



Home and Community Based Services Waiver Program

Consumer Handbook 2024

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PATHFINDER, INC.

Mission Statement

Pathfinder, Inc. is dedicated to the development and implementation of individually designed strategies that enable people with developmental disabilities to pursue total access to community life.

Philosophy

A basic concept of Pathfinder, Inc. is that all people, regardless of individual differences and intellectual abilities, have an inalienable right to programs and services, which are consistent with their needs, and helps them to achieve their maximum potential.

Pathfinder, Inc. seeks to provide the best possible programs and services for individuals we serve with developmental disabilities to expand their growth opportunities. Pathfinder, Inc.'s focus always remains on helping to enrich the quality of life for the people we serve.

Underlying these concepts are the beliefs that: all human beings have intrinsic worth regardless of intellectual ability; that all human beings have potential for development; and that, with few exceptions, every human being has both the ability and the duty to contribute something of value to his fellow man.

Service Goals

The service goals developed in light of this philosophy are:

- To help the individual with developmental disabilities become or remain self-sufficient by seeking to develop personal, social, academic and problem solving skills necessary to function independently in society.
- To protect children and adults who cannot protect themselves from abuse, neglect and exploitation and to help families stay together by providing an array of services for the individual with developmental disabilities.
- To arrange for appropriate placement and services that provide the least restrictive environment and which is in the individual's best interest.

BOARD OF DIRECTORS

NAME	OFFICE	ELECTION DATE	TERMS
Robert Ferguson 2228 Cottondale Lane, Suite 200, Little Rock, AR 72202 Phone: 501-221-3800	Chair	December 2023	3 years
Jan Baker 127 Wellington Plantation Lane, Little Rock, AR 72211 Phone: 703-677-6287	Vice-Chair	November 2025	3 years
Lisa Bamburg (Consumer Representative) 180 Maplewood Dr. Cabot, AR 72023 Phone: 501-658-5613	Secretary	November 2025	3 years
Rev. Wendall Dorman 218 Grandview Drive, Hot Springs, AR 71913 Phone: 501-519-0672	Member	December 2024	3 years
Randy Lann (Consumer Representative) 9 Gander Pointe, Vilonia, AR 72173 Phone: 501-835-8829	Member	December 2025	3 years
Baxter Drennon 500 President Clinton Ave, Suite RL20, Little Rock, AR 72201 Phone: 501-265-9927	Member	December 2023	3 years
John Burkhalter 26 Collins Industrial Place, North Little Rock, AR 72113 Phone: 501-539-3003 Office: 501-753-6400	Member	December 2023	3 years
Barbara McCreight 4020 Elizabeth Court, Benton, AR 72019 Phone: 501-944-0398	Member	November 2025	3 years
Andrew Branch 5738 S. Chanberry Lane, Rogers, AR 72758 501-722-8784	Member	May 2023	3 years
Matt McClendon 26 Edgehill Rd, Little Rock, AR 72207 501-240-5600	Member	August 2023	3 years

Pathfinder, Inc. Home and Community Based Services (HCBS)

Program Description

Pathfinder, Inc. Home and Community Based Services (HCBS) is designed to provide individuals with disabilities the right to live in a home of his/her choice and to have a role as a participating and accepted member of his/her community. The planning, coordination, and implementation for support services are based upon consumer's individual needs and preferences to assist him/her in reaching maximum growth potentials toward independence.

The type and level of support is based upon evaluation, diagnosis, and an assessment of the needs and preferences of each individual receiving services. Person Centered Service Plan (PCSP) assures teamwork consistency in service delivery are discussed during the PCSP.

The program provides opportunities and avenues to learn from participation in daily life experiences. Individuals will learn most readily when they have the daily opportunity to face the challenges and consequences, while also experiencing the reward of the environment to which they are trying to adjust.

The consumer of services is an active participant in the service delivery plan. The program recognizes that individuals with developmental needs have a need, equal to that of any other citizen, to control their own lives, to manage their own affairs, and to make their own decisions concerning the present and future direction of their lives.

The program is designed to serve as a connecting force in the establishment of fulfilling and meaningful relationships for the individual. All individuals, regardless of their disability have the need to feel accepted within the community and to participate in activities, interactions, and mutually supported relationships with a variety of people in a variety of environments.

Mission

Individuals who experience developmental disabilities are too often the victims of rejection and segregation from the mainstream of society. Without some assistance, they seldom have the adequate decision making capabilities, social skills, and resources needed to develop significant personal relationships aside from caring family members or professional personnel. Because of the stigma that can be attached to their disabilities, they may find themselves isolated from normal, everyday community activities and routines which non-handicap persons take for granted. This isolation becomes even more apparent when individuals reside within an institution or nursing home. In these environments, there is often very little opportunity to interact with others and participate as a member of the community.

