation, services provided to an individual who does not have a TBI or ABI diagnosis.

1803.1B PROVIDER RESPONSIBILITIES

1. PROVIDER QUALIFICATION

In addition to this chapter, providers must also comply with rules and regulations for providers as set forth in the MSM Chapter 100. Each 1915(i) service outlines specific provider qualifications which must be adhered to in order to render that 1915(i) service.

2. MEDICAID ELIGIBILITY

All providers must verify each month continued Medicaid eligibility for each recipient. This can be accomplished by utilizing the electronic verification system (EVS) or contacting the eligibility staff at the welfare office hotline. Verification of Medicaid eligibility is the sole responsibility of the provider.

3. DIRECT MARKETING

Providers shall not engage in any unsolicited direct marketing practices with any current or potential Medicaid 1915(i) recipient. Providers may not, directly or indirectly, engage in door-to-door, telephone, direct mail, email or other type of cold-call marketing activities. All marketing activities must be limited to the general education about the benefits of 1915(i) services.

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Marketing material must be accurate and not mislead, confuse or defraud current or potential recipients. Statements considered inaccurate, false or misleading include, but are not limited to, any assertion or statement that:

- a. The recipient must enroll with a specific provider in order to obtain benefits or in order to not lose benefits; or
- b. The provider is endorsed, certified or licensed by the DHCFP.

Additionally, compensation or incentive of any kind which encourage a recipient to transfer from one provider to another is strictly prohibited.

4. HIPAA, PRIVACY AND CONFIDENTIALITY

Refer to MSM Chapter 100 for information on HIPAA, privacy and confidentiality of recipient records and other Protected Health Information (PHI).

5. NOTIFICATION OF SUSPECTED ABUSE OR NEGLECT

State law requires that persons employed in certain capacities must make a report to the appropriate agency immediately, but in no event later than 24 hours after there is reason to suspect abuse or neglect. The DHCFP expects that all providers be in compliance with the intent of all applicable laws.

The Aging and Disability Services Division (ADSD) accepts reports of suspected abuse, neglect or self-neglect, exploitation or isolation. ~~Refer to NRS 200.5091 to 200.50995 regarding elder abuse or neglect.~~

6. SERIOUS OCCURRENCE REPORTS (SORS)

Providers must report any ~~recipient incidents, or issues regarding the provider/employee's ability to deliver services. The 1915(i) Health Care Coordinator must be notified of~~ serious occurrences within 24 hours of the initial discovery. Providers must complete the web-based Nevada DHCFP SOR Form; ~~this form is~~ available at www.medicaid.nv.gov under Provider Forms. ~~After the initial notification, A completed~~ any changes to the information initially reported about the serious occurrence(s) ~~SOR~~ must be updated ~~made~~ by a provider within five business days and maintained in the provider's recipient record.

Serious occurrences involving either the provider, employee or recipient may include, but are not limited to the following:

- a. Suspected physical or verbal abuse;
- b. Unplanned hospitalization;

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- c. Abuse, ~~Neglect~~neglect, exploitation, ~~or~~isolation, abandonment, or unexpected death of the recipient;
- d. Theft;
- e. Sexual harassment or sexual abuse;
- f. Injuries requiring medical intervention;
- g. An unsafe working environment;
- h. Any event which is reported to Adult Protective Services (ages 18 years old and above) or law enforcement agencies;
- i. Death of the recipient during the rendering of 1915(i) services;
- j. Loss of contact with the recipient for three consecutive scheduled days; ~~or~~
- k. Medication errors resulting in injury, hospitalization, medical treatment, or death.
- l. Elopement of a resident residing in a residential facility for the care of adults.

