



# **Policy Manual**



# *ABLED, Inc.*

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## FOREWORD

ABLED, Inc. began serving individuals with intellectual disabilities throughout the Southeast Nebraska in 2015. At that time the ABLED, Inc. board of directors established the original version of the following policies which are reviewed annually and updated as necessary but not less than once every two years. ABLED, Inc. will ensure these policies adhere to their compliance to Title 404 NAC.

Every employee, volunteer, director and any other person performing duties for ABLED, Inc. will have access to these policies and will be required to abide by these policies.

To assure that service quality standards are met in all service settings, ABLED, Inc. meets applicable regulations of all local, state, and federal jurisdictions, including Federal Medicaid Waiver, Wage & Hour Regulations, Nebraska Health and Human Services (DHHS), county health departments and the State Fire Marshall. When no local, state, or federal regulations apply, ABLED, Inc. develops and enforce its own standards. ABLED, Inc. enforces standards and procedural requirements by initiating formal review mechanisms. These include: systems review, consumer satisfaction surveys, management surveys, ethics committee reviews, behavior intervention teams and ABLED, Inc. safety committees.



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## I. CORE VALUES AND STRUCTURE

### A. MISSION AND PHILOSOPHY

On October 7, 2012 Andrew C. Tagart departed from this world to the heavenly realm. Andrew touched many lives. Several of the individuals whose lives he changed organized ABLED, Inc. with desire to serve. In February 2014 ABLED, Inc. established an organization with the intent of serving Nebraska individuals with intellectual disabilities.

**The mission of ABLED, Inc. is to empower people with intellectual disabilities to creatively explore all possible avenues of freedom, education, and skills to live and enjoy their lives to the fullest extent possible.**

ABLED, Inc. will promote quality by focusing on customer satisfaction, employee involvement, teamwork, communication, and continuous improvement.

To fulfill its mission, ABLED, Inc. believes:

- Every individual was created with value and purpose.
- Every individual should be treated with dignity and respect.
- Every individual can grow and learn through community experiences.
- Every individual should enjoy life, liberty, and the pursuit of happiness.
- Every individual has the right to be the primary decision maker in his/her life and carries the responsibility for the direction it takes.
- Every individual is protected by the full weight of the constitution and its amendments.

### B. VISION STATEMENT

Every human being is created with an innate desire to live their life to the fullest. Individuals with intellectual disabilities are no different. ABLED, Inc. will see that they will not only be valued as members of the community but that they will live meaningful and fulfilling lives. We will make use of all available resources that will enable each individual to have control of his/her own life.

### C. GOVERNANCE AND MANAGEMENT

ABLED, Inc. is organized as a Subchapter S Corporation in Nebraska. As an S Corp ABLED, Inc. has multiple owners including some or all of the executive staff. ABLED, Inc. owners elect the Board of Directors which governs ABLED, Inc.

The Board includes at least two individuals in services in accordance with **404 NAC 4-003.03** and Neb. Rev. Stat. §§83-1217. The Board may vote to add to or delete from the





number of directors but have no more than nine nor less than five. Passage of any matter brought before the board requires a simple majority.

All policies will have the approval of the board prior to implementation.

Administrative policies are available at all ABLED, Inc. facilities. During the orientation process new staff are informed that the policies are readily available and that they will have unhindered access to all policies.

In accordance with **Title 404, 4-003.02**, the Director, hereinafter referred to as the Chief Executive Officer (CEO), serves as the director responsible for overall management of the provision of services, and ensures compliance with applicable requirements in 404 NAC. The Chief Executive Officer will:

1. Protect and promote the health, safety, and well-being of each individual.
  - a. The CEO and/or the Rights Review Committee will review all General Event Reports (see Rights Review Committee Procedure).
  - b. The CEO will be responsible for investigating and taking corrective action on all General Event Records.
  - c. CEO will ensure all new employees receive initial training as provided in the New Employee Training Manual covering health and safety guidelines.
2. Ensure quality services are provided to meet the needs of all individuals whether services are provided directly by ABLED, Inc. staff or through subcontractors.
  - a. CEO will implement the procedures for training quality staff (See Personnel Policy Section II.E)
  - b. CEO will ensure all new employees and subcontractors are trained on the following policies and procedures as applicable:
    - i. Extended Family Home Procedures
    - ii. Outcomes Training
    - iii. Personnel Policy
    - iv. Vocational Planning For Supported Individuals Manual (formerly Day Services Manual)
    - v. Medical Administration Manual
    - vi. Positive Behavioral Supports Procedure
    - vii. Individual's Residential Manual
    - viii. Respite Care Procedures

The Chief Executive Officer will ensure ABLED, Inc. establishes and implements written policies and procedures as specified in **404 NAC 4-003.03 and 4-003.04**.

1. All Policies and Procedures are available to staff. All policies and procedures are available at [www.abledinc.com](http://www.abledinc.com).
2. Policies and Procedures describe ABLED, Inc.'s operations and how systems are set up to meet individuals' needs. The CEO or his/her delegate will ensure all new employees and subcontractors are trained on all Policies and Procedures.
3. All Policies and Procedures are reviewed at least annually.
  - a. The Board of Directors will meet at least quarterly.
  - b. Any changes required by law or presented by the CEO will be voted on.



- c. The CEO will update the approved policies and ensure implementation.

ABLED, Inc. ensures open communication by sending the DHHS - Developmental Disabilities System (DDS) copies of minutes of board meetings and miscellaneous correspondence as requested. In addition, ABLED, Inc. staff at all levels will initiate communication with DDS for technical assistance, clarification, or to inform them of problem areas. Upon request, meeting minutes will be available to any interested party.

The State of Nebraska oversees ABLED, Inc. through the Department of Health and Human Services (DHHS) which sets and enforces rules and regulations and serves as a channel for funding.

## **D. CODE OF ETHICS**

1. Employees shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, or transaction or professional activity, or incur any obligation of any nature, which is in conflict with the proper discharge of his/her duties.
2. Employees are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
3. Employees will not conduct themselves in such a manner that would foster impressions that any person can improperly influence them in the performance of their official duties. Employees will not be improperly affected by the kinship, rank, position, or influence of any party or person. This shall not prohibit political activity allowed by law.
4. Employees shall not accept gifts of value or loans from any persons with whom they are doing business if intended to or may appear to influence the official relationship between the donor and the recipient.
5. All staff, employees, subcontractors, volunteer, etc. of ABLED, Inc. will comply with all applicable federal and state laws and regulations and local codes.
6. All staff, subcontractors, volunteers, etc. are considered employees under ABLED policies.

## **E. STANDING COMMITTEES**

All committees of ABLED, Inc. report directly to the Board of Directors unless otherwise indicated below (See also Rights Review Committee in Policy Section VI. F).

### **Advisory Committee**

ABLED, Inc. is governed by a Board of Directors and therefore does not have an Advisory Committee. See **Title 404, 4-003.03** and Neb. Rev. Stat. §§83-1217 and 83-1218.

### **Rights Review Committee**

The Rights Review Committee meets no less than semi-annually. This committee reviews any situation requiring an emergency safety intervention, any restrictive measure, and



any situation where violation of an individual's rights occurred. The review may include obtaining additional information and gathering input from the affected individual and his/her legal representative, if applicable, to make recommendations to ABLED, Inc. The committee members must be persons free from conflict of interest and who will ensure the confidentiality of information related to individuals served. The person responsible for approving the individual's program and any staff who provides direct services to the individual cannot participate as decision makers. At least half of the committee members must be individuals, family, or other interested persons who are not provider staff. All members are free of conflict of interest. **(404 NAC 4-011)**

Furthermore, the Rights Review Committee reviews and makes recommendations to the CEO on ABLED, Inc. procedures which may raise ethical questions. This committee maintains the ABLED, Inc. Code of Ethics and ensures staff and subcontract employees abide by the code.

### **Staff Development Committee**

Consists of a member of the Executive Staff and two Board Members. The purpose and responsibilities are to ensure all staff receive follow-up training as necessary and appropriate. Staff training needs are identified through a combination of surveys, Staff Development Reports, performance reviews, and direct contact with co-workers by the Staff Development Committee. The Staff Development Committee will review the staff development plan annually.



## II. PROVISION OF SERVICES

### A. ELIGIBILITY

ABLED, Inc. provides services primarily to individuals whose primary disabling condition is an intellectual disability, regardless of secondary disabilities that may be present. Eligibility is not affected by age, race, religion, ethnic origin, gender, degree of disability, or ability to pay.