It is the intent of Home and Community Based Services (HCBS) to be a connecting force in integrating individuals with disabilities into successful and fulfilling community life. The program seeks to help each consumer gain more control, competence, and confidence with things in their lives that are meaningful to them. Through personalized training, the individual gradually learns self-sufficient life skills including:

- Assuming greater responsibility for his/her life situation
- Being included in ordinary community experiences at the maximum capacity

- Developing lasting relationships with typical citizens and family members

Philosophy

The Home and Community Based Services (HCBS) component of Pathfinder, Inc. upholds the agency's basic concept that all people, regardless of individual differences and intellectual abilities, have an inalienable right to an education and vocational program which is consistent with their needs and helps them to achieve their maximum potential. The program also supports the belief that every person has the right to live in the community of his/her choice and to become integrated as an active, accepted member.

Service Goals

The services goals assist adults with developmental disabilities to lead meaningful lives in small, dispersed segments of the community through the following:

- To build self-esteem and self-confidence which will be carried over into all parts of his/her life.
- To acquire life skills and decision making capabilities in the control of one's life and to live as independently as possible.
- To send positive messages about the individual to the community associates for the encouragement of interaction and the development of mutually satisfying relationships.
- To protect the legal rights of the consumer and to advocate with the community resources for the enhancement of quality of life.
- To develop effective teaching methods in promoting maximum participation and input from the consumer in establishment of his/her learning goals and the responsibilities to achieve these goals.
- To create growth-producing challenges and opportunities.
- To provide ongoing support as often and for as long as needed, so each individual may have a safe, healthy, and satisfying life experience as a contributing member of his/her community.

Funding Source

Pathfinder, Inc. Home and Community Based Services (HCBS) are funded through Developmental Disability Services Medicaid Waiver.

Accreditation

Pathfinder, Inc. has received accreditation from Commission on Accreditation of Rehabilitation Facilities (CARF).

Admission/Discharge

Application for Medicaid Waiver

To apply for Waiver services please call DDS Intake and Referral (501) 683-5687. There is a waiting list for Medicaid Waiver services so the sooner an application is placed on file the sooner an individual will be able to receive these valuable services.

Eligibility for Medicaid Waiver

In order for an individual to be eligible to receive Waiver Services, they will be required to complete the intake and assessment process of the Developmental Disability Services (DDS) Home and Community Based Services (HCBS) Program. This includes: determination of categorical eligibility, institution level-of care determination, comprehensive diagnosis and evaluation (including an independent assessment), development of a person-centered service plan (PCSP), cost comparison to determine cost effectiveness, and notification of a choice between home and community based services and institutional services.

Waiting List

Pathfinder, Inc. Waiver Program does not maintain a waiting list. Applicants waiting for services are maintained by Department of Disability Services (DDS). An individual may be placed on one (1) of two (2) waiting lists:

- Regular Waiting List: All individuals not eligible for priority placement
- Specialized Waiting List: To include one (1) of the following: DSFC custody, State Hospital, ICF/IID resident with waiting waiver placement, applicant or resident DDS operated group home or apartment

Referral

Upon an individual being deemed eligible to receive Waiver Services, Pathfinder, Inc. will receive the referral from DDS. This referral will contain the information about the individual necessary for Pathfinder, Inc. Waiver Services to determine if they are able to provide the services the individual requires. In the instance that an individual's needs cannot be accommodated, an *"Unable to Serve Form"* will be submitted to DDS to inform them of the decision and the reasons for the decision.

Acceptance Decision

The committee will meet in order to review pertinent information about the individual to determine if the individual is eligible to receive services in the requested environment, either in their own home residence or family residence or a Waiver Home. Upon collaboration of the team, a decision will be made regarding the teams determination. If the individual is determined ineligible, the individual, parents/guardian, and referral source will be informed and given the reasons for the decision. Additionally, they will be provided recommendations of other programs or facilities that might be able to accommodate the needs of the individual.

If the individual is determined eligible for the requested environment, a date for admission will be arranged by the committee. The individual, parents/guardian, and referral source will be informed of the decision of the team.