7. SERVICE PLAN

~~A service plan must be completed within 30 days of the recipient beginning services.~~
 The ~~s~~Service ~~p~~Plan (SP) is developed by the provider using the 1915(i) HCBS Plan of Care (POC). ~~At the minimum, a provider's SP and must includes include: the identified needs from the POC. The service plan must include~~ the description of services, duration, and amount of time (hourly, daily, weekly). The provider must also ensure the recipient, or the recipient's designated representative, is fully involved in the person-centered planning process which is documented on the SP.

a. TIMEFRAMES:

~~A~~The completed, signed, and dated ~~service plan~~SP must be sent to 1915i@dncfp.nv.gov ~~completed within 30~~60 calendar days of the recipient beginning or continuing services.

b. SIGNATURES

- 1. The SP must be signed by the appropriate staff as referenced in 1803.3B(3)(c)(1), 1803.4B(2)(c)(1), 1803.5B(2)(c)(1), as applicable.
- 2. The recipient must also provide a signature on the ~~Service Plan~~SP.

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3. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient's file. A designated representative may sign for the recipient **as referenced in 1803.6C(7)(c)**. The provider may create a signature page which **a designated representative can sign on behalf of encompass the recipient signature for the Service Plan SP** and any other signature requirements. If the provider uses a signature page, it must be included in the recipient file.

~~The provider must also ensure the recipient, or the recipient's designated representative, is fully involved in the treatment planning process which is documented on the Service Plan.~~

~~The recipient must provide a signature on the Service Plan. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient file. A designated representative may sign for the recipient.~~

~~The provider may create a signature page which can encompass a recipient signature for the Service Plan and any other signature requirements. If the provider uses a signature page, it must be included in the recipient file.~~

8. TRAINING REQUIREMENTS

All employees must participate in a program of general orientation and must receive training on a regular basis, but not less than 12 hours per year.

General orientation training includes, but is not limited to:

- a. policies, procedures and expectations of the provider, including recipient and provider rights and responsibilities;
- b. record keeping and reporting including daily records and attendance records;
- c. interpersonal and communication skills and appropriate attitudes for working effectively with recipients including:
 1. understanding care goals,
 2. respecting recipient rights and needs.
- d. respect for age, cultural and ethnic differences;
- e. recognizing family relationships;
- f. confidentiality;

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- g. respecting personal property;
- h. ethics in dealing with the recipient, family and other providers;
- i. handling conflict and complaints; and
- j. other topics as relevant.

NOTE: At least one employee trained to administer first aid and cardiopulmonary resuscitation (CPR) must be on the premises at all times.

1803.2 RECIPIENT RESPONSIBILITIES

Individuals receiving 1915(i) services are entitled to their privacy, to be treated with respect and be free from coercion and restraint.

The recipient or the recipient's designated representative will:

- A. Notify the provider(s) and Health Care Coordinator (**HCC**) of a change in Medicaid eligibility.
- B. Notify the provider(s) and ~~Health Care Coordinator~~**HCC** of changes in medical status, service needs or changes of status of designated representative.
- C. **Cooperate with the HCC by assisting with the assessment process.**
- ~~C.D.~~ Initial and/or sign the provider service documentation logs as applicable, verifying services were rendered unless otherwise unable to perform this task due to cognitive and/or physical limitations.
- ~~D.E.~~ Notify the ~~Health Care Coordinator~~**HCC** if services are no longer requested or required.
- ~~E.F.~~ Notify the provider(s) and the ~~Health Care Coordinator~~**HCC** of ~~unusual~~**serious** occurrences, complaints regarding delivery of services or specific staff.
- ~~F.G.~~ Not request a provider(s) to perform services not authorized in the plan of care.
- ~~G.H.~~ **Review and sign the 1915(i) transfer form when Contact the Health Care Coordinator to requesting a change of in provider.**

1803.3 ADULT DAY HEALTH CARE (ADHC) SERVICES

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Adult Day Health Care services provide assistance with the ADL, medical equipment and medication administration. Services include health and social services needed to ensure the optimal functioning of the participant. ~~ADHC Sservices are activities generally furnished in four or more hours per day~~ on a regularly scheduled basis, for a minimum of one day ~~one or more days~~ per week. ~~The schedule may be modified as specified in the plan of care.~~

1803.3A COVERAGE AND LIMITATIONS

Services provided by the appropriate professional staff include the following:

1. nursing services to include assessment, care planning, treatment and medication administration, evaluation and supervision of direct care staff;
2. nutritional assessment and planning;
3. care coordination to assist the recipient and family to access services needed by the recipient to maintain or improve their level of functioning or to minimize a decline in the level of functioning due to the progression of a disease or other condition that may not be remedied;
4. ~~assist with ADL(s) as identified in the Plan of Care POC;~~
~~recipient training in ADL~~
5. medical supervision and assistance to assure the recipient’s well-being and that care is appropriate to meet the recipient’s needs;
6. social and recreational activities to enhance the recipient’s functioning and/or to maintain or improve the recipient’s quality of life; and
7. meals provided as a part of these services shall not constitute a “full regimen” which is three meals per day.

NOTE: A recipient who resides in a residential setting such as group home, assisted living or other type of residential facility where a per diem rate is paid for 24-hour care is not eligible for ADHC services.

1803.3B PROVIDER RESPONSIBILITIES

In addition to the Provider Responsibilities listed in Section 1803.1B, providers must adhere to the following requirements specific to rendering ADHC services:

1. PROVIDER QUALIFICATIONS

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- a. Each provider of ADHC services must obtain and maintain licensure as required in the 1915(i) State Plan and NAC Chapter 449. Furthermore, providers must adhere to all requirements of NAC 449 as applicable to licensure.
- b. The provider must notify the DHCFP via email to 1915i@dncfp.nv.gov within 24 hours of the event of closure, suspension or adverse action taken by Health Care Quality and Compliance (HCQC).

2. STAFFING REQUIREMENTS

In addition to the requirements of NAC 449, each ADHC center must employ persons with the necessary education, skills and training to provide the Medicaid required services. Medical services must be provided by Nevada licensed/certified personnel and staff files maintained as required by the licensing entity.

a. REGISTERED NURSE (RN)

The center must employ a full time RN to oversee and provide medical services, particularly for physician ordered services. The RN must have at least one year of experience with the senior population, individuals with disabilities or individuals with a history of aggressive behavior. Within the first ~~30~~-60 calendar days of admission, the RN must develop a ~~Service Plan~~SP to indicate the management of each recipient's care and treatment. An RN or Licensed Practical Nurse (LPN) under the supervision of an RN, will administer medications provided to the recipient while in the center's care. An RN, or LPN under the supervision of an RN, must be physically on the premises during the hours in which a Medicaid recipient is in attendance at the center.

b. PROGRAM DIRECTOR

The center must employ a full time Program Director who has a minimum of two or more years of education and/or experience with the senior population, individuals with disabilities or individuals with a history of aggressive behavior.

The duties of the Program Director will include at a minimum the development of plans and policies for the center's operation, recruitment, employment and training of qualified staff, supervision and appropriate disciplinary action of staff, maintenance of employee and recipient information and records, maintenance of the center's physical plant, housekeeping and nutritional services and the development and implementation of an evaluation plan of recipient services and outcomes.

c. DIRECT CARE STAFF

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The center must have direct care staff who observes the recipient's functioning and provide assistance to the recipient in the skills of daily living. Direct care staff must have education, experience and necessary qualifications to work with the senior population, individuals with disabilities or individuals with a history of aggressive behavior.

The center must also provide for janitorial, housekeeping and activity staff or other staff as necessary to provide the required services and ensure each recipient's needs are met.

3. ~~d. DOCUMENTATION ATTENDANCE RECORD AND NURSING NOTES~~

a. ATTENDANCE LOG

~~The center facility must have documentation of daily attendance recorded on a log which includes: recipient's full name, date, time-in, time-out and recipient's initials or signature. and notes that indicate the health component of this service, which is maintained in the recipient's file. This documentation is verification of service provision and may be used to review claims paid.~~

b. NURSING LOG

~~The delivery of specific services required by the POC and outlined in the Service Plan SP, must be documented in the nursing log daily records. The RN on duty or an LPN under the supervision of an RN, during the provision of services is responsible for documenting in the recipient's carefile.~~

1. Nursing logs shall include the following information, but not limited to: recipient's full name, health component of the services, date of service provided and initials of the direct care staff.
2. An appropriate provider staff member must sign and date the nursing log at minimum on a monthly basis indicating services were provided.

c. SIGNATURES

1. The appropriate staff member includes, but not limited to: the RN, the LPN under the direct supervision of the RN, or the Program Director.
2. In addition to a provider's SP, the recipient must also sign or initial the attendance log.

