

<b>DEPARTMENT OF HEALTH AND HUMAN SERVICES</b>				
<b>AGING AND DISABILITY SERVICES DIVISION</b>				
<b>2016 POLICY MANUAL</b>				
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## **POLICY**

This policy applies to Developmental Services (DS) shared living caregivers providing residential support services in Shared Living arrangements, who currently do not fall under an Administering Agency, prior to January 2013. It is the policy of DS to provide structure and standards for the provision of residential habilitation services in Shared Living arrangements.

## **PURPOSE**

To provide specific guidelines for the protection, health and welfare of individuals with developmental disabilities, through the formation, implementation and enforcement of minimum requirements for providers of residential habilitation services in a Shared Living arrangement.

## **DEFINITIONS**

**Administering Agency:** A DS Regional Center certified provider organization of supported living services that provides essential administrative oversight and support services to Shared Living providers, such as recruitment, approval to become a provider, quality assurance, training and other such functions.

**Legally Responsible Individuals (LRI):** Persons who are legally responsible to provide medical support, including spouses of individuals, legal guardians, and parents of minors receiving services including adoptive parents, stepparents, and foster parents. LRI's cannot receive payment for the provision of residential support services.

**Natural Supports:** Natural supports are the relationships and activities that occur in everyday life. Natural supports usually involve family, household members, friends, co-workers, neighbors and acquaintances who provide unpaid assistance as part of the natural relationship. Examples include supervision and support with activities of daily living.

**Person Centered Plan (PCP):** A document and working tool that identifies the individual's interests, personal goals; health and welfare needs; and agreed upon supports and services that are to be provided through a variety of programs to include Medicaid State Plan, Medicaid Waiver, natural and informal supports, generic community resources and contracted services.

**Relative/Immediate Family:** Biological or adoptive family members, including but not limited to stepparents, grandparents, great grandparents, siblings, aunts, uncles, nieces, nephews, cousins, and children.

**Residential Support Services:** Individually planned and coordinated services designed to ensure the health and welfare of the individual, and to assist in the acquisition, retention and improvement in skills necessary to support the person to successfully reside in the community. Residential Support Services are not a substitute for natural and informal supports provided by family, friends or other available community resources; however, are available to supplement those support systems.

**Shared Living Arrangement:** An arrangement in which a person, a couple or a family in the community and an individual with a disability choose to live together and share life's experiences.

**Shared Living Provider:** A self-employed person that provides residential support services to an individual with disabilities when both parties have chosen to live together in a Shared Living arrangement. A provider who brings an individual into his/her existing home in a Shared Living arrangement may not be an employee of the individual or the individual's representative.

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## REFERENCES

[Nevada Revised Statute \(NRS\) 435](#)

[Nevada Administrative Code \(NAC\)](#)

[Medicaid Services Manual \(MSM\) Chapters 100 and 2100](#)

[ADSD Policy](#)

[Developmental Services Respite Policy](#)

## PROCEDURE

### A. PROVIDER QUALIFICATIONS & CONTRACTING

1. Persons providing residential support services in Shared Living arrangements. The identified care provider must meet all qualifications outlined in Nevada Revised Statute (NRS) 435, Nevada Administrative Code (NAC) 435 and the Medicaid Services Manual (MSM) Chapters 100 and 2100, which include, but are not limited to:
  - a. Compliance with State and Federal regulatory requirements, including but not limited to, pertinent requirements as set forth by:
    - 1) Centers for Medicare and Medicaid Services (CMS)
    - 2) Division of Health Care Finance and Policy (DHCFP)
    - 3) Aging and Disability Services Division policies and procedures
    - 4) Disability Services Regional Center policies and procedures
  - b. Meet all the requirements to be enrolled and are in good standing as a Medicaid Provider (type 38), including maintaining required training and criminal clearance checks pursuant to MSM Chapters 100 and 2100;
  - c. Maintain certification by Nevada Developmental Services pursuant to NRS 435, NAC 435 and ADSD Policy and Procedure.
2. Shared Living providers must demonstrate and maintain ability to fully utilize ADSD's information management technology and must have a computer and hardware that is compatible with the ADSD information management system. It is the responsibility of the Shared Living provider to purchase the requisite equipment.
3. Shared Living providers must enter into the Provider Agreement for Residential Support Services with ADSD;
4. Failure to meet these requirements may result in termination of the Provider Agreement or application of sanctions, including requiring the Shared Living provider to subcontract with a DS certified Administering Agency.