Discharge

An individual may be discharged for the following reasons:

- The health and safety of the individual, caregivers, workers cannot be assured

- The individual or legally responsible person has refused or refuses to participate in the plan of care development or to permit implementation of the plan of care
- The individual or legally responsible person refuses to permit the on-site entry of: the care coordinator to conduct required visits, caregivers to provide scheduled care, any other official acting in their role as oversight authority.
- The individual requires 24-hour nursing care on a continuous basis
- The individual is incarcerated or is an inmate in a state or local correctional facility
- The individual is deemed ineligible based on a DDS Psychological Team assessment
- The individual is deemed ineligible based on not meeting the Medicaid income eligibility
- The individual does not undergo an independent assessment by a third-party vendor

Upon discharge, the individual will be assisted, if needed, in referrals to services most appropriate to meet his/her needs or needs and preferences. To ensure that a smooth transition takes place, the individual will receive follow-up services at thirty (30), sixty (60), and ninety (90) days. All efforts will be made to ensure that the individual is able to transition out of the program as smoothly and timely as possible.

Person-Centered Service Plan (PCSP)

Interim Person-Centered Service Plan (PCSP)

If an individual is referred for Waiver Services and Pathfinder, Inc. determines that the needs of the individual can be met through the program, an interim, standard PCSP will be issued to assure the individual receives services for the initial sixty (60) days. This transition period allows time for the annual plan to be developed.

Annual Person-Centered Service Plan (PCSP)

Before the interim plan expires in sixty (60) days, a plan that is individualized and specific to the consumer must be developed and approved. The members of the team will meet in order to discuss the necessary services. Additionally, the physician certifies the beneficiary's condition and appropriateness of requested services. The plan should be designed with participation of all concerned parties. Individuals who participate in the multi-agency team include the care coordinator, beneficiary and/or legal representative, and other persons invited by the beneficiary. The plan should reflect the individual circumstances and potential of the individual. The plan should assure that the beneficiary's rights are safeguarded and that the beneficiary and community's health and safety are assured. Furthermore, the plan must be designed to assure that the plan is changed in response to changing needs or circumstances. The plan should be developed while considering what options are the most cost-efficient.

Progress Notes

Written documentation is made on each service an individual receives. Employees are required to maintain documentation to support each service for which billing is made. This documentation includes: the services rendered, date of service, time of service, name of individual providing service, updates about progress or lack thereof, and any other pertinent information relating to the consumer or the services provided.

Services

Concept

The service concept follows the overall principle: to do whatever is necessary to maintain the consumer living in the community life of his/her choice.

Supportive Living

Supportive Living is an array of individually tailored services that allow the individual served to reside in their own homes, with their family, or in alternative living residence or settings. All Supportive Living Services are provided in an integrated community setting. The focus of this service is to assist individuals in acquiring, retaining, and improving self-help, socialization, and adaptive skills that are required for an individual to successfully live in a home or community based setting. Services are flexible to allow for unforeseen changes needed in schedules and times of service delivery.

Companion and activities therapy services provide reinforcement of habilitative training. This reinforcement is accomplished by using animals as modalities to motivate consumers to meet functional goals. Through the use of an animal's presence, enhancement and incentives are provided to practice and accomplish functional goals.

Respite services are provided on a short-term basis to consumers unable to care for themselves due to the absence of or need for relief of non-paid caregivers. Respite may be provided in the consumer's home, the private residence of a respite care giver, a foster home, group home or other licensed respite facility.

Supported Employment

The Supported Employment component provides support to individuals with disabilities in reaching their goal of working in competitive, integrated work settings, receiving compensation of at least minimum wage. This service typically helps individuals who have not traditionally been able to secure or retain competitive employment. The Supported Employment Service Array includes:

- *Discovery Career Planning:* This portion involves the gathering of information about a consumer including interests, strengths, skills, most effective types of supports, and best fitting environment and activities. This information results in an Individual Career Profile which provides an individualized guide making recommendations regarding employment support.
- *Employment Path:* Through this portion of the array, individuals are given the support and assistance necessary to achieve the employment goals included in their person centered service plan (PCSP). Activities conducted include those that will develop and teach soft skills that the individual needs in order to maintain integrated employment.
- *Employment Supports:* The Job Development component functions to provide services specific in nature to obtaining a certain employment opportunity. Job Coaching is a support provided on-site to the individual once employment is obtained. Extended Services are provided to provide continued support to promote long-term employment for the individual.

Adaptive Equipment

Adaptive Equipment Services are available to individuals who require an item or piece of equipment to increase, maintain, or improve functional capabilities in order to perform daily life tasks. This provides the purchase, leasing, and necessary repair of adaptive, therapeutic, and augmentative equipment.

Environmental Modifications

This service allows for modifications to or at the beneficiaries home that are necessary to ensure the health, welfare, or safety of the beneficiary or that allow the beneficiary to function with greater independence and that without the individual would require institutionalization. Environmental accommodations may include the installation or building of grab-bars, wider doorways, accessible bathroom facilities, special electric and plumbing systems to accommodate ambulatory impairments, and home fencing.