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~~The recipient and a center staff member must sign each record. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient's file. A designated representative may sign on behalf of the recipient as referenced in 1803.6C(7)(c).~~

- ~~The center facility may create a signature page which can encompass a recipient signature for the attendance log Service Plan and any other signature requirements.~~

~~The center must have documentation of daily attendance and notes that indicate the health component of this service, which is maintained in the recipient's file. This documentation is verification of service provision and may be used to review claims paid.~~

~~The delivery of specific services required by the POC and outlined in the Service Plan must be documented in the daily records. The RN on duty or an LPN under the supervision of an RN, during the provision of services is responsible for documenting the recipient's care.~~

~~The recipient and a center staff member must sign each record. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient file. A designated representative may sign on behalf of the recipient.~~

~~The center may create a signature page which can encompass a recipient signature for the Service Plan and any other signature requirements.~~

1803.4 DAY HABILITATION

Day Habilitation services are ~~regularly scheduled~~ activities **scheduled on a regular basis, a minimum of one day per week.** These services are provided in a non-residential setting, separate from the recipient's private residence or other residential living arrangement. Services include assistance with the acquisition, retention or improvement in self-help, socialization and adaptive skills that enhance social development and develop skills in performing ADL and community living.

Activities and environments are designed to foster the acquisition of skills, building positive social behavior and interpersonal competence, greater independent and personal choice. Services are identified in the recipient's POC according to recipient's need and individual choices. Meals provided as part of these services shall not constitute a "full nutritional regimen" (three meals per day).

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Day habilitation services focus on enabling the participant to attain or maintain his or her maximum potential and shall be coordinated with any needed therapies in the recipient’s POC such as physical, occupational or speech therapy.

1803.4A COVERAGE AND LIMITATIONS

Day habilitation services are targeted to individuals who have a TBI or ABI.

1803.4B PROVIDER RESPONSIBILITIES

In addition to the Provider Responsibilities listed in Section 1803.1B, providers must adhere to the following requirements specific to rendering Day Habilitation services.

1. PROVIDER QUALIFICATIONS

- a. Each provider of Day Habilitation services must obtain and maintain certification as required in the 1915(i) State Plan.

~~2. ATTENDANCE RECORDS AND DAILY LOGS DOCUMENTATION~~

a. ATTENDANCE LOG

~~The provider-facility must have documentation of daily attendance logs which includes: recipient’s full name, date, time-in, time-out and recipient’s initials or signature. and notes that indicate the health component of this service which is maintained in the recipient’s file.~~

b. SERVICE LOG

The delivery of specific services required by the POC and outlined in the Service Plan~~an~~SP must be documented in the daily service log and maintained in the recipient’s file~~records~~.

- 1. The service log shall include the following information, but not limited to: recipient’s full name, health component of the services, date of service provided and initials of the direct care staff.
- 2. An appropriate provider staff member must sign and date the service log at minimum on a monthly basis indicating services were provided.

This documentation is verification of service provision and may be used to review claims paid.

c. SIGNATURES

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1. The recipient and ~~a center~~the appropriate staff member must sign or initial each record. The appropriate staff member would include, but not limited to: Director of the facility or designated acting Director.
2. In addition to a provider's SP, the recipient must also sign or initial the attendance log.

If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient's file. A designated representative may sign on behalf of the recipient as referenced in 1803.6C(7)(c).

3. The ~~center~~facility may create a signature page which ~~can encompass a designated representative should sign on behalf of the recipient signature for the Service Plan~~SP and any other signature requirements.