### B. PERSON CENTERED PLANNING

1. Nevada DS utilizes the person centered planning process to develop supports and services to all individuals. Providers of Shared Living are required to participate in the person centered planning process.
2. At least annually the support team, including the individual served, people chosen by the individual (i.e. family/friends), the DS Service Coordinator, Shared Living provider, JDT

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provider, and guardian will develop a person centered plan that will identify all the paid and natural supports and services the person needs and desires in order to achieve his or her desired outcomes. Residential support services are not a replacement for the natural supports provided by family, friends, household members, etc.

3. All paid supports provided by the Shared Living provider will be included in the individual's person centered plan and will include the scope and frequency of services and supports to be provided.
4. The Shared Living provider works with the individual to develop integrated daily life routines and schedules within the home. The Shared Living provider is expected to exercise control over their work.
5. The Shared Living provider is responsible to make investments to obtain home modifications and maintain their home in a manner to meet the needs of the individual. This includes the installation of environmental modifications such as ramps, grab bars, etc.

**C. SERVICE AUTHORIZATION & PAYMENT**

1. The DS Service Coordinator will authorize all residential support services pursuant to the person centered plan.
2. Individuals receiving residential support services from non-relatives/non-immediate family members in a Shared Living arrangement where they are the only service recipient may only be authorized for up to 260 hours per month of services per month. Individuals who receive residential support services in a Shared Living arrangement where there are two service recipients may only be authorized up to 175 hours per month per individual served in the Shared Living arrangement. Residential support services are not a replacement for natural supports.
3. Individuals receiving residential support services from relatives/immediate family members in a Shared Living arrangement may be authorized up to 175 hours per month.
4. The rate for residential support provided by a Shared Living provider is the current approved DS rate for residential support services to independent providers. DS does not provide reimbursement for overnight supervision for individuals receiving residential support services in a Shared Living arrangement.
5. Providers of Shared Living are required to maintain a daily log and progress report that meets the Home and Community Based Waiver requirements. Daily records of residential support services must be completed at the time of service.
6. Providers of Shared Living must disclose if they are providing any Personal Care Services (PCA) to the individual they are living with funded through the Medicaid State Plan to the DS Regional Center Service Coordinator. DS will not contract for services that are covered by PCA services. A copy of the PCA plan and authorization must be kept in the individual record as part of the person's PCP to ensure there is not duplication of services.
7. Providers of Shared Living are responsible for accurate and timely billing the DS Regional Center for services provided.
8. DS is responsible for authorizing residential services pursuant to the person centered plan and compensating the Shared Living provider for services rendered and billed. The DS Regional Center will only provide payment for services accurately billed and justified with accurate daily records.

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9. No legally responsible individual may be reimbursed for services to their child, ward, or spouse.
10. Individuals in independent Shared Living arrangements may qualify for respite funding (refer to Developmental Services Respite Policy). When respite services are utilized, the Shared Living provider may not bill the DS Regional Center for residential support services.
  - a. Room and Board in any Shared Living arrangement setting will be determined as follows:
    - 1) The resources of the individual served, including, but not limited to, Social Security benefits, food stamps and employment earnings, will be the total resources available for Room and Board costs. State supplements for Room and Board are only utilized if the individual's resources are not sufficient to cover basic costs and must be approved by the DS Regional Center Program Manager.
    - 2) Individuals will receive the current standard allotment for food and personal needs monies, as determined annually by the DS Regional Centers.
    - 3) Individuals will retain 20% of any employment earnings, up to a maximum of \$200 monthly, to use for additional personal needs money.
    - 4) The DS Regional Center will not provide funding for furnishing the home or costs for damages incurred, unless prior authorized by the DS Regional Center Agency Manager or designee.
    - 5) Amounts approved for rent, utilities and phone will be determined based on Housing and Urban Development (HUD) fair market value, actual costs and the total number of adults and children residing the home. Housing costs are split between all adults living in the home.