Specialized Medical Supplies

Specialized Medical Supplies are available with an order from a physician. Specialized Medical Supplies are included in the plan and may include:

- Items necessary for life support or to address physical conditions with ancillary supplies
- Durable and non-durable medical equipment that addresses beneficiaries functional limitations but is not available through Arkansas Medicaid State Plan
- Necessary medical supplies not available through Arkansas Medicaid State Plan to include nutritional supplements, non-prescription medications and out-of-pocket co-pays for prescription drugs.

Supplemental Support Services

Individuals are able to access supplemental supports in response to a crisis, emergency or life threatening situation. The situation, without the remedy provided through this support, must result in institutionalization.

Direct Care Supervisor Services

Direct Care Supervisor works with the PASSE Care Coordinator to oversee an individual's services from coordination to delivery. These includes the following: health education and coaching, coordination with healthcare providers, assistance with social determinants of health, promotion of activities focused on the health of an individual and the community, and coordination of community-based management of medication therapy. An individual's Direct Care Supervisor communicates with the individuals PASSE Care Coordinator who is responsible for managing care including the Behavioral Health Treatment Plan, Person-Centered Service Plan, Primary Care Physician Care Plan, Individualized Education Program, Individual Treatment Plans for developmental individuals in day habilitation programs, Nutrition Plan, Housing Plan, Work Plan, Justice System related plans, Child Welfare Plan, Medication Management Plan, etc. The Direct Care Supervisor also serves as the first point of contact for persons served and their families/guardians.

Person-Centered Service Plan (PCSP) Development

The Person-Centered Service Plan is a treatment plan that determines the services that an individual receives in order to enhance and maintain community living, support the person's major life activities, determine the individual's personal choices and preferences about their life, assist the individual in executing these choices, accessing employment services, and assisting the person with integrating into the community. The individual and/or the parent/guardian are an integral part in the creation of the PCSP.

Transitional Care Coordination

This service is available the last one hundred and eighty (180) days of a person's institutional stay in order to assist in the transition of the individual from the institution to the community.

Consultation

Consultation services are available and are clinical and therapeutic in nature. They are designed to help waiver beneficiaries, parents, guardians, legally responsible individuals, and service providers in fulfilling the requirements of the PCSP. Consultation activities may be provided by individuals licensed as: psychologists, psychological examiners, mastered social workers, professional counselors, speech pathologists, occupational therapists, physical therapists, registered nurses, certified parent educators or provider trainers, certified communication and environmental control specialists, dieticians, rehabilitation counselors, recreational therapists, qualified developmental disabilities professionals, positive behavioral supports specialists, and behavior analysts.

Community Transition Services

This service is a non-recurring support that assists an individual with set-up expenses to transition to a living arrangement in a private residence. This service may provide assistance in paying for: security deposits required to obtain a lease, essential household furnishings and moving expenses, set up fees or deposits for utility or service access, services necessary for beneficiary's health and safety, and moving expenses.

Behavior Management

Behavior Modification

To develop appropriate behaviors, forms of positive behavior modification and intervention are applied using basic concepts of socialization. Individuals served may have a positive programming behavior management plan used to reinforce methods as a means of promoting positive behavior. Employees will receive appropriate training in the management of the behavior management plan.

Positive Behavior Support (PBS)

Positive Behavior Support (PBS) Training is offered to employees to assist in developing and implementing positive behavior plans. The form of behavior modification employed by Pathfinder, Inc.'s professional employees and aides is one of positive reinforcement. Desired behaviors are consistently reinforced. The use of seclusion or restraints in any Pathfinder, Inc. program is strictly prohibited.

Evaluation of Personal Stressors and Environment

In order to ensure the most positive environment to prevent episodes of inappropriate behavior, staff should recognize personal stressors of the individual and work on promoting an environment free of those stressors. Socially acceptable behavior should be modeled and identified to the consumer. Consumers should be encouraged to focus on appropriate behaviors by use of positive intervention techniques.

Crisis Prevention Intervention (CPI)

Identified Pathfinder, Inc. personnel receive training in Non-Violent Crisis Prevention Intervention (CPI), an authorized national certification in non seclusion or restraint emergency hold intervention procedures. CPI is used only to protect consumers and employees from injury. This emergency intervention is used only:

- In the least restrictive manner and minimal time frame to ensure the safety of all present
- Only by trained individuals
- Is assessed by the program director for trends

If an individual needs more than two (2) emergency holds per month their plan of care will be assessed by their team to determine any environmental causes, past trauma indicators, and appropriateness of placement.

