



## **Level Descriptions for Residential Habilitation, Supported Living, Medical Residential, Special Needs Adjustment and Flexible Residential Support Model**

### **General Information for Provision of Residential Services**

The residential services provider shall be responsible for providing an appropriate level of services and supports for up to 24 hours per day during the hours the person supported is not receiving Day Services or is not at school or work, based on the person's support needs. Persons supported should receive the amount of support they need while also, consistent with the federal HCBS Settings Rule, have freedom in choosing to spend time alone or engage in activities without paid staff present, unless there are specific safety concerns that cannot be mitigated to a tolerable level of risk.

Providers are responsible for providing an appropriate level of supports, including enabling technology, paid staff, and natural supports, as applicable, to ensure each person's health and safety, while maximizing personal choice and independence, and not restricting individual rights and freedoms, except as minimally necessary and in accordance with the Federal Rule.

### **Flexible Residential Support Model**

As it relates to persons supported in Residential Habilitation and Supported Living levels of need 2-4, the provider may be reimbursed for periods of unsupervised time by requesting the Flexible Residential Support Rate on behalf of the person. People using the Flexible Residential Support Rate will decide what times of the day and/or week they want direct supports, and which times they want to use alternative tools to meet their support needs in the home and/or community (e.g., Enabling Technology, remote supports, natural supports, etc.). In addition, where applicable all requirements for the individual's safety in the absence of a staff person must be met. The approval of this rate does not change the Level of Need designated for the individual, but adjusts the reimbursement rate based on the following criteria:

Before implementing changes in the staffing model and requesting less than 24hr support, the following should occur:

1. A review by the Circle of Support of the person's actual support needs, desire and capacity to spend time and/or participate in activities without paid support-either independently, using natural supports, or with Enabling Technology, the potential risks or concerns, and how such concerns can be mitigated.
2. A plan for how staffing models will be adjusted based on the individualized assessment, including an emergency backup plan for immediate staff response as needed and how the provider will monitor the impact of any changes in the staffing models to quickly identify and address potential concerns; and
3. If the plan includes the use of Enabling Technology, a Technology Assessment and an Enabling Technology Plan.

DIDD has an Enabling Technology Champion in every region. These resources can assist you and those you support in your efforts to consider alternative support models and provide valuable guidance regarding assessments and person-centered plan development.

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### **General Staffing Plan Requirements**

The provider must develop a staffing plan and schedule for each home in which the following residential services are provided: residential habilitation, supported living and medical residential. The staffing plan must comply with any licensing requirements and be adequate to protect the individual's health and safety and carry out all activities required to meet the outcomes and goals identified in the Person-Centered Support Plan. The plan must address staff coverage for peak hours, overnight hours, and emergency and back up staffing. The provider's staffing plan for the home must be present in the home and the provider's adherence to the plan will be monitored by DIDD employees. Additional requirements must be met as described in level of need descriptions in this document.

### ***Flexible Residential Support Model Staffing Plan Guidance:***

When developing a staffing plan for each home in which the flexible residential support model is being utilized it may need to look different from the traditional staffing plan that includes specific hours of the day and specific days of the week a person's home will be staffed. A staffing plan for flexible residential support may need to be more activity based rather than time based. The flexible support model staffing plan should be broader and allow for flexibility in how the person spends their day. At a minimum it should include the following:

- a. A description of how the home will be staffed and how the person will spend time and/or participate in activities without paid support-either independently, using natural supports, with Enabling Technology, or other alternative supports.
- b. During times of supervision, ensure sufficient staff to meet the staffing requirements as described in this Level of Need Descriptions document.
- c. A provider working directly with the person supported and their Circle of Support (COS) must develop an emergency response plan detailing emergency communication methods and response procedures for requested on-site assistance.
  - i. The staffing plan and emergency response plan must be submitted to the plan reviewer with the request for service authorization (the staffing plan and emergency response plan can be combined).

### **Level Descriptions:**

### **Residential Habilitation and Supported Living (Levels 1, 2, 3, 4, 5 and 6)**

#### **Level One**

Level One rates are to serve an individual who requires onsite access to one (1) staff person to provide minor support to perform the activities of daily living and to remain safe and healthy. The individual may need reminders to perform some self-care or other activities of daily living and may

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require some or complete assistance to complete activities such as money management and making health care arrangements. The individual does not have behavioral or medical needs that are significant enough to routinely restrict participation in day services or community activities. Overnight staff are not required to stay awake.

