

**1240-E - HABILITATION SERVICES**

EFFECTIVE DATES: 02/14/96, 10/01/01, 03/01/06, 03/01/07, 10/01/07, 07/01/12, 03/01/13, 10/01/13, 06/01/14, 10/01/14, 10/01/17

REVISION DATES: 10/01/01, 03/01/06, 03/01/07, 10/01/07, 07/01/12, 03/01/13, 10/01/13, 06/01/14, 10/01/14, 07/20/17

**I. PURPOSE**

This Policy applies to ALTCS/EPD, DES/DDD Contractors, Fee-For-Services (FFS) and Tribal ALTCS as delineated within this Policy. This Policy establishes guidelines for Contractors regarding coverage of habilitation services for Arizona Long Term Care System (ALTCS) members. The service known as Day Treatment and Training, for individuals with developmental disabilities, is included under habilitation services. Services are designed to assist individuals in acquiring, retaining and improving the self-help, socialization and adaptive skills necessary to reside successfully in his/her own home or an Alternative HCBS setting. These services include the provision of training independent living skills or special developmental skills, orientation and mobility training, sensory-motor development and supported employment. Physical therapy, occupational therapy, and speech therapy may be provided in conjunction with habilitation services as described in this Policy. Members may not receive habilitation services while residing in a Behavioral Health Residential Facility.

**II. DEFINITIONS****ALTERNATIVE HOME AND  
COMMUNITY BASED  
SERVICES (HCBS)  
SETTING**

A living arrangement approved by the Director and licensed or certified by a regulatory agency of the state, where a member may reside and receive HCBS, including:

1. For a person with a developmental disability specified in A.R.S. § 36-551:
  - a. Community residential setting defined in A.R.S. §36-36-551,
  - b. Group home defined in A.R.S. § 36-551,
  - c. State-operated group home under A.R.S. § 36-591,
  - d. Group foster home under R6-5-5903,
  - e. Licensed residential facility for a person with traumatic brain injury under A.R.S. § 36-2939,
  - f. Behavioral health adult therapeutic home under 9 A.A.C 20, Articles 1 and 15,
  - g. Level 2 and Level 3 behavioral health residential agencies under 9 A.A.C. 20, Articles 1, 4, 5, and 6, and
  - h. Rural substance abuse transitional centers under 9 A.A.C. 20, Articles 1 and 14.
2. For a person who is Elderly and/or Physically Disabled (EPD) under R9-28-301, and the facility, setting, or

institution is registered with AHCCCS:

- a. Adult foster care defined in A.R.S. § 36-401 and as authorized in A.R.S. § 36-2939,
- b. Assisted living home or assisted living center, units only, under A.R.S. § 36-401, and as authorized in A.R.S. § 36-2939,
- c. Licensed residential facility for a person with a traumatic brain injury specified in A.R.S. § 36-2939,
- d. Behavioral health adult therapeutic home under 9 A.A.C. 20, Articles 1 and 15,
- e. Level 2 and Level 3 behavioral health residential agencies under 9 A.A.C. 20, Articles 1, 4, 5, and 6, and
- f. Rural substance abuse transitional centers under 9 A.A.C. 20, Articles 1 and 14.

**BEHAVIORAL HEALTH FACILITY**

A health care institution, as defined in A.A.C. R9-10-101, that provides continuous treatment to an individual experiencing a behavioral health issue that causes the individual to:

1. Have a limited or reduced ability to meet the individual's basic physical needs,
2. Suffer harm that significantly impairs the individual's judgment, reason, behavior, or capacity to recognize reality,
3. Be a danger to self,
4. Be a danger to others,
5. Be a person with a persistent or acute disability as defined in A.R.S. §36-501, or
6. Be a person with a grave disability as defined in A.R.S. §36-501.

**DIRECT CARE WORKER**

A person who assists an elderly person or an individual with a disability with activities necessary to allow them to reside in their home. These individuals, also known as Direct Support Professionals, must be employed/contracted by DCW Agencies or, in the case of member-directed options, employed by ALTCS members in order to provide services to ALTCS members.

**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. This includes habilitation services such as Day Treatment and Training (also known as day program) for

persons with disabilities and Supported Employment.

**HOME AND COMMUNITY BASED SERVICES** Home and community-based services, as specified in A.R.S. §36-2931 and §36-2939.

### **III. POLICY**

Habilitation provider agencies must be certified by Arizona Department of Economic Security/Division of Developmental Disabilities and registered as an AHCCCS provider prior to rendering services to ALTCS members. The number and frequency of services is determined through the service assessment and planning process conducted by the case manager and specified in the member's service plan. These services must be medically necessary and cost effective. Habilitation services may be provided in two ways: 15 minute increments or a per diem rate. A person who assists an elderly person or an individual with a disability with activities necessary to allow them to reside in their own home (including habilitation services) must be employed/contracted by a provider agency, or in the case of member-directed options (as specified in AMPM Policy 1312), by ALTCS members in order to provide such services to ALTCS Members.

#### **A. NO LATER THAN OCTOBER 01, 2018**

1. Provider agencies must 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 Arizona Adult Protective Services Registry.
  - c. Prohibit a DCW from providing services to ALTCS members if the background check results contains:
    - i. Convictions for any of the offenses listed in A.R.S. §41-1758.03(B) or (C), or
    - ii. Any substantiated report of abuse, neglect or exploitation of vulnerable adults listed on the Adult Protective Services Registry pursuant to A.R.S. §46-459.
  - d. Upon hire/initial contract and annually thereafter, obtain a notarized attestation from the DCW that he/she is not:
    - i. Subject to registration as a sex offender in Arizona or any other jurisdiction,
    - ii. Awaiting trial on or been convicted of committing or attempting, soliciting, facilitating or conspiring to commit any criminal offense listed in A.R.S. §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 A.R.S. §41-1758.03(B) or (C).
  - f. Require DCWs to report immediately to the agency if Adult Protective Services has alleged that the DCW abused, neglected or exploited a vulnerable adult.

- g. Agencies may choose to allow exceptions to the background requirements for DCWs providing services to family members only. If the agency allows a DCW to provide services under this exception, the agency shall:
    - i. 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
    - ii. Obtain consent from the ALTCS member to allow the DCW to provide services despite the findings of the background check.
  - h. Agencies are prohibited from allowing exceptions to the Adult Protective Services Registry screening requirements for DCWs providing services to family members only.
2. Provider agencies are required to comply with Fingerprint Clearance Card requirements outlined in A.R.S. 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, however, the agency must still comply with the obligation to check the Arizona Adult Protective Services Registry. 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 Adult Protective Services Registry pursuant to A.R.S. §46-459.

## **B. 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. Habilitation providers may carry out activities designed by a therapist as part of the daily routine. AHCCCS encourages the therapist to train primary caregivers (paid and unpaid) to carry out the therapy activities within the normal routine of the member.