Community Waiver

Medication Monitoring

Individuals receiving HCBS Waiver must be willing and able to follow their prescribed medication regimen. Waiver staff can monitor medications as necessary for those individuals needing assistance. However, they cannot administer any medications including, but not limited to, over-the counter medications, prescribed medications, and injections necessary for the health of the individual or any blood testing. The Waiver staff will ensure that medications are taken as prescribed during the time that they are providing services to the individual. Furthermore, a log is maintained for staff to document that the individual was observed taking his/her medication as prescribed.

Waiver Homes

Purpose

Pathfinder, Inc. has a Waiver Home that is designed to meet the special needs of individuals through a home-like experience. The individuals in this facility receive twenty-four (24) hour supervision and an intensive training program that encompasses social, emotional, cognitive, and physical skills in order to assist the individuals in living more independently.

Location

Pathfinder, Inc. currently has one (1) Waiver Home:

Cave Springs Waiver Home

300 Hart Lane
Cave Springs, AR 72718

Eligibility

To be eligible for program acceptance into a Pathfinder, Inc. Waiver Home, an individual must meet the following criteria:

- The individual must be aware that the Waiver Home is a voluntary program.
- The individual must be developmentally disabled and be at least eighteen (18) years of age or older.
- The individual must be willing to learn to be responsible for his/her own personal needs.
- The individual's behavior must not endanger the welfare or health of another resident or staff person.

Admission

Before an individual is admitted to the Waiver Home, they must complete the following: social evaluation, medical evaluation, and psychological evaluation report (current within five [5] years). Upon reporting to the facility on the pre-arranged date, the individual will be given a detailed orientation of the program covering the following: full explanation of the program, a review of the documentation of developmental disability, completion of the record face sheet, completion of necessary releases including the emergency medical release, statement of legal status, review and explanation of client/guardian rights, review and explanation of rules and regulations including safety rules and precautions, purpose and procedures of money management system, and the overall services provided by Pathfinder, Inc.

Money Management

Pathfinder, Inc. provides Money Management Services to individuals living in the Waiver Homes. Pathfinder will assume the following responsibilities:

- Pathfinder, Inc. will request to become the payee for the individual's SSI/SS benefits
- A bank account will be opened on behalf of the resident entitled "(Individual's Name) by Pathfinder, Inc. Representative Payee".
- The individual's funding source will be deposited directly into this bank account.
- Only the house manager or Director of Waiver Services will be able to sign checks on the account.
- The designated Pathfinder, Inc. personnel will assist in writing checks for bills or other expenses.
- Individuals will receive spending money once a week to spend as they choose. The amount given to each individual is determined by his/her budget.
- Receipts will be maintained and money management books will be readily available for individual and parent/guardian review.
- The individual's bank statement will be sent directly to Pathfinder, Inc. auditors for monthly inspection of proper money management. Upon completion of Pathfinder, Inc. auditing, the individual's money management book will be retained in the Accounting Office at the Pathfinder, Inc. Administration Building

- Pathfinder, Inc. will be responsible for all Social Security Audits.

Medication Monitoring

Residents must be willing and able to follow their prescribed medication regimen. Waiver Home staff can monitor medications as necessary for those residents needing assistance. However, they cannot administer any medications including, but not limited to, over-the-counter medications, prescribed medications, and injections necessary for the health of the individual or any blood testing.

In order to assure the accuracy of doctor prescribed medications, Pathfinder, Inc. Waiver Homes uses a local pharmacy to be the provider for all pharmacy needs for the Waiver Home residents. Daily, pre-packaged medications for each resident will be secured in a locked cabinet in the facility office. Waiver Home support staff will assist each resident with accessing their medications to ensure that they are taken at the prescribed times each day. A log will be maintained with the medications to document that staff observed each resident consume their medications as prescribed by their physician. Staff will also document on an *"Incident Report Form"* if a resident for any reason refuses to take their medication as prescribed by their physician.

Individual/Parent/Guardian Rights

Rights

- Individual/parent/guardian will have input into the program plan and should sign the plan.
- Individual/parent/guardian is aware that the program is voluntary as evidenced by documentation signed upon admission.
- Individual/parent/guardian participation in campaigns for publicity efforts to raise funds for the organization is on a voluntary basis (i.e., signed release for each occurrence).
- Individual/parent/guardian are informed of, and have input in, the rules of conduct utilized by the facility.
- Individual/parent/guardian is informed of the grievance procedure developed by the facility.
- Individual/parent/guardian is informed of the rights of majority.
- Individual/parent/guardian has the right to refuse any experimental or non-standard form of treatment.
- Individual/parent/guardian is informed of the confidential nature of all resident's information and the right to approve or deny the release of identifiable information.
- Organization will provide upon request a summary of any monitoring or evaluation reports of their facility prepared by and received from federal, state, or local authorities.
- Individual/parent/guardian has been informed as to the discharge/exit procedure developed by the facility.
- Individual/parent/guardian has been informed of their right to the least restrictive setting.
- Individual's employment will be in compliance with Federal Wage and Hour Regulations.
- Individual/parent/guardian has been informed of their right to be free from abuse, financial, or other exploitation, retaliation, humiliation, neglect and coercion.

