

1240-E - HABILITATION SERVICES

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I. PURPOSE

This Policy applies to ALTCS E/PD, DES DDD (DDD) Contractors; Fee-For-Service (FFS) programs including: Tribal ALTCS. Where this Policy references ALTCS or Contractor requirements the provisions apply to ALTCS E/PD, DES DDD and Tribal ALTCS unless otherwise specified. Services are designed to assist individuals in acquiring, retaining, and improving the self-help, socialization, and adaptive skills necessary to reside successfully in their own home and be a valued member of their community based on their own choices

II. DEFINITIONS

Refer to the [AHCCCS Contract and Policy Dictionary](#) for common terms found in this policy.

For purposes of this Policy, the following terms are defined as:

HABILITATION

A service encompassing the provision of training in independent living skills or special developmental skills, sensory-motor development, orientation and mobility and behavior intervention. Physical, occupational or speech therapies may be provided as a part of or in conjunction with other habilitation services.

PARENTS AS PAID CAREGIVER (PPCG) SERVICE MODEL OPTION

Permits legally responsible parents and legal guardians, with formal physical and/or legal custody to receive compensation for providing paid direct care and habilitation services to their minor child who is an ALTCS member.

III. POLICY

The habilitation services include the provision of independent living skills, orientation and mobility training, sensorimotor development, and behavior management. Services may be provided in the members' home or in a community setting but shall be provided where the expected skills will be applied.

A. ASSESSMENT OF NEED

The Direct care services must be medically necessary, based on an assessment of each member's unique needs.

The medical necessity for habilitation services is based upon an individual's age-defined capacity to absorb, learn, practice a new skill, and retain information. When determining the appropriate amount of hourly habilitation services for members under age 18, the Contractor shall utilize the following age-appropriate developmental guidelines:

1. Do not assess habilitation for ages under 3.
2. Not to exceed 5-hours in a 7-day period for ages 3-5.
3. Not to exceed 9-hours in a 7-day period for ages 6-9.
4. Not to exceed 11-hours in a 7-day period for ages 10-12.
5. Not to exceed 14-hours in a 7-day period for ages 13-17.

In specific instances where paid care is being provided by a legally responsible individual, direct care services must also be determined to be extraordinary in nature. Extraordinary care for members under the age of 18 (a minor child) is determined for each task independently and is based on the member's age and how a person of that age is generally supported by the people around them (i.e. parents, guardians). Habilitation services shall not be considered for age-appropriate learning. For example, habilitation hours should not be authorized for a child under age 4 to learn how to brush their teeth but it may be appropriate for a member aged 8 or older to have a habilitation goal focused on brushing their teeth. For additional guidance, please refer to AMPM 1620-17 HCBS Needs Assessment Tool and Guidelines.

B. BACKGROUND CHECK REQUIREMENTS

1. The provider agencies shall develop policies and procedures for, and begin conducting background checks of, Direct Care Workers (DCWs) that comply with the following standards:
 - a. At the time of hire/initial contract and every three years thereafter, conduct a nationwide criminal background check that accounts for criminal convictions in Arizona,
 - b. At the time of hire/initial contract and every year thereafter, conduct a search of the Adult Protective Services (APS) and Department of Child Services (DCS) Registries,
 - c. Prohibit a DCW from providing services to ALTCS members if the background check results contain:
 - i. Convictions for any of the offenses as specified in in ARS 41-1758.03(B) or (C), or
 - ii. Any substantiated report of abuse, neglect or exploitation of vulnerable adults listed on the APS Registry pursuant to ARS 46-459, or
 - iii. Any substantiated report of child abuse or neglect pursuant to ARS 8-804.

- d. Upon hire/initial contract and annually thereafter, obtain a notarized attestation from the DCW that they are not:
 - i. Subject to registration as a sex offender in Arizona or any other jurisdiction, or
 - ii. Awaiting trial on or been convicted of committing or attempting, soliciting, facilitating, or conspiring to commit any criminal offense listed in ARS 41-1758.03(B) or (C), or any similar offense in another state or jurisdiction.
 - e. Require DCWs to report immediately to the agency if a law enforcement entity has charged the DCW with any crime listed in ARS 41-1758.03(B) or (C),
 - f. Require DCWs to report immediately to the agency if APS has alleged that the DCW abused, neglected, or exploited a vulnerable adult,
 - g. Require DCWs to report immediately to the agency if DCS has alleged that the DCW has abused or neglected a child,
 - h. The agencies may choose to allow exceptions to the background requirements for DCWs providing who provide services exclusively to family members. However, Agencies are prohibited from allowing any exceptions for DCWs who:
 - i. Provide services under Parents as Paid Care Givers (PPCG), or
 - ii. Provide services to a member is legally unable to provide consent. If the agency allows a DCW to provide services under this exception, the agency shall:
 - 1) Notify the ALTCS member in writing that the DCW does not meet the background check standards and therefore otherwise would not normally be allowed to provide services, and
 - 2) Obtain consent from the ALTCS member to allow the DCW to provide services despite the findings of the background check.
 - i. The agencies are prohibited from allowing exceptions to the APS or DCS Registry screening requirements for DCWs providing services to family members only.
2. Comply with fingerprint clearance card requirements outlined in ARS Title 41, Chapter 12, Article 3.1. Providers may use a DCW's fingerprint clearance card as evidence of complying with the criminal background check required by this Policy in Section 1, however, the agency shall still comply with the obligation to check the APS and DCS Registries. The DCWs are prohibited from providing services to ALTCS members if the DCW is precluded from receiving a fingerprint clearance card or has a substantiated report of abuse, neglect or exploitation of vulnerable adults listed on the APS Registry pursuant to ARS 46-459 or a substantiated report of abuse or neglect of a child listed on the DCS Registry pursuant to ARS 8-804.