~~This documentation is verification of service provision and may be used to review claims paid. The delivery of specific services required by the POC and outlined in the Service Plan must be documented in the daily records. The recipient and a center staff member must sign each record. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient file. A designated representative may sign on behalf of the recipient. The center may create a signature page which can encompass a recipient signature for the Service Plan and any other signature requirements.~~

1803.5 RESIDENTIAL HABILITATION

Residential Habilitation means individually tailored supports that assist with the acquisition, retention or improvement in skills related to living in the community. These services include adaptive skill development, assistance with ADL, community inclusion, adult educational supports, social and leisure skill development that assist the recipient to reside in the most integrated setting appropriate to ~~his/her~~their needs. Residential Habilitation also includes personal care, protective oversight and supervision **24 hours a day**.

1803.5A COVERAGE AND LIMITATIONS

Residential Habilitation services are targeted to individuals who have a TBI or ABI.
Additionally, payment for room and board is prohibited.

1803.5B PROVIDER RESPONSIBILITIES

In addition to the Provider Responsibilities listed in Section 1803.1B, providers must adhere to the following requirements specific to rendering Residential Habilitation services.

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1. PROVIDER QUALIFICATIONS

Each provider of Residential Habilitation services must obtain and maintain certification as required in the 1915(i) State Plan

2. ~~DOCUMENTATION ATTENDANCE RECORDS AND DAILY LOGS~~

a. SERVICE LOG

The delivery of specific services required by the POC and outlined in the ~~Service Plan~~ SP must be documented in the daily service log and maintained in the recipient's file records.

1. The ~~provider facility~~ must have documentation of daily attendance and notes that indicate the service recorded on a log which includes: recipient's full name and date, ~~Health~~ component of this service, date of service provided and initials of the direct care staff. ~~which is maintained in the recipient's file.~~
2. An appropriate provider staff member must sign and date the service log at minimum on a monthly basis indicating services were provided.

This documentation is verification of service provision and may be used to review claims paid.

b. SIGNATURES

1. The recipient and a ~~center~~ the appropriate staff member must sign or initial each record. The appropriate staff member would include, but not limited to: Administrator or the employee designated to be in charge of the facility when the administrator is absent.
2. In addition to a provider's SP, the recipient must also sign the service log at minimum on a monthly basis. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient file. A designated representative may sign on behalf of the recipient as referenced in 1803.6C(7)(c).
3. The ~~center~~ facility may create a signature page which ~~can encompass a~~ designated representative should sign on behalf of the recipient signature for the ~~Service Plan~~ service log and any other signature requirements.

c. NOTIFICATIONS

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If the facility issues an eviction notice or discharges a recipient from the facility, the facility should notify DHCFP via email to 1915i@dhecfp.nv.gov within 48 hours. Facility must adhere to all requirements of NRS 449A as applicable regarding recipient's rights.

1. EVICTION

If a facility chooses to evict a resident from a Residential Habitation facility, the facility must provide the resident or their designated representative with a 30-day written notice indicating the reason(s) for the eviction.

2. DISCHARGE

A recipient voluntary or involuntary discharges from the facility under any certain circumstances.

~~The provider must have documentation of daily attendance and notes that indicate the health component of this service which is maintained in the recipient's file. This documentation is verification of service provision and may be used to review claims paid. The delivery of specific services required by the POC and outlined in the Service Plan must be documented in the daily records. The recipient and a center staff member must sign each record. If the recipient is unable to provide a signature due to cognitive and/or physical limitation, this must be clearly documented in the recipient file. A designated representative may sign on behalf of the recipient. The center may create a signature page which can encompass a recipient signature for the Service Plan and any other signature requirements.~~

1803.6 PROGRAM INTAKE AND ONGOING PROCEDURES

The following procedures describe how a person can obtain DHCFP 1915(i) HCBS services and the process required to maintain services utilizing a needs-based criteria to assess and re-assess whether an individual is eligible.

A. INTAKE PROCEDURES ASSESSMENT

1. NEW REFERRAL

- a. A family member or applicant who is interested in receiving ~~A referral or inquiry for~~ 1915(i) services may ~~be initiated~~ a new referral by email, phone, mail, fax, in person or by another party on behalf of the potential applicant.
- b. A referral form can be found on the DHCFP website.
- c. All required fields must be completed, and request documented included, in order for the referral to be accepted.