### B. ADMISSION

In accordance with **Title 404, 4-003.05**, the ABLED, Inc. Executive Staff will gather as much information as possible from the source or referral. If the referral is from or for an individual not receiving services, the individual themselves, the individual's parents, or family members may serve as sources of referral. The referral must include a description of the funding of the placement.

1. Staff will document the individual's preferences, strengths, and needs.
2. Staff will use this information to determine whether ABLED, Inc. is capable of providing services to meet the individual's needs.
3. Staff will consider the safety of all individuals in the decision to accept new individuals to service or the location for the services.
4. Staff will determine if ABLED, Inc. has the capacity, commitment, and resources necessary to provide supports to the individual for the long term. ABLED, Inc. will not admit an individual to services if it cannot reasonably assure that it has the ability to meet the individual's needs.
5. Staff will determine whether adequate funding is available to meet the request.

Requests for service are considered on an individual basis by ABLED's Executive Staff. Requests will include the type of service needed and the level of staffing required. Final authority to provide service rests with the CEO.

### C. SERVICE OPTIONS

ABLED, Inc. offers vocational training, placement, and supports; residential (home living) training and supports; day services, retirement, leisure activities and transportation. The service is defined as either: Assisted (staff on duty at all times), or Supported (staff may not be present at times). The type and level of service is determined by the individual's Individual Support Plan (ISP) team.

ABLED, Inc. will ensure that all individuals receive habilitation, supports, health care, and other services consistent with their needs and preferences.



Individuals receiving services may be designated as "waiver eligible". This designation refers to a federal funding service used by the State of Nebraska. Quality of service is the same whether waiver eligible or not.

## **D. ABLED CORE HOLIDAYS & WEATHER CLOSINGS**

ABLED, Inc. does not observe holidays since we work individuals requiring care each day of the year. ABLED leaves it to the discretion of the ISP Team and the individual's guardian to determine when time off is required. **ABLED will be closed for vocational services on days when the local public schools are closed. The local public school is the school district wherein the individual resides.**

## **E. TERMINATION OF SERVICES**

In accordance with **Title 404, 4-003.06A**, ABLED, Inc. may terminate services to an individual when we have determined that we can no longer effectively and appropriately serve the individual due to a lack of resources, skills, or capacity. Written notification will be given to the individual or his/her legal representative (if applicable) no less than 60 days prior to the final day of services outlining the reasons for termination of services.

In accordance with **Title 404, 4-003.06A1**, when an individual receives services funded through a contract addendum with enhanced rates, notification will be given no less than 90 days prior to the final day of services.

In accordance with **Title 404, 4-003.06A2**, if ABLED, Inc. decides to terminate services, a transition plan will be developed in conjunction with the individual's ISP team and the new provider. The plan will be agreed upon by the ISP team and include:

1. A primary focus on the individual's needs and preferences;
2. Timelines;
3. Supports and strategies that are needed for the new provider; and
4. Supports and strategies that are needed for ABLED, Inc. to continue to meet the needs of the individual during the transition period prior to the termination date.

ABLED, Inc. will continue to provide services to the individual for an additional ten days in those instances when DHHS has not found a suitable option for the individual. This extension will allow DHHS more time to find another option.

In accordance with **Title 404, 4-003.06B**, ABLED, Inc. will require an individual or legal representative (if applicable) who decides to voluntarily terminate services to provide written notification no less than 30 days prior to the final day of services. ABLED, Inc. will require the individual to fulfill any housing lease agreement she/he holds. The individual's ISP team will develop a transition plan that includes:



1. A primary focus on the individual's needs and preferences;
2. Timelines;
3. Supports and strategies that are needed for the new provider; and
4. Supports and strategies that are needed for ABLED, Inc. to continue to meet the needs of the individual during the transition period prior to the termination date.

Termination (the time when all ABLED, Inc. services cease) may occur either at the individual's/guardian's request or as a result of the team's consensus. ABLED, Inc. reserves the right to terminate services to the individual with sixty days written notice of termination. ABLED, Inc. does not terminate persons from any service component solely on the basis of advancing age.

## **F. STAFF TRAINING AND COMPETENCY**

In accordance with **Title 404, 4-004.04**, ABLED, Inc. will ensure that employees, including subcontractors and management, responsible for providing supports and services to individuals with intellectual disabilities are educated/trained on the minimum requirements necessary to address the individual's needs prior to working with individuals in services.

Staff responsible for providing direct services will demonstrate the competence to support individuals as part of a required and on-going training program. ABLED, Inc. will ensure staff receive training and demonstrate competencies under the guidance of an already trained and proficient staff member prior to working alone with individuals.

ABLED, Inc. will document in the employee's personnel record that required orientation and training was completed and competency was demonstrated. It is the responsibility of ABLED, Inc. to ensure that training and verification of such is completed by persons with expertise who are qualified by education, training, or experience in those areas.

ABLED, Inc. uses orientation training checklists for all job classifications. All staff receive follow-up training as necessary and appropriate. Staff training needs are identified through a combination of surveys, Staff Development Reports, performance reviews, and direct contact with co-workers by the Staff Development Committee. The Staff Development Committee will review the staff development plan annually.

### Initial Orientation Requirements

In accordance with **Title 404, 4-004.04A**, initial orientation will be completed by all new employees prior to working alone with individuals. Employees will complete the following training requirements:



1. Individual's choice;
2. Individual's rights in accordance with state and federal laws;
3. Confidentiality;
4. Dignity and respectful interactions with individuals; and
5. Abuse, neglect, and exploitation and state law reporting requirements and prevention.

### Required Training

In accordance with **Title 404, 4-004.04B**, employees will be trained to respond to injury, illness, and emergencies, and competency verified **within 30 days of hire or before working alone with an individual**. The following training areas will be addressed:

1. Emergency procedures;
2. Cardiopulmonary resuscitation;
3. Basic first aid;
4. Infection control;
5. Individuals' medical protocols as applicable; and
6. Individuals' safety protocols as applicable.

In accordance with **Title 404, 4-004.04C**, employees will be trained and demonstrate competency **within 180 days of hire** regarding the implementation of the provision of services to individuals. This training will include:

1. Implementation and development of the ISP and interdisciplinary process;
2. Positive support techniques;
3. Approved emergency safety intervention techniques;
4. Concepts of habilitation, socialization, and age-appropriateness, depending on the needs of the individual;
5. Use of adaptive and augmentative devices used to support individuals, as necessary;
6. Other training required by ABLED, Inc.; and
7. Other training as required by the specific service options.

In accordance with **Title 404, 4-004.04D**, training and verification of competencies in the above areas will be conducted by persons with expertise who are qualified by education, training, or expertise in those areas.



In accordance with **Title 404, 4-004.04E**, ABLED, Inc. the Executive Staff or a designated member staff will document in the staff personnel record that training and demonstration of competency were successfully completed. Documentation will include:

1. Topic;
2. Date staff attended training;
3. Date competencies verified;
4. Name of person conducting training; and
5. Verification of competencies.

The records will be maintained at the main office.

### **Staff Credentials**

In accordance with **Title 404, 4-004.05**, any person who provides a service for which a license, certification, registration, or other credential is required will hold the license, certification, registration, or credential in accordance with applicable state laws. ABLED, Inc. will maintain documentation of the staff credentials at the main office.

### **Sufficient Staff**

In accordance with **Title 404, 4-004.06**, the Executive Staff of ABLED, Inc. will at all times maintain enough staff to provide services, supports, and supervision to meet the needs of each individual served.

### **Staff Expectations**

ABLED, Inc. staff and subcontract employees are expected to maintain the highest degree of integrity. This requires that they are honest and trustworthy in all matters which leads to the best possible services. Staff and subcontract employees must have a strong work ethic doing everything with a consideration of the value being added to an individual's life. They must exhibit loyalty by believing in and supporting the mission of ABLED, Inc.

### **Direction and Supervision of Unlicensed Staff**

In accordance with **Title 404, 4-004.07**, if ABLED, Inc. ever employees unlicensed staff to provide non-complex nursing interventions to individuals served, the Executive Staff of ABLED, Inc. will ensure compliance with 172 NAC 99.

### **Medication Aides**

In accordance with **Title 404, 4-004.08**, if ABLED, Inc. is responsible for provision of medication to individuals as identified in the ISP and uses unlicensed staff, the Staff Nurse will ensure and document compliance with 172 NAC 95 and 96.





