

TITLE 404 COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH
DEVELOPMENTAL DISABILITIES

CHAPTER 5 INDIVIDUAL SUPPORT OPTIONS (ISO)

5-001 SCOPE: This chapter governs:

1. Provider requirements for Individual Support Options (ISO) services for adults with developmental disabilities;
2. The initial certification of Individual Support Options providers; and
3. The certification of Individual Support Options providers on an ongoing basis.

5-002 PURPOSE: There are two major types of supports that fall under this Individual Support Options: Supported Living (SL) and Supported Day (SD).

5-002.01 Individual Support Options means that services can be provided for as long as 24 hours a day and can include both continuous and intermittent supports. There must be flexibility of services that change, as the person's needs change, without the individual having to move elsewhere for services. These services must:

1. Be person centered;
2. Demonstrate that the individual is in charge of his/her services and supports;
3. Promote the freedom for an individual to live a meaningful life and participate as a member of the community as any other citizen;
4. Promote the individual's rights and autonomy;
5. Promote the use of generic services, natural supports, and options;
6. Assist the individual in acquiring, retaining, and improving the skills and competence necessary to live successfully in his/her residence and as a member of the larger community; and
7. Promote well planned and proactive opportunities for the individual and his/her family to determine the type and amount of support desired with meaningful direction from the individual, the individual's family or guardian (where appropriate) and the proposed or current provider (as appropriate and desired).

5-002.02 Individual Support Options includes the provision of the following:

1. Habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the individual(s) receiving services;

2. A combination of lifelong or extended duration support, training, and other services essential to daily living; and
3. Protective oversight to do, to whatever degree necessary, what is required to ensure that basic health and safety are always provided and readily available.

5-002.03 Supported Living: Supported Living is defined as supports provided in the community for an individual eligible for developmental disability services, with no more than two other individuals with developmental disabilities in a residence that it is under the control and direction of the individual(s). The residence must be in a community integrated setting.

Supported Living means that the individual(s) have control and choice over where and with whom they live. Providers may suggest potential roommates for individuals, but the recommendation must not be based on diagnosis alone but by the individuals' preferences and compatibility.

The number of individuals with developmental disabilities alone does not define Supported Living. Supported Living is an option that can be considered by the individual receiving support and offered by providers as an option in their menu of services. If an individual chooses Supported Living, or if the provider chooses to offer Supported Living as a service option, the requirements of this chapter must be met for this option to be exercised.

Supported Living options are for a maximum of three individuals with developmental disabilities (not including staff) who choose to live together in this type of arrangement. The provider of specialized DD services must be able to document that the individual(s) chose the supported living residence and that the lease or mortgage is under the control of the individual(s). The owner or lessee of the property must be unrelated, directly or indirectly, to the provider of specialized services.

5-002.03A An Extended Family Home (EFH) situation may qualify as a Supported Living option if the requirements of Individual Support Option services described in this chapter are met. To be considered, it must be a residence for no more than two individuals with developmental with disabilities, owned or leased by the subcontractor providing supports. The individual, who is his/her own payee or representative payee, pays room and board directly to the subcontractor. Agency owned housing when the EFH provider is engaged as a subcontractor does not qualify as a Supported Living option.

5-002.04 Supported Day: Supported Day is defined as day supports provided for three or fewer individuals as part of an array of supports in a non-facility based option. This is an option where a majority of the non-paid adults present are individuals without developmental disabilities who are part of the typical community.

Supports offered may include, but are not limited to, supported employment, self-employment, regular work, and other inclusive non-facility, participatory activities that bring monetary or social value to a person's life. These are all part of what may be considered a meaningful day.

5-003 CERTIFICATION OF INDIVIDUAL SUPPORT OPTIONS PROVIDERS: Only a certified, specialized DD provider is eligible to provide Individual Support Options services under contract with the Department. To become certified, and to maintain certification, the provider must:

1. Comply with the applicable provider requirements in 404 NAC;
2. Designate the choice to become a provider of Individual Support Options services and obtain certification as described in 404 NAC 4 and 5;
3. Comply with all applicable federal and state laws and regulations;
4. Support individuals with developmental disabilities who have chosen Individual Support Options to increase independence, productivity, and community integration; and
5. Ensure that the type and intensity of services specified in the Individual Program Plan (IPP) are commensurate with identified strengths and preferences that enhance community membership.

5-003.01 Certified Provider Responsibilities: Once certified as an Individual Support Options provider in good standing, the provider must meet all of the certification requirements of this section to remain certified by the Department.

5-003.02 Certification Requirements: The Individual Support Options provider must develop and implement policies and procedures that encompass the following:

5-003.02A Administrator: Each provider must identify an administrator who is responsible for overall management of the provision of Individual Support Options services, and ensure compliance with applicable requirements in 404 NAC 5.

5-003.02B Rights: Inherent in Individual Support Options is that supports and services are delivered in the individuals' homes, or in the community. The same rights and responsibilities of any citizen apply in Individual Support Options.

5-003.02C Restriction of rights, person, or property is not allowed in Individual Support Options services.

5-003.02D Restraints are prohibited, but an emergency safety intervention can be used in a situation where the individual is in danger of immediate jeopardy or harm. If there are disruptive or challenging behaviors displayed by an individual, then a safety and support plan must be developed utilizing the principles of positive behavioral supports (see 404 NAC 4-005.03).

5-003.02E Psychotropic medications taken by the person due to diagnosed mental illness (a dual diagnosis of a severe and persistent mental illness in conjunction with a developmental disability) must be prescribed by a physician, who has authority in his/her scope of practice to determine the diagnosis, and used only with the consent of the individual in services. If symptoms reappear and the ongoing use of medication is no longer effective, a positive behavioral supports plan must be established and in place to address those symptoms

when they occur. No specific plan is required to reduce or eliminate the medication.

Psychotropic medications used solely for the purpose of modifying behaviors may be used only with the consent of the individual, with a plan to reduce and eliminate the medication, and in conjunction with a positive behavioral supports plan. There must be evidence that a less restrictive and more positive technique had been systematically tried and shown to be ineffective.

No positive behavioral supports plan is required when an individual is prescribed a medication that has the effect of behavior modification, but is prescribed for other reasons, as documented by a physician.

All psychotropic medications must be reviewed by the rights review committee as outlined in 404 NAC 4-011. There must be an annual review by the prescribing physician and a semi-annual review by the IPP team of all psychotropic medications utilized. There must be clear and convincing evidence that the individual has a person-centered plan demonstrated by data and outcome measures.

5-003.03 Residence Safety: An individual receiving Individual Support Options services must agree to keep his/her residence safe. This must be addressed in the IPP; this is not the provider's responsibility. The individual must ensure his/her residence has operable smoke detectors properly installed. The individual smoke detectors must be tested at least quarterly.