- Individuals who are their own guardian have the right to decide whether or not their family is involved in the planning and implementation of their annual plan.
- Individual/parent/guardian is guaranteed to receive all financial interests due to them and to receive training to allow them to spend their income in a normalized fashion.
- Individuals have the right and opportunity to use generic services and resources in the community.
- Individuals have the right to obtain and retain private property.
- Individual/parent/guardian has the right to receive a current list of Pathfinder, Inc.'s Board Members and a list of current state funding sources.
- Individual/parent/guardian has been informed of all of his/her rights.

Summary of Rights

Persons who have developmental disabilities have the same rights as all other citizens; these rights cannot be limited or taken away without due process. Individuals are entitled to individual considerations in the respect that they cannot be deprived of rights or denied them because of their disability alone; each case must be considered individual.

In addition to the rights all citizens have, individuals with developmental disabilities whom agencies serve have specific rights to be safe, secure, and not to be subjected to punishment. Specific procedures to safeguard rights have been established.

Confidentiality of Individual Records

Policy

Pathfinder, Inc. recognizes the confidentiality of all individual records and information and will implement safeguards possible to maintain confidentiality.

Procedure

- All records will be maintained in a secure location for protection against unauthorized use and stored under lock with protection against fire, water, and other hazards.
- Information in records will not be released, duplicated, or disseminated without proper authorization.
- *"Release of Information"* must be signed by the individual or by the guardian of an incompetent or minor individual.
- In conformance with common procedures as maintained in public and private agencies, requests from doctors, hospitals, social agencies, and institutions concerned with the care of a specific individual, may be honored by completing a *"Consent to Release Information Form"*.
- Any information released to the press, radio, television or other news agencies, which could result in invasion of the resident or individual's right to privacy, must be approved by the individual, his/her guardian, and the Director and/or Designee.
- The Director and Supervisors are authorized to review master files. The Director may designate other employees who may be authorized to review master files; however, the Director must authorize, in writing, those designated individuals.

- The individual or guardian has a right to review the contents of the record but only at a scheduled time and with an employee present.
- Confidential information must be respected at all times by all employees. Cases should not be discussed in the presence of other individuals and inappropriate staff.
- An access sheet will be located in the front of each file to maintain confidentiality, according to the Privacy Act of 1974.
- The individual has the right to be informed of the confidential nature of all individual information and has the right to approve or deny the release of identifiable information.

Release of Individual Information

Policy

The purpose of this policy is to establish safeguards to preserve the privacy and confidentiality of consumer information. Pathfinder, Inc. will follow the combined requirements of the Health Information Portability and Accountability Act (HIPAA) and other regulatory agencies standards in order to release information from consumer's records.

Procedure

- Any requests for information must not be responded to by an employee of Pathfinder, Inc. except as permitted in accordance with regulatory agencies standards.
- Employees need to consult with the Director of Compliance concerning release of information of a legal nature.
- Original records shall not be taken outside of program except upon receipt of a subpoena duces tecum, court order, or statute. When consumer's records have been subpoenaed, every effort will be made to have the court accept a certified copy of the record. Where the judge orders that the original records be held, a receipt must be procured from the Clerk of the Court and filed in the folder until return of the records.
- Consumers, parent/guardians have a right to request the restriction of the use and disclosure of information. Such restrictions must be submitted on the "*Release of Information Form*" and do not affect disclosures that have already taken place in good faith. The form will be filed in the consumer's records.
- Written authorization must be obtained for the release of consumer's records.

Guidelines

Any release of confidential information must include the following:

- The release of information has been authorized by the person served and/or his or her legal representative using a "*Release of Information Form*".
- The release of information conforms to applicable laws and regulations and indicates what specific information can be released, to whom, how the information will be shared, and the purpose of requesting the information.

Individual Record Control

Policy

The control, access, and use of all individual records (master file) are a very serious matter and will be strictly adhered to as set out herein.

Procedure

- Each time a Master File is removed from the filing drawer, the individual who is reviewing the records completes the Records Review Log located in each Master File, noting the individual name and title, date of review, and specific purpose of review (name, title, date, purpose).
- Only appropriate personnel will retrieve master files from the filing drawer.
- Those individuals who have access to the individual's records are listed below and will be updated as needed. This list will be kept posted in the Records Room. Records access is allowed to those individuals on the Access List as follows: appropriate directors, vocational counselors, individual service coordinator, placement procurement officers, instructors, case managers, individual/parent/guardian, and appropriate representatives of funding sources.