### Staff Attendance Records

In accordance with **Title 404, 4-004.09A**, ABLED maintains complete Attendance records on Therap. These records include the name of the staff person, position title, date, specific time period worked if hourly, and the location if applicable.

### Staff Employment Records

In accordance with **Title 404, 4-004.09B**, ABLED, Inc. maintains all employment records for staff at the main office which includes:

1. Date of hire;
2. Initial and ongoing training;
3. Certification or licensing information, if applicable;
4. Background checks as specified at 404 NAC 4-004.03;
5. Job qualifications; and
6. Personnel actions, if applicable.

Volunteers receive training and supervision necessary for competent performance of their volunteer assignment.

## **G. QUALITY ASSURANCE/QUALITY IMPROVEMENT**

In accordance with **Title 404, 4-014**, ABLED, Inc. will deliver or secure high quality supports. Internal and external review processes are used to encourage compliance with quality service requirements.

1. Conduct ongoing proactive internal quality reviews and individualization of services.
  - a. To assure that service quality standards are met in all service settings, ABLED, Inc. meets applicable regulations of all local, state, and federal jurisdictions, including Federal Medicaid Waivers, Wage & Hour Regulations, Nebraska Department of Health and Human Services (DHHS), county health departments and the State Fire Marshall.
  - b. When no local, state, or federal regulations apply, ABLED, Inc. develops and enforces its own standards.
2. Continuously review the quality of services provided.
3. ABLED, Inc. enforces standards and procedural requirements by initiating formal review mechanisms. These may include: systems review, consumer satisfaction surveys, management surveys, ethics committee reviews, and safety committees.



4. Provide evidence that individuals served and their families are involved in the QA/QI process by soliciting their involvement in the review process and discussing the results.

## H. QA/QI STRUCTURAL COMPONENTS

In accordance with **Title 404, 4-014.01**, the ABLED, Inc. QA/QI process applies on a provider-wide basis and includes:

1. Areas of services to be monitored and evaluated to determine the quality of these services through identification of patterns and trends of ABLED, Inc. services.
2. Provisions for reviewing QA/QI policies and procedures at least annually and revising as needed (see separate Quality Assurance Policy).

ABLED, Inc. reviews all programs to ensure compliance with all applicable required regulations, including the 404 regulations.

These reviews may include but are not limited to:

1. Individuals' unit files to ensure that appropriate documentation is included;
2. Training and supports;
3. Training programs;
4. Medication Administration;
5. Finances of individual supported when ABLED, Inc. is responsible for those funds; and
6. Other areas of service as appropriate.

## I. QA/QI DESIRED RESULTS

In accordance with **Title 404, 4-014.02**, ABLED, Inc. QA/QI activities result in:

1. Compliance with applicable requirements in Title 404 and all other regulations.
2. Identification and correction of problems in a timely manner and on a provider-wide basis.
  - a. Findings of these reviews are submitted to the Board of Directors with a written response to the findings within 30 days of receipt of the report.
  - b. This response will include corrective actions to be taken as a result of specific items cited in the review with details as to how the issues cited in the initial review will be addressed throughout ABLED, Inc.
3. Information gathered as a result of Quality Assurance activities will be periodically reviewed to make necessary revisions to ensure services are of the highest quality.

## J. QA/QI ACTIVITIES DOCUMENTATION

In accordance with **Title 404, 4-014.03**, ABLED, Inc. executive staff will maintain documentation of all QA/QI activities, including the results of reviews,



recommendations, action taken, effectiveness of action taken, and other relevant information at the main office. All findings of Quality Assurance activities are available for review by individuals supported, families, legal representatives, or other interested members. The Quality Assurance Policy and procedures will be reviewed annually and updated as needed.

## **K. SUBCONTRACT SERVICES**

In accordance with **Title 404, 11-002.01**, ABLED, Inc. may enter into subcontracts to provide specialized services as permitted under 404 NAC. The services to be delivered through a subcontract must follow ABLED, Inc. policies and procedures, including sections that address development, training, oversight, and service monitoring components.

- a. Subcontractors will have the same qualifications, staff training, and service provision expectations as employees of ABLED, Inc. as well as criminal background checks, APS checks, CPS checks and state patrol sex offender registry checks.
- b. Service provision monitoring of the subcontractor's performance is completed on-site at a minimum of one time per month.
- c. The subcontractor has no employer-employee relationship with ABLED, Inc.
- d. The subcontractor does not serve as legal guardian of the individual supported. The subcontractor must not be an immediate family member of the individual supported.
- e. The subcontractor must comply with all requirements of the ISP.
- f. Subcontractors will maintain a record of hours of support provided to the individual supported.
- g. All designees of the subcontractor must meet the same requirements of the subcontractor.

ABLED, Inc. will submit copies of subcontracts to DHHS prior to utilization of the subcontractor's services. Subcontracts are subject to the requirements of relevant statutes, regulations, and other policies and procedures of DHHS.

In accordance with **Title 404, 11-002.02A**, the ABLED, Inc. subcontractor has no independent, contractual relationship with DHHS.

In accordance with **Title 404, 11-002.02B**, the ABLED, Inc. subcontractor does not serve as the legal guardian of the individual served. The subcontractor will not be an immediate family member of the individual served. Immediate family members are parents, spouse, or children (see Title 404, 9-003.02A).



### III. INDIVIDUAL SUPPORT OPTIONS

#### A. INDIVIDUAL SUPPORT OPTIONS DEFINED

In accordance with **Title 404, 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 will be flexibility of services that change, as the individual's needs change, without the individual having to move elsewhere for services. Recognizing this, ABLED, Inc.:

1. Is person centered;
2. Demonstrates that the individual is in charge of his/her services and supports;
3. Promotes the freedom for an individual to live a meaningful life and participate as a member of the community as any other citizen;
4. Promotes the individual's rights and autonomy;
5. Promotes the use of generic services, natural supports, and options;
6. Assists 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. Promotes 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 ABLED, Inc. (as appropriate and desired).

#### Supported Living

In accordance with **Title 404, 5-002.03**, Supported Living is defined as supports provided in the community for an individual eligible for intellectual disability services, with no more than two other individuals with intellectual disabilities in a residence that it is under the control and direction of the individual(s). The residence will be in a community integrated setting.

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

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



Supported Living options are for a maximum of three individuals with intellectual disabilities (not including staff) who choose to live together in this type of arrangement. ABLED, Inc. will 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 will be unrelated, directly or indirectly, to ABLED, Inc.

### Extended Family Home

In accordance with **Title 404, 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 above are met. To be considered, it will be a residence for no more than two individuals with intellectual 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. ABLED, Inc. owned housing when the EFH provider is engaged as a subcontractor does not qualify as a Supported Living option.

### Supported Day

In accordance with **Title 404, 5-002.04**, 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 intellectual 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 an individual's life. These are all part of what may be considered a meaningful day.

### School-Aged People

An individual under age twenty-one will have a school (or other) contract to receive day services from ABLED, Inc. The contract runs to the day of the twenty-first birthday or, if the individual's twenty-first birthday occurs during a school year, until the end of that school year.

## **B. INDIVIDUAL SUPPORT OPTIONS PROVISIONS**

In accordance with **Title 404, 5-002.02**, ABLED, Inc.'s 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.

### Habilitation

In accordance with **Title 404, 4-005.01**, the Executive Staff will assign staff to ensure each individual receiving services will receive habilitation services to acquire, retain, and improve the skills necessary so the individual is able to function with as much independence as possible; enhance choice and self-management; and participate in the rights and responsibilities of community membership. Habilitation will be observable in daily practice and identifiable in the ISP and supporting documentation. Habilitation will be an ongoing planned process that includes: comprehensive assessments, an individualized plan, training and supports, service delivery, documentation of the service delivery, measuring progress of the plan; monitoring the service to determine if the services continue to meet the needs of the individual. Habilitation requires that:

1. The individual's program plan is developed based on the individual's preferences with input from the ISP team members, and strengths and needs that are accurately assessed.
2. The ISP team will prioritize needs so that:
  - a. The individual is challenged to overcome barriers that result in the need for specialized services; and
  - b. The highest level of independence in all areas of community living is achieved.
3. Strategies and supports will be developed that are:
  - a. Based on prioritized needs;
  - b. Relevant to the ISP;
  - c. Functional;
  - d. Tailored to individual needs, and respectful of individual choice; and
  - e. Documented in the ISP.
4. Training and supports are consistently implemented in all settings as the need arises and as opportunities occur. Incidental learning and appropriate behaviors are encouraged and reinforced
5. Activities and environments will facilitate acquisition of skills, appropriate behavior, greater independence, and personal choice.
6. Performance is accurately measured and training or supports or both are modified based on data and changes in individual circumstances;
7. Monitoring of service delivery will be provided and, if needed, cause actions to occur to ensure needs are addressed.