C. PROVIDER AGENCY REQUIREMENTS

The provider agency shall, in collaboration with the member/Health Care Decision Maker (HCDM) and the Person-Centered Service Plan (PCSP) planning team, develop:

1. Individualized and time-limited outcomes that are based on assessment data and input from the member/HCDM which will allow the member to achieve their vision for the future.
2. A specific teaching strategy for each habilitation outcome within 20 business days after initiating service or whenever a new outcome is identified by and for the member.

3. Strategies for habilitative outcomes that can be carried out in the context of the member's daily routine and provide training and technical assistance to increase and/or maintain the targeted skill acquisition by the member.
4. Processes to evaluate the effectiveness of strategies used for skill development including evaluating progress on outcomes and identifying barriers to success (no less than twice per year).
5. For paid parent providers utilizing the PPCG service model to provide paid care to their minor child, verify that the parent has been a resident of Arizona for at least six months prior to start of service provision. Failure to verify and/or report suspected non-compliance with this requirement may necessitate a referral by the Contractor or Tribal ALTCS to the Office of Inspector General and/or the Attorney General's Office. For more information on reporting fraud, waste, and abuse, refer to <https://www.azahcccs.gov/Fraud/ReportFraud/>.

D. REQUIREMENTS FOR INDIVIDUALS PROVIDING HABILITATION

An individual who assists an elderly individual or an individual determined to have a disability with activities necessary to allow them to reside in their own home (including habilitation services) shall be employed/contracted by a provider agency, or in the case of member-directed options as specified in AMPM Policy 1320-A, by ALTCS and Tribal ALTCS members in order to provide such services to ALTCS Members.

The DCWs shall possess current Cardiopulmonary Resuscitation (CPR) and First Aid certifications, and meet the DCW training and competency standards as specified in Section E of the AMPM Policy 1240-A.

The DCWs shall meet at least one of the following qualifications:

1. At least three months' experience implementing and documenting performance in individual programs.
2. At least three months' experience in providing either respite or attendant care (or similar services) and have received training in implementing and documenting performance.
3. At least three months of service under the direct supervision of an individual who is qualified to provide habilitation.

E. COMPETENCIES FOR INDIVIDUALS PROVIDING SERVICES

The individuals providing the service shall have the ability to:

1. Help the member define their personal preferences.
2. Facilitate the member's understanding of their current skill strengths and support assets relative to their goals.

3. Outline the skills the member needs to acquire.
4. Help the member acquire new skills by using teaching strategies and fading support as an individual masters the skills and outcomes.
5. Assess the level of skill development and ongoing support needed by the member, apply skills with support, and work toward using the least amount of support needed.
6. Demonstrate observation skills to identify when a member exhibits the need for additional medical or psychosocial support, or a change (decline or improvement) in condition during service delivery. All instances shall be reported to the Service Provider Agency and/or the ALTCS Case Manager.

The provider agency shall ensure and document the competency of the DCWs providing the services for a specific member(s) by assessing, supporting, and evaluating the DCWs competency to perform and teach the skills specific to the member goals.

F. DOCUMENTATION STANDARDS

1. All DCWs providing services are required to document progress on individualized, measurable goals for each member.
2. For each visit note, the individual providing services shall document service delivery as directed by the agency.
3. The provider agency shall develop and provide a quarterly summary report that is distributed to the member's ALTCS Case Manager. The minimum data points include:
 - a. Member Name,
 - b. Member Date Of Birth (DOB),
 - c. Member Identification Number,
 - d. Agency Name,
 - e. Service provided,
 - f. Overall progress specific to Planning Document outcomes,
 - g. Performance data that identifies the Member's progress toward achievement of the established outcomes,
 - h. Current and potential barriers to achieving outcomes, and
 - i. A written summary describing specific service activities.
4. The provider agency and individual providing the service shall comply with Electronic Visit Verification (EVV) requirements as outlined in AMPM Policy 540. Within 30 days of hire, the provider agency shall use the EVV system to identify DCWs who are live-in caregivers and the specific relationship to the member.
5. The provider agency shall be maintaining documentation for a minimum of 10 years.