Solving Consumer Issues

Supervisors, administrators and employees at all levels shall receive, and act promptly and fairly, upon consumer issues. Pathfinder, Inc. recognizes the importance of bringing to light and resolving grievances and/or complaints promptly. If you need further assistance at any time with bringing an issue, grievance, and/or complaint please contact the main office at (501)982-0528, ext 1209, an employee will be designated to assist you in any way possible with your issue, including information on external options.

Individual/Parent/Guardian Grievance Procedures

The following procedure is hereby established to handle individual/parent/guardian grievances:

- Any individual/parent/guardian expressing a grievance of any nature shall first present the grievance in writing to the program director of the facility within five (5) business days of knowledge of the incident. The consumer and/or the guardian/custodial parent, may present his/her grievance in good faith, without fear of any reprisal, retaliation or barrier to services.
- Within five (5) business days of the filing, the individual shall meet with the program director. Written notification and actions taken as a result of this meeting will be provided within five (5) business days of said meeting to the consumer or his/her representative.
- If the individual is not satisfied with the results of the meeting listed in B, they may contact the Director of Compliance within five (5) business days.
- The Director of Compliance will review all pertinent grievance information submitted and investigate the situation. The Director of Compliance will arrange a meeting with all parties involved within five (5) business days of the appeal and render a final decision within five (5) business days of the meeting. The decision will include appropriate resource information for an external appeal and assistance.

An annual written report of all formal complaints and grievances will be conducted to determine trends, performance improvement and appropriate actions to be taken.

NOTE: Dismissal and Grievance Procedures are to be outlined in the Individual Policies and Procedures Manual. "DDS Form 1050" is available for filing an incident report.

Individual Oriented Concerns Procedures

Policy

Pathfinder, Inc. provides an administrative procedure to assure that individuals, who believe that the rights of the program's individuals are not protected or observed, may file a formal grievance against the program or individual employees of the program. The administrative procedure shall assure a fair and thorough hearing for both the accuser(s) and the accused, with the right of legal representation and/or counsel, at one's own expense, throughout the process and shall be directed toward arriving at administrative actions that properly address the complaint. Utilization of the administrative procedure shall not result in any adverse management action against individuals filing complaints but shall be viewed by management as an amicable and constructive method for identifying and solving problems.

Nothing herein prohibits an individual's right to seek guidance and/or assistance from:

Governor's Council on Developmental Disabilities 1515 W. 7th Street, Suite 320-330 Little Rock, AR 72201 Phone: 501-682-2897 ddcstaff@dfa.arkansas.gov www.gcdd.arkansas.gov	OR	Adult Protective Services Hotline 1-800-482-8049 Child Abuse Hotline 1-800-482-5964
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Procedure

Concerned individuals shall report directly to the supervisor in charge of the program. Initial report may be verbal, but must be followed with a written, signed report within one (1) working day. Individual/resident statements may be taped in lieu of written report, or written report witnessed by third party component.

Investigation

A preliminary investigation is immediately initiated by the Executive Director and/or Designee resulting in a written report of findings to the director. The investigation should be completed within five (5) working days unless extenuating circumstances exist that require additional time. If, at the end of the preliminary investigation, the Executive Director and/or Designee determine the allegation is unfounded, the process is ended unless the charging party desires appeal. The findings of the investigation will be documented and maintained in the Administration Office. The entire process must be completed within ten (10) working days unless extenuating circumstances exist that require additional time.

Notify and forward documentation to the appropriate overseeing authority.