Individuals with conditions that make further growth or development unlikely will receive training and supports designed to maintain skills and functioning and to prevent further regression to the extent possible.

### Assessments

In accordance with **Title 404, 4-005.01A**, the Executive Staff will ensure assessments are conducted for each individual to obtain accurate and complete information related to the individual's history, preferences, strengths, and abilities and needed services. The assessments will be the basis of development of the ISP. Assessments will be completed for each individual within 30 calendar days of entry to services; at least annually, the assessments will be reviewed and updated to reflect the individual's current status.

### Individual Support Plan (ISP)

Each individual receiving services from ABLED, Inc. has an Individual Support Plan (ISP). The ISP is kept within each individual's unit file and is available at all times for reference by staff.

In accordance with **Title 404, 4-005.01B**, the ISP will be an individualized person centered plan that specifies agreed upon services to be delivered to the individual to meet identified needs. The ISP will be a plan to offer habilitation services and supports to individuals. The ISP will be based on individual's preferences and the comprehensive assessments. ABLED, Inc. will participate in development of the annual ISP and take the necessary steps to ensure that the ISP documents the ISP team review, discussions, and decisions.

Review and/or copies of all ISP documents are available upon request to the individual receiving services, the legal representative, parent (if the individual is a minor) and other team members.

The individual planning process and recommendations are used to determine the type and level of service procured for each individual. All individual plans lead to increased independence, self-reliance, self-actualization, and community integration. The individual plan adopted by the team is implemented by the team.

The Executive Staff or designated staff is responsible to oversee ABLED, Inc.'s implementation of the Individual Support Plan and the related ABLED, Inc. files.

### Programs and Supports

In accordance with **Title 404, 4-005.01C**, services such as supports and programs to learn new skills will be identified in the ISP. ABLED, Inc. will develop a specific written plan with enough detail to consistently implement these services.

In accordance with **Title 404, 4-005.01C1**, ABLED, Inc. supports will be flexible and subject to change when circumstances change or the supports are no longer needed or effective. The Executive Staff or designated staff will ensure supports provide the



assistance required by the individual to maintain or increase independence, achieve community participation, improve productivity, and for health and safety.

In accordance with **Title 404, 4-005.01C2**, ABLED, Inc. Chief Educational Officer or designated staff will ensure programs are based on the goals identified in the ISP for the development of functional skills.

### ISP Team Process

In accordance with **Title 404, 4-005.02**, ABLED, Inc. Executive Staff and/or designated staff will participate in an ISP team process to develop the ISP. The ISP team assigns responsibility for obtaining and providing services to meet the identified needs of the individual.

Composition of the team varies according, to the needs and desires of the individual. In accordance with **Title 404, 4-005.02A**, ABLED, Inc. will participate in the ISP team process. The ISP team will consist of the individual, legal representative, if applicable, service coordinator, ABLED, Inc. representative(s), and other individuals chosen by the individual served. The individual may raise an objection to a particular ABLED, Inc. representative. When an individual raises an objection, the ABLED, Inc. will make every effort to accommodate.

In accordance with **Title 404, 4-005.02B**, the ISP team will utilize a team approach and work toward consensus development of a meaningful outcome driven ISP for the individual.

### Positive Behavioral Supports

In accordance with **Title 404, 4-005.03**, in addressing behaviors, ABLED, Inc. Executive Staff or designated staff will develop and implement policies, procedures, and practices that emphasize positive approaches directed towards maximizing the growth and development of each individual. ABLED, Inc. will ensure the following behavior supports and emergency safety interventions for emergency safety situations are in place:

1. The assessment will define the communicative function of the behavior for the individual;
2. The assessment will focus on what purpose the identified behavior serves in the individual's life;
3. A review of the individual's day supports, residential supports, and other relevant data will be incorporated in the assessment process;
4. A plan for the individual will be developed that emphasizes positive meaningful activities and options that are inconsistent with the behavior targeted for change;
5. There will be a combination of a planned meaningful day and individualized supports for the individual;





6. The plan will include a description of potential stressors and triggers that may lead to the individual experiencing a crisis. Once identified, there will be a comprehensive safety plan developed and implemented; and
7. There will be meaningful and individualized data collection and data analysis that track the progress of the individual. The data will be presented in a useful manner and collected through a range of methods that are valid and meaningful for planning and evaluation efforts.

### Rights

In accordance with **Title 404, 5-003.02B**, inherent in Individual Support Options is that supports and services are delivered in the individuals' homes, or in the community. ABLED, Inc. Rights Review Committee will ensure that the same rights and responsibilities of any citizen apply in Individual Support Options.

In accordance with **Title 404, 5-003.02C**, restriction of rights, person, or property will not be allowed in Individual Support Options services.

### Restraints

In accordance with **Title 404, 5-003.02D**, ABLED, Inc. prohibits restraints. An emergency safety intervention may 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 will be developed utilizing the principles of positive behavioral supports.

In accordance with **Title 404, 6-006**, ABLED, Inc. prohibits the use of mechanical restraints. An emergency safety intervention may be performed in an emergency safety situation. This is different than physical restraint because it is not used as a behavioral consequence. In instances where the individual will be kept from harm (i.e., running into traffic, leaving a moving car or other serious, unusual or life-threatening actions by the individual), ABLED, Inc. staff will use their reasonable and best judgment to intervene to keep the individual from injuring him/herself or others. This may include hands-on guidance to safely protect the individuals and others from immediate jeopardy or physical harm.

These situations are not predictable, are unusual, and are usually not reoccurring. In any instances other than these, there must be a positive behavioral supports program in place to work with the individual on alternative positive displays of behavior that are incompatible with other negative behaviors.

Furthermore, in accordance with **Title 404, 6-006.01**, ABLED, Inc. prohibits the use of mechanical or physical restraints. Prohibited restraints include aversive stimuli, corporal punishment, seclusion, verbal abuse, physical abuse, emotional abuse, denial of basic needs, discipline, or implementation of an intervention of an individual in services by



another individual in services, or other means of intervention with the behavior that result in, or is likely to result in injury to the individual.

**All such events are documented by a General Event Report and reviewed by the individual's ISP team and Rights Review Committee to ensure that the emergency safety intervention was appropriate.**

### Psychotropic Medications

In accordance with **Title 404, 5-003.02E**, psychotropic medications taken by the individual due to diagnosed mental illness (a dual diagnosis of a severe and persistent mental illness in conjunction with an intellectual disability) will 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 will 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 will be evidence that a less restrictive and more positive technique had been systematically tried and shown to be ineffective.

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 - **No positive behavioral supports plan is required.**

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

In accordance with **Title 404, 6-005.01**, psychotropic medications taken by the individual due to diagnosed mental illness (a dual diagnosis of a severe and persistent mental illness in conjunction with an intellectual disability) will:

1. Only be given as prescribed by a physician who has authority in his/her scope of practice to determine the diagnosis. PRN (as needed) psychotropic medications are prohibited;
2. Be reviewed by the ISP team to determine if the benefits outweigh the risks and potential side effects;



3. Be supported by evidence that a less restrictive and more positive technique had been systematically tried and shown to be ineffective;
4. Be reviewed by the rights review committee in accordance with 404 NAC 4-011. There will be an annual review by the prescribing physician and a semi-annual review by the ISP team of all psychotropic medications utilized. There will be clear and convincing evidence that the individual has a person-centered plan demonstrated by data and outcome measures;
5. Not be used as a way to deal with under-staffing; ineffective, inappropriate or other nonfunctional programs or environments;
6. Also have a positive behavioral supports plan established and in place to address those symptoms when they occur if symptoms reappear and the ongoing use of medication is no longer effective; and
7. Be monitored and documented on an ongoing basis by ABLED, Inc. to provide the ISP team and physician sufficient information regarding:
  - a. The effectiveness of and any side effects experienced from the medication;
  - b. Frequency and severity of symptoms; and
  - c. The effectiveness of the positive behavioral supports plan.