### **Level Two (Shift Staff Model)**

Level Two rates are to serve an individual who requires onsite access to one (1) staff person to provide a moderate amount of staff support to perform activities of daily living and needs close supervision to remain safe and healthy. The person may need assistance as well as reminders to perform some or all self-care tasks and other activities of daily living such as money management and making healthcare arrangements. The individual does not have behavioral or medical needs that are significant enough to routinely restrict participation in day services or community activities. Overnight staff are not required to stay awake.

### **Level Two (Flexible Residential Support Model)**

**Level Two** staff support and supervision when using the flex rate model requires at least one (1) staff person to be on site **or available** whenever an individual is present in the home. Periods of unsupervised time during awake hours may be permitted by indication in the revised staffing plan. Unsupervised time can occur during awake or overnight hours with emergency response procedures in place.

### **Level Three (Shift Staff Model)**

Level Three rates are to serve an individual who requires onsite access to one (1) staff person to provide assistance with most or all activities of daily living including basic self-care tasks such as eating, dressing, bathing and toileting as well as more complex activities of daily living. The person requires continuous staff supervision including awake overnight staff in order to remain safe and healthy.

### **Level Three (Flex Residential Support Model)**

**Level Three** staff support and supervision when using the flex rate model requires at least one (1) staff person to be on site **or available** whenever an individual is present in the home. Periods of unsupervised time during awake hours may be permitted by indication in the revised staffing plan. Unsupervised time can occur during awake or overnight hours with emergency response procedures in place.

### **Level Four (Shift Staff Model)**

Level Four rates are to serve an individual who has behavioral or other needs that are so significant that the person requires close support. At least one (1) staff person must be on site whenever an individual is present in the home and two (2) staff must be present during some times each day, including onsite awake overnight, staff so that the person is not a danger to him or herself or the community and so that the person does not destroy property. The person's staffing plan must specify the activities for which two (2) staff are necessary.



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Level Four rates are also to serve an individual who requires onsite staff assistance with all activities of daily living including basic self-care and requires intensive staff support for integration of multiple health and safety strategies throughout the day including specialized positioning, specialized mealtime assistance techniques and transfers requiring more than one person to assist.

### **Level Four (Flexible Residential Support Model)**

**Level Four** staff support and supervision when using the flex rate model requires at least one (1) staff person must be on site **or available** whenever an individual is present in the home, and additional staff support must be available and provided, as needed, for activities for which two (2) staff are necessary and via emergency response as indicated in the emergency staffing plan. Overnight staffing will not be required to stay awake during these emergency allowances but must still be on-site.

### **Level Six**

Level Six rates are to serve an individual who has behavioral or other needs that are so significant that the person requires extremely close, continuous support requiring onsite access to two (2) staff at all times, including the need for onsite access to two (2) awake overnight staff, so that he/she is not a danger to him/herself or the community. Level 6 rates may also be used for individuals who require that level of staffing for preventative purposes for an individual with a low frequency behavior that was life threatening to others in the past (e.g., murder, pedophilia).

Level Six rates are not to serve an individual with medical needs or who requires two (2) person transfers, etc., that can be met safely and cost-effectively in Medical Residential Services (Level 5).

### **Medical Residential Services (Level 5)**

Medical Residential rates are to serve individuals living alone or in a home shared by individuals who have similar needs. They are individuals who have medical needs sufficient to have a physician's order that requires direct skilled nursing on a daily basis and at a level that cannot for practical purposes be provided through two (2) or fewer visits by a licensed nurse. These individuals require health care oversight provided by a Registered Nurse. Each person requires onsite access to one (1) staff person and may need limited to complete support to perform activities of daily living. For individuals who are receiving Medical Residential Services, a staff person licensed as an LPN or higher qualification must be onsite as per the doctor's order.

### **Special Needs Adjustment**

A special adjustment is available for Levels 1-4. The adjustment does not change the rate Level designated for the individual, but adjusts the rate Level to meet one or more of the following circumstances:



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1. The individual has a history of significant behavioral or psychiatric needs that are now not apparent due to the design or intensity of services being received and the rate level does not cover the cost of such services. Less intensive services will likely result in recurrence of previous needs. The Regional Office must review the special adjustment at least annually.
2. The individual is in circumstances that are time limited but that require support(s) at a higher level than described by the Level and the rate level does not cover the cost of such services. For example, the person has had a serious illness, injury, or surgery that requires more support while he is recovering than the Level describes. A special needs adjustment may be approved for up to 90 days and may be extended for an additional 90 days.
3. The person needs a roommate and requires a special adjustment until one moves in. A special adjustment may be approved for up to 90 days and may be extended for an additional 90 days.