Policies

Developmental Disability Services (DDS) Policy 1091

- A. "Solicitation" means the use of a method described in Section 10.B of this policy to attempt to unduly influence an individual served by a certified provider or his or her family or guardian to transfer from one provider to another provider. Solicitation is prohibited by the all of the following:
1. A certified provider or any individual acting on behalf of the certified provider,
 2. Any staff member of a certified provider or any individual acting on behalf of the staff member, and
 3. Any individual who provides or has provided professional or direct care services for a certified provider or any individual acting on his or her behalf.
- B. The following methods of solicitation are prohibited:
1. With the intent of soliciting consumers, hiring an individual who has been previously employed by or contracted with another certified provider who subsequently contacts consumers on the individual's caseload with the previous provider with the intent of inducing the consumer to transfer to the certified provider with which the individual is currently employed or contracted. Protected Health Information, such as consumer addresses and telephone numbers, are considered confidential and the property of the certified provider with which the individual was or is employed or contracted. An individual formerly employed or contracted with a certified provider may not disclose Protected Health Information without a signed release from the consumer according to HIPAA. If DDS finds that an individual has released Protected Health Information in a manner contrary to HIPAA, DDS will notify the appropriate licensing or certification entity and the Office of Inspector General of the U.S. Department of Health and Human Services. When a consumer transitions between two (2) certified providers, the receiving provider shall indicate on the transition plan if the receiving provider has hired or contracted or intends to hire or contract an individual who previously served the transferring individual through the sending provider. If five (5) or more individuals transfer under the circumstances described in this paragraph, DDS contacts the individuals or their family members of guardians to determine if solicitation occurred.
 2. Offering cash or gift incentives to an individual served or his or family or guardian to induce the individual served or his or her family or guardian to change providers,
 3. Offering an individual served or his or her family or guardian free goods or services that are not available to other similarly stationed consumers to induce the individual served or his or her family or guardian to change providers,
 4. Refusing to provide an individual served access to entitlement services for which the individual is eligible if the individual served or his or her family or guardian selects another certified provider to provide waiver services to the individual,
 5. Making negative comments to a potential individual served, his or her family or guardian, or an advocate regarding the quality of services provided by another certified provider other than for the purpose of monitoring or official advocacy,

6. Promising to provide services in excess of those necessary to induce an individual served or his or her family or guardian to change programs,
 7. Directly or indirectly giving an individual served or his or her family or guardian the false impression that the certified provider is the only agency that can provide the services desired by the individual served or his or her family or guardian, and
 8. Engaging in any activity that DDS determines was intended to be solicitation as defined in Section 10.A of this policy.
- C. Only an authorized DDS representative or the PASSE Care Coordinator may offer an individual or his or her family or guardian provider choice.
- D. DDS investigates claims of solicitation that appear to be consistent with the definition of solicitation in Section 10.A of this policy. If DDS makes a finding of prohibited solicitation, DDS imposes enforcement remedies under Section 9 consistent with the scope and severity of the solicitation. If a pattern of solicitation occurs, DDS may impose Licensure Revocation.
- E. Marketing is distinguishable from solicitation and is considered an allowable practice. Examples of acceptable marketing practices include without limitation:
1. General advertisement using traditional media,
 2. Distribution of brochures and other informational materials regarding the services provided by a certified provider if the brochures and materials are factual and honestly presented,
 3. Providing tours of a certified provider to interested individuals,
 4. Mentioning other services provided by the certified provider in which a consumer might have an interest, and
 5. Hosting informational gatherings during which the services provided by a certified provider are honestly described.

Developmental Services Administrative Appeals Policy 1076

- A. *Purpose:* This policy is provided to allow for appealing decisions made by Developmental Disabilities Services (DDS) regarding the following programs:
1. Human Development Centers (HDCs)
 2. Community Programs and Services
 3. Medicaid Home and Community Based Waiver Services
 4. Licensure of Community Programs/Services and Certification of Providers of Waiver Services, Providers of Early Intervention Voucher Services and Independent (Self-Employed) Care Coordinators
 5. Nursing Facility, PASSAR determinations. These determinations are made, as required, by the 1987 Omnibus Budget Reconciliation Act (OBRA) for persons with a ID/DD diagnosis who seek admission or for whom admission is sought to a Nursing Facility. It includes annual reviews for continued stay.
- B. *Scope:* This policy applies to recipients of services, their parents/guardians, Community Programs, Service Providers, Care Coordinators, other interested parties and all DDS employees. The Board of Developmental Disabilities Services, according to DDS Board Policy 1003, has delegated its authority to hear appeals to the DDS Director. The DDS Director hereby adopts this Appeal Policy to apply to *all* appeals of DDS services.

- C. *General Provisions:* All reconsiderations and appeals of DDS decisions shall be made in accordance with the Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.; the Medicaid Fairness Act, Ark. Code Ann. § 20-77-1701 et seq.; and the Medicaid Provider Manual §§ 160.000, 190.000, and 191.000. Reconsiderations will be heard by the DDS Director or their designee, and must be filed within fifteen (15) business days of receipt of the denial notice. Reconsideration Requests should be mailed to:

DDS Director's Office
P.O. Box 1437, Slot N501
Little Rock, AR 72201-1437

References: DDS Board Policy #1003; Ark. Code Ann. § 25-15-201 et seq.; Ark. Code Ann. § 20-77-1701 et seq.; Medicaid Provider Manual §§ 160.000, 190.000, 191.000

Administrative Rules & Regulations Sub Committee of the Arkansas Legislative Council