In accordance with **Title 404, 6-005.02**, ABLED, Inc. will ensure psychotropic medications used solely for the purpose of modifying behaviors are only used if in accordance with 404 NAC 6-005.01 and:

1. There is a plan to reduce and eliminate the medication; and
2. The drug is used in conjunction with a positive behavioral supports plan as outlined in 404 NAC 4-005.03.

In accordance with **Title 404, 6-005.03**, 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.

### **Rights Review Committee Review**

The Rights Review Committee must examine all procedures requiring review as a condition of continuing implementation. Use of restrictive measures cannot be implemented until Rights Review Committee is approved. Interim approval is permitted. Documented recommendations of the Rights Review Committee are followed unless ABLED, Inc. specifically authorizes alternative approaches in writing. Once the Rights Review Committee approves a procedure, all staff that work with the individual must follow the procedure. After the Rights Review Committee reviews a procedure, the Committee may request follow-up information. If substantive changes are made in the



procedure or if another restrictive procedure is instituted, the case must be referred again for review. Approval of restrictive measures lasts for one year. Psychotropic medication changes may receive interim approval by any Rights Review Committee member. The policy and procedures of the review requirements are available upon request to people supported, their parents and/or legal representative, staff, advocates and DHHS.

### **C. INDIVIDUAL SUPPORT OPTIONS PROVIDERS CERTIFICATION**

In accordance with **Title 404, 5-003**, only a certified, specialized DD provider is eligible to provide Individual Support Options services under contract with DHHS. ABLED, Inc. will take all necessary steps to become certified, and to maintain certification, including the following:

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 and local codes;
4. Support individuals with intellectual 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 Support Plan (ISP) are commensurate with identified strengths and preferences that enhance community membership.

#### **Certification Requirements**

In accordance with **Title 404, 5-003.02**, ABLED, Inc. will develop and implement policies and procedures that encompass the Individual Support Options provider certification requirements noted in subsequent paragraphs.

#### **Administrator**

In accordance with **Title 404, 5-003.02A**, ABLED, Inc. Chief Executive Officer is responsible for overall management of the provision of Individual Support Options services, and ensure compliance with applicable requirements in 404 NAC 5.



## IV. COMMUNITY BASED RESIDENTIAL AND DAY SERVICE OPTION

In accordance with **Title 404, 6-001.01**, only a certified specialized provider is eligible to provide day or residential services under this option. ABLED, Inc. takes the necessary steps to become certified and will:

1. Comply with the requirements in this chapter;
2. Comply with core requirements in 404 NAC 4; and
3. Comply with all applicable federal and state laws and regulations and local codes.

In accordance with **Title 404, 6-001.02**, ABLED, Inc. will provide day and residential services at various integrated community settings that are operated or controlled by an ABLED, Inc. or ABLED Inc.'s employee or subcontractor or any entity owned or controlled by ABLED, Inc. This is regardless of who owns or leases the property.

### A. RESIDENTIAL SETTING

In accordance with **Title 404, 6-001.02A**, ABLED, Inc. residential settings will:

1. Have no more than 3 individuals with intellectual disabilities residing at the setting;
2. Be operated as a single setting and demonstrate that each residence operates independently; and
3. Be staffed when the residence offers continuous services independently.

### B. OVERALL DUTIES AND RESPONSIBILITIES TO SERVED INDIVIDUALS

In accordance with **Title 404, 6-002**, ABLED, Inc. ensures:

1. Individuals are free from abuse, neglect, mistreatment, and exploitation;
2. Health, safety, and well-being of the individual is a priority;
3. Individuals are treated with consideration, respect, and dignity;
4. Individuals' preferences, interests, and goals are honored;
5. Individuals have daily opportunities to make choices and participate in decision making;
6. Activities are meaningful and functional for each individual;
7. Services are directed towards maximizing the growth and development of each individual for maximum community participation and citizenship;
8. Individuals live in a manner that is most inclusive;
9. Individuals experience being part of the community; and
10. Individuals are able to express their wishes, desires, and needs.



## C. RESIDENTIAL AND DAY SERVICES

In accordance with **Title 404, 6-003**, ABLED, Inc. Residential and Day services offer habilitation, including services and supports and supervision as needed, designed to assist the individual in acquisition, improvement, and retention of skills necessary to enable him/her to live and work successfully and independently as possible in his/her home and the community.

In accordance with **Title 404, 6-003.01**, ABLED, Inc. Residential services take place where the individual lives or in the community and are directed at developing, improving, or maintaining the individual's health and personal skills that would typically occur in one's home.

In accordance with **Title 404, 6-003.02**, ABLED, Inc. Day services are directed at developing, improving, or maintaining skills to maximize employment and inclusion.

In accordance with **Title 404, 6-003.02A**, at ABLED, Inc. an individual's day services are not provided at a residential site, except in the following situations:

1. Due to health concerns documented by a physician that are pre-approved by DHHS and time-limited;
2. If the individual is receiving retirement services; or
3. If the individual is preparing to participate in community work experiences and competitive employment.

## D. GENERAL STANDARDS – RESTRICTIVE MEASURES

In accordance with **Title 404, 6-004**, ABLED, Inc. follows the standards in 404 NAC 4, as well as the standards stated below.

In accordance with **Title 404, 6-004.01**, ABLED, Inc. will, to the fullest extent possible, ensure that an individual's rights are not suspended or restricted. In the event where a restrictive measure is considered:

1. The restrictive measure determined necessary for one individual will not affect other individuals who receive services in that setting;
2. The restrictive measure will not be used as punishment, for the convenience of staff, due to shortage of staff, as a substitute for habilitation, or as an element of a positive behavior support plan;
3. The restrictive measure will be the least restrictive and intrusive possible;
4. There will be a goal of reducing and eliminating the restrictive measure;
5. Prior to proposing a restrictive measure, there will be documented evidence that other less restrictive methods had been regularly applied by trained staff and failed; and



6. The individual or their legal representative, if applicable, will give consent to the restrictive measure;
7. The restrictive measure will be safe for the individual; and
8. The restrictive measure and these considerations will be documented in the ISP.

In accordance with **Title 404, 6-004.01A**, ABLED, Inc. will ensure that prior to implementation of a restrictive measure, there is both review and approval by the ISP team and rights review committee as outlined in 404 NAC 4-011.

## **E. PHYSICAL LOCATION REQUIREMENTS**

In accordance with **Title 404, 6-007**, ABLED, Inc. locations comply with the codes and regulations of the local jurisdiction and meet the needs of the individuals receiving services in those locations. Residences will have a home-like character.



## V. RESPITE SERVICES

### A. RESPITE SERVICES DEFINED

In accordance with **Title 404, 8-001**, Respite is defined as intermittent, temporary relief to the usual non-paid caregiver from the continuous support and/or care of the individual. Respite components are supervision, tasks related to the individual's physical and psychological needs, and social/recreational activities and are documented in the ISP.

The term “usual non-paid caregiver” means a person who resides with the individual, is not paid to provide services, and is responsible on a 24-hour per day basis for the care and supervision of the individual.

### B. RESPITE SERVICES REQUIREMENTS

In accordance with **Title 404, 8-004**, ABLED, Inc. provides respite services and, in accordance with **Title 404, 8-004.03**, meets provider standards in 404 NAC 4 except for habilitation (404 NAC 4-005.01, see Section III.B). When respite services are provided in a DD provider-managed location, ABLED, Inc. meets the standards at 404 NAC 6.

In accordance with **Title 404, 8-004.05**, ABLED, Inc. documents in the ISP of the plan for the provision of respite services including the amount of respite time needed for the individual served.

In accordance with **Title 404, 8-004.06**, Respite services do not require the provision of habilitation; however, ABLED, Inc. requires that the individual's needs are met and that intervention techniques and/or supports are consistent with those delivered as habilitation.

In accordance with **Title 404, 8-004.07**, ABLED, Inc. requires the services and supervision identified on the ISP during the respite period.

In accordance with **Title 404, 8-004.08**, ABLED, Inc. requires that individuals who are receiving respite services in a DD provider-managed location do not utilize the bed or other personal items of an individual who resides at this location.