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- d. If an applicant appears to meet program criteria, a face-to-face ~~visit~~ **assessment or via telehealth under certain circumstances** will be scheduled to ~~assess~~ **determine** needs-based eligibility using the Comprehensive Social Health Assessment (CSHA) tool. The ~~DHCFP Health Care Coordinator~~ **HCC** will contact the applicant/representative within seven working days of the referral date to schedule a time to conduct an assessment.

4.2. RE-ASSESSMENT

~~2.1. If an applicant appears to meet program criteria, a face-to-face visit will be scheduled to assess needs-based eligibility using the Comprehensive Social Health Assessment (CSHA) tool. The DHCFP Health Care Coordinator will contact the applicant/representative within seven working days of the referral date to schedule a time to conduct an assessment.~~

Once a recipient is authorized for 1915(i) ~~program~~ services, that authorization period is for 12-months from the date of authorization.

- a. Prior to the 12-month authorization period ending, the ~~Health Care Coordinator~~ **HCC** will contact the recipient within 30 days to initiate a re-evaluation. The re-evaluation includes a face-to-face assessment **or via telehealth under certain circumstances**, to determine whether the recipient ~~continues to meet~~ **meets** the needs-based criteria. ~~If an applicant or representative fails to respond to the contact, a notification letter will be sent to the address on the referral form requesting contact within 10 business days, otherwise the referral will be closed.~~

- b. If a recipient has a change in condition during the authorization period, the ~~Health Care Coordinator~~ **HCC** will ~~conduct~~ **contact** the recipient/designated representative to discuss the changes ~~a visit to update~~ **and update** the POC with the ~~recipient/designated representative~~ **as applicable**.

B. TRANSFER

Once a recipient is approved for services, their authorization is for a year period. ~~During that year the provision of services,~~ if a recipient chooses to transfer to a different service provider, the recipient or representative must contact ~~a DHCFP Health Care Coordinator~~ **to initiate the transfer process by using the 1915(i) transfer form.**

- 1. The recipient or representative and the new provider must complete and sign the Transfer form.

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2. The DHCFP will review the transfer request and may conduct a visit to verify the recipient's needs if there is a change of condition since the last assessment or other circumstances occur.
3. Once the DHCFP approves the transfer request, DHCFP will authorize the new provider for the remainder of the year period.
4. A recipient may not begin services at the newly chosen provider until the transfer request has been approved and authorized

~~3.1. If during the face to face assessment, the Health Care Coordinator determines the applicant does not appear to meet the needs based criteria, a Notice of Decision will be mailed to the address on file and the applicant will be referred to other agencies for needed services or assistance not included under the 1915(i) program.~~

~~The following reasons will serve as a basis for denial:~~

- ~~a. The applicant is under the age of 18 years.~~
- ~~b.a. The applicant does not meet the needs based criteria.~~
- ~~c.a. The applicant has withdrawn his or her request for 1915(i) services.~~
- ~~d.a. The applicant's support system is not adequate to provide a safe environment during the time when services are not being provided.~~
- ~~e.a. The DHCFP Health Care Coordinator has lost contact with the applicant.~~
- ~~f.a. The applicant has moved out of state.~~
- ~~g.a. Another agency or program will provide the services.~~
- ~~h.a. The applicant is in an institution (hospital, nursing facility, correctional or ICF) and discharge within 30 days is not anticipated.~~
- ~~i. The applicant has chosen a provider that is not an enrolled or qualified Medicaid provider.~~
- ~~j. There are no enrolled Medicaid providers in the applicant's area.~~

B.C. PERSON-CENTERED PLAN OF CARE

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Once an applicant or recipient is ~~For applicants~~ determined eligible for 1915(i) services, a person-centered POC will be developed that includes, at a minimum, the individual's needs, goals to meet those needs, identified risks and services to be provided.