G. PARENTS AS PAID CAREGIVER SERVICE MODEL OPTION CONDITIONS AND LIMITATIONS

1. The member shall reside in their own home.
2. The Habilitation services shall be assessed through and described in the member's PCSP prepared by the member's ALTCS Case Manager.
3. By electing to have the member's parent provide habilitation services as a paid caregiver, the member is not precluded from receiving any other medically necessary, cost-effective Home and Community Based Services (HCBS).
4. The Habilitation services provided by a parent shall meet the definition of extraordinary care as determined by assessment using the Home and HCBS Needs Tool (AMPM Exhibit 1620-17). Extraordinary care means care that exceeds the range of activities that a legally responsible parent of a minor child would ordinarily perform in the household on behalf of the ALTCS member if the member did not have a disability or chronic illness, and which are necessary to assure the health and welfare of the member and to avoid institutionalization.
5. The parent shall be employed/contracted under the following circumstances:
 - a. Employed/contracted by a Service Provider Agency that subcontracts with the member's Contractor, or
 - b. If the member is an American Indian/Alaskan Native (AI/AN) enrolled in FFS, the parent shall be employed/contracted by an AHCCCS registered Service Provider Agency.
6. The parent shall meet the standard training requirements and provider qualifications included in this Policy.
7. The parent shall be paid at a rate that does not exceed what would otherwise be paid to a non-parent caregiver providing a similar level of habilitation services.
8. The ALTCS Case Manager shall record in the member's PCSP, the election of the PPCG service model (refer to AMPM Policy 1620-D for information on Placement and Service Planning Standard, AMPM Exhibit 1620-21 - Minor Caregiver Options: Discussion Guide and Decision Roadmap and AMPM Exhibit 1620-22 - Parents as Paid Caregivers Acknowledgement of Understanding/Agreement to Follow Service Model Requirements).
9. The ALTCS Case Manager shall ensure that an ALTCS member utilizing the PPCG service model has identified a personal goal pertaining to community integration and fostering relationship at least one member-directed, individualized goal in the PCSP focused on engagement with peers in community settings. If the member would also like to focus on community integration as a habilitation goal, they can do so although it is not mandatory.

10. The ALTCS member is limited to the parent(s) providing no more than 40 hours of paid services to a single minor child member in a seven-day period. Additionally, a parent can provide no more than 16 hours of paid care within a 24-hour period for any member (regardless of member age or type of paid service(s) being provided) including but not limited to:
 - a. The scope of the limitation includes any one service or a combination of attendant care, personal care, homemaker and in-home habilitation services (refer to AMPM Policy 1240-A). This requirement is separate and apart from the service assessment to determine medically necessary and authorized services and hours as outlined in the HCBS Needs Tool (AMPM Exhibit 1620-17),
 - b. The members under the age of 18 can receive less than, equal to, or greater than, 40 hours a week of medically necessary care based on the member's unique needs and circumstances. An alternate caregiver(s) must be utilized to provide for any hours in excess of 40 hours when authorized care exceeds 40 hours in a seven-day period. Alternatively, an alternate caregiver may be utilized to provide any portion of the authorized care in combination with the PPCG service model.
11. The parent must be employed/contracted by one agency or the PPCG services they provide to one or more children.
12. The parents shall only provide services assessed and authorized in accordance with the HCBS Needs Tool (AMPM Exhibit 1620-17) including services provided during overnight hours.

H. OTHER HOME AND COMMUNITY BASED SERVICES

Other HCBS may be provided in conjunction with Habilitation, including, but not limited to, physical therapy, occupational therapy and speech therapy as specified in AMPM Policy 310-X. The habilitation providers may carry out activities designed by a therapist as part of the daily routine. The therapist is required to train primary caregivers (paid and unpaid) to carry out the therapy activities within the normal routine of the member.

The service known as Day Services provided by DDD is also considered a Habilitation service but not addressed within the scope of this Policy.

The supported employment services are considered a Habilitation services; refer to AMPM Policy 1240-J.

I. EXCLUSIONS

The members may not receive habilitation services in a licensed residential setting (i.e. Behavioral Health Residential Setting) unless the setting is covered in the AMPM Policy 1230-C, Community Residential Settings.

The members are prohibited from receiving attendant care/personal care while receiving the habilitation service (refer to AMPM Policy 1240-A). Habilitation providers are required to support the member with any personal care needs during the provision of the habilitation service.

The Habilitation services shall not be authorized by the Contractor or Tribal ALTCS while the member is engaging in, participating in, or receiving provided privately or publicly funded K-12 educational services, programs or grants.

The members may only receive Habilitation and Attendant Care services that have a skill building or maintenance component, concurrently on the same day when the services are delivered in a non-duplicative, functionally distinct manner, as specified in AMPM 1240-A. Habilitation and Attendant Care services cannot be billed for the same task at the same time. The Case Manager must still assess Attendant Care needs even if Habilitation is already addressing a related skill.