## VI. RIGHTS & RESPONSIBILITIES

### A. DESIRED RIGHTS AND ACCEPTED RESPONSIBILITIES

In accordance with **Title 404, 4-007**, ABLED, Inc. acts to ensure each individual receiving services has the same legal rights and responsibilities guaranteed to all other individuals under the federal and state constitutions and federal and state laws. These rights can only be modified or suspended according to state or federal law. They cannot be modified or abridged without due process.

#### Procedural Requirements Regarding Rights

In accordance with **Title 404, 4-007.01**, ABLED, Inc. will ensure that:

1. Rights and responsibilities are specified and this specification does not conflict with Title 404.
2. Each individual served, parent if a minor, or legal representative is informed of the individual's rights and responsibilities:
  - a. The information will be given at the time of entry to services, annually thereafter, and when significant changes occur; and
  - b. The information will be provided in a manner that is easily understood, given verbally and in writing, in the native language of the individual, or through other modes of communication necessary for understanding.
3. The provision of supports to individuals receiving services in exercising their rights;
4. Rights will not be treated as privileges; and
5. Prohibit retaliation against individuals' services and supports due to the individual, family members, or legal representatives advocating on behalf of the individual served. This includes initiating a complaint with outside agencies.

Individuals with intellectual disabilities are considered to be capable of exercising their rights unless legally determined to be incapable of doing so. ABLED, Inc. will ensure the greatest amount of liberty for growth, entertainment, socialization, and living for all individuals in our care. Rights are not considered privileges.

People with intellectual disabilities carry the responsibilities which correspond with the rights they exercise. Individuals will be responsible for positive interactions with others and making as many decisions as possible to achieve their destiny.



## **B. SPECIFIC RIGHTS**

ABLED, Inc. acts to ensure, both in policy and practice, that all individuals served have all the rights granted to all individuals by the government of these United States and the State of Nebraska.

This includes the right to be treated with dignity and respect regardless of race, color, religion, sex, disability, marital status, national origin, sexual orientation, or age.

All individuals served have the right:

1. Receive a program orientation which includes, but is not limited to:
  - a. A tour of any potential service area if applicable.
  - b. A review of rules.
  - c. A review of rights.
  - d. A review of the ABLED, Inc. complaint mechanism.
  - e. A review of typical daily activities.
  - f. An introduction of staff persons and other individuals receiving services in each environment.
2. To individual privacy and property including personal funds. This includes the right to have a locked bedroom to maintain privacy.
3. To be informed of decisions affecting them, including the right to participate in the decision making and the right to legal counsel/representation.
4. To protection from exploitation in accordance with state and federal wage and labor laws.
5. To receive nourishment and medical treatment in a timely manner.
6. To receive due process in the handling of complaints, or the modification/denial of rights.
7. To move about freely both on and off the premises of his/her residence.
8. To receive services and assistance which present opportunities to increase independence, interdependence, productivity, and integration into the community.
9. To live, work and recreate with people who do not have disabilities.
10. To receive age and environment appropriate services.
11. To receive services in the least restrictive setting.
12. To receive services in safe and sanitary settings.
13. To develop and maintain personal relationships, choose friends and select living companions.
14. To receive reasonable accommodation as required by the Americans with Disabilities Act, including Title II.

No individual's service will be terminated without receiving sixty (60) days written notice. With the termination notice, ABLED, Inc. will send information outlining the rationale for the action and the Complaint Mechanism.



## **C. SPECIFIC SAFEGUARDS**

### **The Right to Medical Treatment**

1. All individuals have the right to medical treatment which maintains health and sustains life.
2. ABLED, Inc. acts to protect this right for people in any setting or system.

### **The Right to Consent**

1. Consent is required whenever a proposed activity or procedure will oblige an individual with intellectual disabilities to incur significant risks, have a potentially irreversible impact on the individual, or intrude physically, psychologically, or socially on the individual.
2. Every individual entering service will give ABLED, Inc. written consent to authorize medical care.
3. Written consent for release of information to ABLED, Inc. is required each time specific information is needed. Because adequate information is necessary to provide services, refusal to give written consent for release of information may result in service termination.
4. Each year an individual in services or the guardian will be asked to sign a form giving permission to use photographs and personal information for internal and external public information activities (regional newsletter, news release to public media, videotapes, etc.) All public information activities focus on achievements and include only information that is relevant to the focus of the story. In some cases, staff will also contact guardians for verbal approval. The decision to participate in public information activities is optional, not a requirement.
5. Written consent to release information from ABLED, Inc. files should be obtained each time information is to be released and should specify the information to be released, purpose, person or agency receiving information, and the expiration date of the release.
6. Written consents should be obtained from the individual who receives services, the parent, if the individual is a minor, or the guardian, if guardianship exists.
7. Whenever consent is required, ABLED, Inc. takes all reasonable steps to ensure that informed and effective consent is given. This includes attention to: capacity of the individual, sufficiency of information available to the individual, and freedom of choice.
8. Individuals who give consent may also withhold or withdraw consent.
9. Written consent for participation in activities outside the community will be obtained for minors or for adults with legal guardians. In addition, parents or guardians of minors and guardians of adults will be contacted for specific approval of activities involving an overnight stay.
10. All written consents will be time limited, not to exceed one year.



### The Right to Due Process

1. ABLED, Inc. will notify each individual of any actions that will substantially change the level or type of services the individual receives from ABLED, Inc.
2. Disagreements about projected changes in the level or type of service are resolved by the Individual Support Plan team, whenever possible. The team documents its attempts to resolve differences through discussion, compromise, and planning.
3. Formal due process procedures are initiated only if the Individual Support Plan team cannot resolve disagreements about services.
4. The individual continues to receive the level or type of service slated for change while the due process procedure is being conducted.
5. The individual affected by the service change and/or the individual's representative can request a due process hearing by letter to the CEO of ABLED, Inc. and to the Rights Review Committee.
6. The due process hearing is conducted within 21 calendar days of receipt of the request.
7. The hearing is conducted by an impartial official who is not an employee of ABLED, Inc. Under this requirement, the hearing official shall not have been directly involved in the initial determination of the action in question.
8. Legal counsel is retained at the expense of the individual requesting the hearing, if such counsel is desired. In the event the individual does not possess the necessary funds for this, an ABLED, Inc. representative helps the individual find affordable legal assistance.
9. At the due process hearing, evidence is presented which includes, but is not limited to, medical and psychological assessment data. When the hearing involves medical issues such as a diagnosis, an examining physician's report, a medical review team's decision, or a medical assessment other than that of the person or people involved in making the original decision, it is obtained at ABLED, Inc. expense and made part of the record.
10. All evidence is presented in language understandable to all parties. This may entail the use of signing, Braille, or verbal explanation.
11. The proceedings are not subject to formal rules of evidence.
12. The individual and his/her representative have adequate opportunity to examine all documents and records to be used by ABLED, Inc. at the hearing at a reasonable time before the hearing, as well as during the hearing.
13. The individual and his/her representative may bring witnesses to establish all pertinent facts and circumstances and to advance any arguments without interference.
14. The individual and his/her representative may question or refute any testimony or evidence, and to confront and cross examine adverse witnesses.



15. Recommendations of the hearing officer are based exclusively on evidence and other material presented at the hearing.
16. The transcript or recording of testimony and exhibits, or an official report containing the substance of what transpired at the hearing, together with all papers and requests accepted in the proceedings, constitute the exclusive record and shall be available to the individual or his/her representative within 21 calendar days.
17. The recommendation of the hearing officer is communicated within 30 days of the hearing to the individual or his/her representative and to the CEO of ABLED, Inc.
18. If the individual or his/her representative chooses to appeal the hearing officer's decision, a written request is filed with the CEO of ABLED, Inc. The request will be filed within 14 days of receipt of the hearing officer's recommendation.
19. The ABLED, Inc. Board or a designated committee of at least three board members makes up the appeals board.
20. The appeals board meets within 14 days of receipt of the request.
21. The appeal is made solely on the record of the hearing, except that new evidence is admitted to avoid substantial threat of unfairness.
22. The appeals board communicates its decision to the individual and/or the individual's representative within 14 days.
23. If the individual and/or the individual's representative is dissatisfied with the decision of the appeals board, the individual proceeds to the appropriate judicial review.

#### **D. FREEDOM FROM ABUSE AND NEGLECT**

In accordance with **Title 404, 4-010**, ABLED, Inc. staff and subcontractors will detect and prevent abuse and neglect and handle allegations of abuse, neglect, and exploitation.