The recipient, family, support systems and/or designated representatives are encouraged to participate in the development of the POC and to direct the process to the maximum extent possible. **The POC development process includes the following:**

POC DEVELOPMENT PROCESS:

1. The ~~initial~~ POC is developed based on information obtained during the ~~initial~~ assessment.
2. The POC is person-centered, based on personalized goals, needs, preferences and developed with participation from the recipient, the family, the designated representative and anyone else the recipient chooses. The ~~Health-Care Coordinator~~HCC documents this information in the CSHA narrative.
3. The POC reflects the recipient's service needs and includes both 1915(i) and non-1915(i) services in place at the time of POC completion, along with informal supports that are necessary to address those needs. The ~~Health-Care Coordinator~~HCC is responsible for identifying services needed.
4. The POC development process considers risk factors, equipment needs, behavioral status, current support system and unmet service needs (this list is not all inclusive). The personalized goals are identified by the recipient and documented in the ~~initial~~ POC and each time the POC is updated with information obtained during the contacts with the recipient.
5. Facilitation of individual's choice regarding services and supports and who provides the services is given during the ~~initial~~ assessment. The recipient must sign the Statement of ~~Understanding (SOU) acknowledging Choice (SOC)~~ they had the right to choose the services and providers.
6. The POC identifies the services required, including type, scope, amount, duration and frequency of services. ~~The service providers are contacted by the Health Care Coordinator to establish availability and are given a copy of the recipient's POC prior to the initiation of services.~~
7. A recipient will receive a copy of the ~~initial~~ POC which must be signed within 60 calendar days of the date of the ~~SOU~~assessment.

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- a. If the recipient signature cannot be obtained due to extenuating circumstances, services can commence with verbal approval from the recipient.
 - b. The ~~Health Care Coordinator~~HCC shall document the recipient’s verbal approval in the CSHA narrative and obtain the signature and date on the finalized POC.
 - c. If the recipient authorizes an individual to be their designated representative, then the Designated Representative Attestation form must be completed and signed.
8. The service providers ~~are contacted by the Health Care Coordinator to establish availability and are~~ given a copy of the recipient’s POC ~~which prior to the initiation of services. The provider must also be signed and dated a copy of all new, or a reported change, POCs~~ within 60 calendar days of the POC start date. The ~~Health Care Coordinator-HCC~~ ensures the provider returns a signed copy of the POC and SP for the case file.
9. The DHCFP ~~Health Care Coordinators~~HCCs are responsible for prior authorizing 1915(i) services.

C.D. ~~ONGOING PROCEDURES~~NOTICE OF DECISION (NOD) FOR 1915(i) SERVICES

When DHCFP takes an adverse action such as denial, termination or reduction of services, a NOD will be sent to the address on file with the Division of Welfare or other address as instructed. The NOD will identify the service type, the reason and the effective date.

1. DENIAL NOD FOR SERVICES

If during the ~~face to face~~ assessment, the ~~Health Care Coordinator~~HCC determines the applicant does not appear to meet the ~~needs-based~~eligibility criteria, a ~~Notice of Decision~~NOD will be mailed to the address on file and the applicant will be referred to other agencies for needed services or assistance not included under the 1915(i) program.

The following reasons will serve as a basis for denial:

- a. The applicant is not eligible for Medicaid.
- b. The applicant is under the age of 18 years.
- c. The applicant does not meet the needs-based criteria.

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- d. The applicant has withdrawn his or her request for 1915(i) services.
- e. **The applicant has failed to cooperate with the DHCFP HCC in completing the application process including the assessment.**
- f. The applicant’s support system is not adequate to provide a safe environment during the time when services are not being provided.
- g. The DHCFP ~~Health Care Coordinator~~ **HCC** has lost contact with the applicant.
- h. The applicant has moved out of state.
- i. Another agency or program will provide the services.
- j. The applicant is in an institution (hospital, nursing facility, correctional or ICF) and discharge within 30 days is not anticipated.
- k. The applicant has chosen a provider that is not an enrolled or qualified Medicaid provider.
- l. There are no enrolled Medicaid providers in the applicant’s area.