#### **D. MONITORING SHARED LIVING PROVIDERS**

1. DS ensures compliance with the Shared Living Arrangements Policy, Standards of Service Provision, Home and Community Based Waiver, and current ADSD and DS Regional Center and policies.
2. DS oversees quality management and monitors compliance with certification and other requirements.
3. The DS Regional Center Service Coordinator will conduct a home visit at least every three (3) months to monitor the individual's progress in the specific Shared Living arrangement site, and to ensure that the Shared Living provider is delivering the supports in accordance with the provider standards. The Service Coordinator will document the following:
  - a. Available supports, care, and treatment. This includes, but is not limited to the needs addressed in the PCP.
  - b. Human and Civil Rights are maintained.
  - c. Oversight of self-administration of medication (if applicable) or that the administering of medication follows applicable laws, rules and regulations.
  - d. Person Centered focus is evident.
  - e. Daily logs are completed timely and accurately.

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- f. Information and documentation management is protected, secure, organized and confidential.
- g. The Shared Living provider and other family or household members, as applicable, demonstrate respect for the individual(s) served and include the individual in the day to day family routines.
- h. Assessment of the physical environment, review of disaster and fire safety plan, required training, community inclusion, personal funds, and vehicle transportation.
4. The DS Regional Center Service Coordinator will organize a visit monthly contact with the individual, in order to verify health, safety and welfare and progress toward the Person Centered Plan.
5. The DS Quality Assurance Department will complete a comprehensive environmental review of the home at least annually. A copy of the review results and a written summary of corrections implemented are kept in the Shared Living provider record for at least one (1) calendar year.
6. DS Regional Center Quality Assurance staff will complete certification and other quality reviews, as per NAC 435. This will include, but is not limited to, environmental reviews of Shared Living environments, review of records, and interviews with Shared Living providers, individuals served, guardians and DS Service Coordinators
  - a. DS Regional Center staff may conduct unannounced home visits and investigations at any time. DS Regional Center staff has the authority to examine quality of care and support delivery, the individual's records, physical premises, including the condition of the home grounds, equipment, food, water supply, sanitation, maintenance, housekeeping practices and any other areas necessary to determine compliance with standards.
7. In the event there is an allegation of abuse, neglect or exploitation and the Shared Living provider is the alleged perpetrator, the DS Regional Center will immediately place the individual(s) served in a respite setting until completion of the investigation to ensure the health, safety and welfare of the individual(s) served. The Shared Living provider will not be provided reimbursement for services while the individual(s) is placed in respite.

**E. TERMINATION OF CONTRACT BETWEEN THE SHARED LIVING PROVIDER AND DEVELOPMENTAL SERVICES:**

1. When a Shared Living provider no longer wants to provide services to the individual and/or wants to end its agreement with the DS Regional Center, they must give at least a thirty (30) written day notice to:
  - a. The individual(s) served and guardian, as applicable; and The DS Regional Center.
  - b. When a Shared Living provider initiates termination and ends the agreement with DS, the Shared Living provider must assist the DS Regional Center in efforts to facilitate a successful transition.
2. The Shared Living provider is expected to continue working for thirty (30) days unless otherwise determined by DS Regional Center.
3. Once the individual moves from the Shared Living arrangement, the Shared Living provider must apply through a DS certified Administering Agency if they wish to continue to residential support services in a Shared Living arrangement.

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4. If an emergency occurs and services must be terminated immediately, the Shared Living provider must give immediate notice to DS Regional Center.
5. DS Regional Center may terminate a contract for cause at any time. If the Shared Living provider is unable to meet required standards, Development Services may initiate sanctions including requiring the Shared Living provider to subcontract with a DS certified Administering Agency.

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**ATTACHMENTS**

Not applicable

<b>Approved By</b>		
Title	Signature	Date
Deputy Administrator		6/30/16
Division Administrator or Designee		6/30/16
<b>Document History</b>		
Revision	Date	Change