Abuse or neglect of people with intellectual disabilities by ABLED, Inc. staff or subcontract employees is strictly prohibited. Abuse or neglect is defined by Nebraska law as knowingly, intentionally, or negligently causing or permitting a minor child or vulnerable adult to be:

- A. Placed in a situation that endangers his/her life or physical or mental health.
- B. Cruelly confined or cruelly punished.
- C. Deprived of necessary food, clothing, shelter, or care.
- D. Left unattended in a motor vehicle, if such minor child is six years of age or younger.
- E. Sexually abused.



- F. Sexually exploited by allowing, encouraging, or forcing such person to solicit for or engage in prostitution, debauchery, public indecency, or obscene or pornographic photography, films, or depictions.
- G. Self-abuse inflicted by the individual.

In accordance with Neb. Rev. Stat. §28-372 of the Adult Protective Services Act or, in the case of a child, in accordance with Neb. Rev. Stat. §28-711; ABLED, Inc. staff and subcontract employees are required to report suspected abuse or neglect of an individual with intellectual disabilities to legal authorities. Staff or subcontract employees who suspect abuse or neglect must report it or cause it to be reported.

1. If an individual is in imminent danger as a result of neglect or abuse, law enforcement is contacted immediately. If an individual is not in imminent danger, the report should be made to Protective Services.
2. Situations in which people supported by ABLED, Inc. appear to meet the legal definition of suspected abuse or neglect are reported, within 24 hours to:
  - a. The Team Coach (or designated staff)
  - b. The individual's Service Provider (upon becoming aware of the event)
  - c. The Chief Executive Officer (or designated staff)
  - d. The individual's legal representative (if any)
  - e. The individual's advocate (if any)
  - f. The individual's parent (if individual is a minor)
3. If a staff person is suspected of abuse or neglect, an internal investigation is conducted. ABLED, Inc. conducts its internal investigation so as not to jeopardize any investigation by appropriate external authorities. ABLED, Inc. will not interfere with outside investigations.
4. All allegations of abuse/neglect which have been investigated will be reviewed by the Rights Review Committee. ABLED, Inc. will maintain a current list of members and minutes of meetings.
  - a. The committee will be composed of persons free of conflict of interest, including at least one family member or individual with an intellectual disability. Committee members receive training regarding the role of the committee.
  - b. The purpose of the committee is to review every allegation with corresponding investigative reports and ABLED, Inc. response (if any). The committee will be responsible for ensuring that ABLED, Inc. has adequate safeguards to protect individuals in service from potential harm.
  - c. The committee has full access to all information necessary to fulfill its role.
  - d. All investigative reports of abuse/neglect will be reviewed at the first meeting following the completion of the report.
  - e. The committee findings will be sent to the appropriate director for response (if any).



- f. Report of the committee findings will be sent to the alleged victim, Service Coordinator, and legal representative within five days after the report has been issued.
- g. ABLED, Inc. responses to committee recommendations (if any) will be provided to the appropriate entities.
- h. ABLED, Inc. Executive Staff will implement the appropriate corrective action including possible suspension or termination.
- i. Furthermore, the Executive Staff will implement the appropriate corrective action recommended by the Rights Review Committee to lessen the likelihood of further incidents if the allegation is substantiated.

## E. EXPLOITATION

Exploitation of people supported by ABLED, Inc. staff is prohibited. Exploitation is defined as the use of coercion, manipulation, or undue influence, whether overt or subtle, in a way that benefits someone other than the individual served.

If an ABLED, Inc. staff person is suspected of exploitation, it is the policy of ABLED, Inc. to report the suspected exploitation as possible abuse or neglect.

All incidents of suspected exploitation are investigated internally even if an external authority is conducting an investigation. ABLED, Inc. will conduct its internal investigations so as not to jeopardize any investigation by external authorities.

## F. RIGHTS REVIEW COMMITTEE

In accordance with **Title 404, 4-011**, the ABLED, Inc. Rights Review Committee that meets no less than semi-annually. The function of this committee is to review any situation requiring an emergency safety intervention, the use of psychotropic medication as outlined in 404 NAC 5-003.02E and 404 NAC 6-005, any restrictive measure as outlined in 404 NAC 6-004, and any situation where violation of an individual's rights occurred. The review may include obtaining additional information and gathering input from the affected individual and his/her legal representative, if applicable, to make recommendations to ABLED, Inc.

The rights review committee may utilize sub-committees to complete its work, but will document reports of the sub-committees to the overall committee in the minutes of meetings held. Interim approvals of psychotropic medications and restrictive measures are allowed in circumstances that require immediate attention. The interim approval may be done by a documented designee of the committee, who will be a current member of the rights review committee, and the meeting minutes will document final approval by the overall committee at its next meeting.

### Membership of the Rights Review Committee

In accordance with **Title 404, 4-011.01**, the committee is composed of persons free of conflict of interest, including at least one family member or individual with an



intellectual disability. Committee members receive training regarding the role of the committee.

### **The Right to Confidentiality**

In accordance with **Title 404, 4-012**, ABLED, Inc. will ensure protection of the confidentiality of each individual's information, including verbal, electronic, and written form. Individual information will be protected regardless of the form or storage method of the records.

1. Information is considered confidential if it deals with medical, psychological, legal, financial, sexual, personal or family concerns of an individual supported by ABLED, Inc.
2. Confidential information is released to external agencies (with the exception of regulatory entities) only with the signed consent of the individual or their legal representative.
3. All ABLED, Inc. staff, subcontractors and consultants regard confidential information as a professional trust, not to be given out in any way to the public.
4. General information (individual's first and last name, photo, achievements, etc.) may be used in public education activities if the individual or legal representative signs a specific consent form.
5. Records developed by ABLED, Inc. will be made available to adults or their legal representatives and to parents or legal representatives of minors upon request.
6. When records developed by ABLED, Inc. are made available to persons qualified to see them, an ABLED, Inc. staff person will be available to assist the individual in understanding the record.
7. Records received, but not developed by ABLED, Inc. are not made available to external parties through ABLED, Inc. (except for regulatory entities).
8. Written confidential information is secured against loss, destruction, and use by unauthorized persons and kept under at least a single lock overnight. (A locked file cabinet or a locked room.)

## **G. SOCIALIZATION/SEXUALITY**

ABLED, Inc., with respect to socialization/sexuality issues of all individuals served, shall ensure that each individual is afforded rights and that each shall practice responsible behavior as a citizen of the United States. The intent of this policy is to guide the community and the Individual Support Plan teams and to empower individuals served to ensure that their inherent sexual rights, as well as basic human needs, are affirmed, defended, promoted, and respected.

Individuals served will be taught responsible social sexual behavior. Information and training will be made available to family members. To ensure this, ABLED, Inc. will provide the necessary training to employees so they may be aware of their responsibility and competently guide people with intellectual disabilities and their families.





Staff of ABLED, Inc. have multiple responsibilities to their employer, to their community, and to families of individuals with disabilities; but their foremost concern will be for the rights and welfare of the people they serve. Staff need to balance their concern for what is best for the individual who is intellectually disabled with that individual's constitutionally and legally protected rights.

ABLED, Inc. prohibits sexual exploitation of all individuals in services. Hence, the staff of ABLED, Inc. will always see themselves as advocates for people with intellectual disabilities, working with other members of the team, recognizing dignity of risk, and respecting the identity and sexuality of people they assist.

We are all sexual beings growing up with individually determined values of family, culture, and community. We have inherent and basic human needs which include sexuality. Every individual shall have the right to develop self-identity, self-esteem, and self-respect. Based on individual need, every individual will receive socialization/sexuality orientation, education, and access to healthcare.

Every individual shall have the opportunity to access individualized sexuality education, counseling and support, including legal support, to the fullest extent throughout one's life. Every individual shall have the opportunity for choices and accept responsibility regarding social relationships and sexual expression.

When more than one individual is involved, consensual sexual expression is the right of each individual. Every individual has basic human rights, such as privacy, confidentiality, and freedom of association. These rights shall be encouraged, protected, and defended so that all persons may be free from physical, sexual, and emotional abuse.

## **H. RESEARCH**

ABLED, Inc. does not engage in bio-medical research, but does co-operate with qualified agencies, if the research proposal in question is approved.

All research proposals are reviewed by the Rights Review Committee and Rights Review Committee prior to initiation. The committees may request follow-up reports.

An ABLED, Inc. staff person acts as a liaison with any external researcher.

Neither individuals served, their parents/guardians, nor staff, are asked to participate in research without individual prior consent.