2. TERMINATION NOD FOR SERVICES

Once a recipient is eligible for 1915(i) services, there may be circumstances which result in a recipient becoming ineligible for services. The following reasons serve as a basis for terminating a recipient from the 1915(i) HCBS State Plan Option:

- a. The recipient is no longer eligible for Medicaid.
- b. The recipient no longer meets the 1915(i) needs-based criteria.
- c. The recipient/designated representative has requested termination of services.
- d. The recipient has failed to cooperate with ~~the~~ DHCFP service providers in establishing and/or implementing the ~~POCSP~~, implementing services or verifying eligibility for services. (The recipient/designated representative signature is necessary on all required paperwork).

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- e. The recipient has failed to cooperate with DHCFP HCC in completing the re-assessment process.
- f. The recipient's support system is not adequate to provide a safe environment during the time when 1915(i) services are not being provided.
- g. The recipient fails to show a continued need for the minimum number of authorized hours for 1915(i) services.
- h. The recipient has moved out of state.
- i. The recipient chooses to transfer to a provider that is not an enrolled or qualified Medicaid provider.
- j. The recipient has signed fraudulent documentation on one or more of the providers.
- k. Another agency or program will provide the services.
- l. The ~~applicant~~recipient is in an institution (e.g. hospital, nursing facility, correctional, ICF) and discharge within 30 days is not anticipated.
- m. The DHCFP ~~Health Care Coordinator~~HCC has lost contact with the recipient.
- n. Death of recipient.

3. REDUCTION OF SERVICES

The following reasons will serve as a basis for reduction of services:

- a. The recipient no longer requires the number of service hours which was previously authorized.
- b. The recipient no longer requires the service previously authorized.
- c. The recipient's support system is capable of providing the service.
- d. The recipient has requested the reduction of services.
- e. The recipient's functional ability has improved.
- f. Another service will be substituted for the existing service.

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1. ~~Once a recipient is authorized for 1915(i) program services, that authorization period is for 12 months from the date of authorization.~~
 - a. ~~Prior to the 12-month authorization period ending, the Health Care Coordinator will contact the recipient within 30 days to initiate a re-evaluation. The re-evaluation includes a face-to-face assessment to determine whether the recipient continues to meet needs-based criteria. The POC will be updated during the re-evaluation assessment and the recipient/designated representative will receive a copy of the POC which must be signed.~~
2. ~~If a recipient has a change in condition during the authorization period, the Health Care Coordinator will conduct a visit to update the POC with the recipient/designated representative. A copy of the signed, updated POC will be provided to the recipient and service provider.~~
3. ~~During the provision of services, if a recipient chooses to transfer to a different service provider, the recipient or representative must contact a DHCFP Health Care Coordinator to initiate the transfer process including the prior authorization for the new provider.~~

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~~1803.7 ——— TERMINATION OF 1915(i) SERVICES~~

~~Once a recipient is eligible for 1915(i) services, there may be circumstances which result in a recipient becoming ineligible for services. The following reasons serve as a basis for terminating a recipient from the 1915(i) HCBS State Plan Option:~~

~~a.f. The recipient is no longer eligible for Medicaid.~~

~~b.f. The recipient no longer meets the 1915(i) needs-based criteria.~~

~~c.f. The recipient/designated representative has requested termination of services.~~

~~d.f. The recipient has failed to cooperate with the DHCFP service providers in establishing and/or implementing the POC, implementing services or verifying eligibility for services. (The recipient/designated representative signature is necessary on all required paperwork).~~

~~e.f. The recipient's support system is not adequate to provide a safe environment during the time when 1915(i) services are not being provided.~~

~~e.f. ——— The recipient fails to show a continued need for the minimum number of authorized hours for 1915(i) services.~~

~~d.f. ——— The recipient has moved out of state.~~

~~b.h. ——— The recipient chooses to transfer to a provider that is not an enrolled or qualified Medicaid provider.~~

~~c.h. ——— The recipient has signed fraudulent documentation on one or more of the providers.~~

~~d.h. ——— Another agency or program will provide the services.~~

~~e.h. ——— The applicant is in an institution (e.g. hospital, nursing facility, correctional, ICF) and discharge within 30 days is not anticipated.~~

~~f.h. ——— The DHCFP Health Care Coordinator has lost contact with the recipient.~~