ABLED, Inc. does not release the names or addresses of people served, parents/guardians, or staff to a researcher without individual prior consent.

As part of their professional responsibilities, ABLED, Inc. staff strive to keep apprised of research findings, to disseminate findings of interest, and to apply those findings, as appropriate, for the benefit of individuals served.



## **VII. RELATIONSHIPS WITH FAMILIES, SERVICE PROVIDERS, AND THE COMMUNITY**

### **A. VISITS**

ABLED, Inc. encourages visits between people in ABLED, Inc. settings and their family/friends. Visitors may be given written or verbal guidelines so that goals and required activities are maintained. Individuals in ABLED, Inc. are encouraged to visit family/friends. ABLED, Inc. staff should be notified of departure and return time.

### **B. OPEN HOUSES**

As a means of public education, ABLED, Inc. may schedule open houses.

1. Both staff and individuals in service participate in the planning and preparation and are involved in open house activities.
2. At all times, confidentiality is maintained and each individual's rights are respected, including the right to privacy.

### **C. TOURS**

As a means of public education, ABLED, Inc. may arrange tours for potential admissions, parents/guardians, staff, community groups, professionals, and other interested citizens.

- A.** All tours are conducted in a manner that interferes as little as possible with daily work or living routine. To facilitate this, large groups are divided into several smaller groups.
- B.** All persons involved in a tour should speak and act in a manner that encourages respect of each individual, including his/her right to privacy, and should not divulge any personal information.

### **D. PUBLIC EDUCATION AND INFORMATION**

The methods used shall include: news releases, feature stories, monthly newspaper columns, public speaking, newsletters, brochures, public service announcements, video tapes and interviews/talk shows.

Each year, every individual in services will be asked to sign a consent form giving ABLED, Inc. permission to use general information (individual's first and last names, photo, achievements in work and independent living, participation on committees or community organizations, etc.) in publications, news releases and other public education activities. Those who are unwilling to sign the annual release will not be included in public education activities without a separate signed release.



## **E. MINIMUM STANDARDS FOR SERVICE REFERRALS**

ABLED, Inc. refers people to only those agencies which have, in writing, ethical codes, rules and regulations or other materials that demonstrate their professional competency.

All agencies and/or facilities that provide substandard service are reported to the appropriate authorities by ABLED, Inc.

## **F. INAPPROPRIATE STANDARDS/REGULATIONS**

ABLED, Inc. acts affirmatively to eliminate or modify standards, regulation, or laws which perpetrate practices incompatible with community living and/or personal choice for people with intellectual disabilities.

## **G. COMPLAINTS/GRIEVANCES**

ABLED, Inc.'s supreme objective is the happiness and fulfillment of our staff and individuals served. In accordance with **Title 404, 4-009**, ABLED, Inc. executive staff will promptly address complaints and grievances filed with ABLED, Inc. on behalf of individuals served.

The complaints/grievances process will be made available to individuals, legal representatives, staff, and other representatives. Utilization of ABLED, Inc.'s process is voluntary and is not meant to deny or delay an individual's right to file a complaint elsewhere or to access the legal system.

The process will be convenient to the individual. It will include time frames and procedures for review of complaints and grievances and the provision of a response as explained below.

Therefore, if individuals supported or their legal representatives are dissatisfied with treatment of themselves or their child/ward by an ABLED Inc. service component and have not been able to resolve the concern with the staff involved, or the planning team, they should discuss the problem with the appropriate Service Provider. The Service Provider will respond to the complaint in writing within five days of the discussion. If the response is not agreeable to the individual or parent/guardian, he/she should state the problem in writing and send or present it to the appropriate ABLED, Inc. executive officer. This must be within seven days of the written response.

The ABLED Inc. executive officer must respond to the problem in writing within five days. If the response is not agreeable to the individual or the parent/guardian, he/she has seven days to request a response from the ABLED, Inc. President/Chief Executive Officer. The ABLED, Inc. President/Chief Executive Officer must respond in writing within ten days.



If the individual or their legal representative is dissatisfied, due process procedures through Nebraska DHHS Service Coordination may be implemented. Complainants must contact their appropriate Service Coordinator.

This grievance procedure is reviewed with all individuals receiving supports and their legal representative, if applicable. The review is done at the time of entry into services and at least annually thereafter.

Utilization of this complaint procedure is considered voluntary. Complainants have the right to pursue legal recourse, including going to court.

ABLED, Inc. maintains a record of all complaint, grievances and responses to the complainants.

## H. GENERAL EVENT REPORTING SYSTEM

In accordance with **Title 404, 4-008** and **Title 404, 4-008.01**, ABLED, Inc. established a reporting system for handling events under the direction of the Executive Staff or designated staff which includes:

1. Identification of events that require completion of an General Event Report using Therap reporting to DHHS that includes:
  - a. Situations that adversely affect the physical or emotional well-being of an individual served;
  - b. Suspected cases of abuse, neglect, exploitation, and mistreatment; and
  - c. Emergency safety situations that require the use of emergency safety interventions;
2. Recording the essential facts of the event, including the results of the event and any actions which might have prevented the event;
3. An action plan that includes ABLED, Inc.'s immediate effort to address the situation and prevent recurrence;
4. Establish timelines to ensure prompt reporting of events as appropriate, including reporting to:
  - a. ABLED, Inc. management;
  - b. The individual who receives services involved in the event;
  - c. Family member/legal representative as appropriate;
  - d. Child and Adult Abuse/Neglect in DHHS; and
  - e. Law enforcement.
5. Reporting requirements:
  - a. A verbal report to DHHS upon becoming aware of the event;
  - b. A written report using DHHS approved format within 24 hours of the verbal report;
  - c. A written summary submitted to DHHS of ABLED, Inc.'s investigation and action taken within 14 days; and
  - d. An aggregate report of critical events will be submitted to DHHS on a quarterly basis. Each report will be received by DHHS no later than 30 days after the last day of the previous quarter. The reports will include



a compilation, analysis, and interpretation of data, and include evidentiary examples to evaluate performance that result in a reduction in the number of critical events over time.

The executive staff will review and analyze information from General Event Reports to identify trends and problematic practices which may be occurring and take appropriate corrective actions.

General Event Reporting timelines:

- a. Staff will notify the Executive Staff immediately.
- b. Staff will notify family member/ legal representative within 24 hours (if appropriate).
- c. An ABLED Executive will notify the Service Coordinator as soon as possible.
- d. Notify CPS/APS within 24 hours if there is allegation of abuse, neglect, or exploitation.
- e. Notify law enforcement immediately if situation warrants their involvement.
- f. Individuals supported who are involved in the event may receive copies of the report when completed.

ABLED, Inc. will review and analyze information from General Event Reports to identify trends and problematic practices which may be occurring and take appropriate corrective actions to address problematic practices identified.

Failure to document is a medication error requiring a GER. ABLED and/or our Staff Nurse will review policy requirements with staff committing such medication errors.



## VIII. PROACTIVE PROGRAMMING AND CHALLENGING BEHAVIOR

Proactive Programming/Behavior Management refers to designed interventions to teach and/or strengthen adaptive and appropriate behaviors in order to replace or modify inappropriate, maladaptive, or problem behaviors. Program and/or intervention training specific to each individual will occur prior to program implementation.

To achieve the best understanding the individual served and implement the best possible processes to achieve optimum results, ABLED, Inc. will conduct an assessment that attempts to define the communicative function of the behavior and the purpose the behavior serves in the individual's life. Staff will review the individual's day supports, residential supports and other relevant data. Then staff will develop a plan that emphasizes positive meaningful activities and options that are inconsistent with behavior targeted for change. This will include a combination of planned meaningful day and individualized supports for the individual. Staff will document a description of potential stressors and triggers that may lead to the individual experiencing a crisis. Once identified, there must be a comprehensive safety plan developed and implemented. The documentation will include meaningful data collection and analysis that track progress. The data must be useful and collected through a range of methods that are valid and meaningful.

### A. STRENGTHENING DESIRED BEHAVIORS

ABLED, Inc. emphasizes positive approaches directed toward maximizing the growth and development of each individual. Major behavioral objectives for all individuals receiving services from ABLED, Inc. are:

- a. To increase competence to cope with the environment.
- b. To develop increasingly complex adaptive behaviors.
- c. To minimize dangerous behaviors which consistently bring negative attention, if such behaviors are present.
- d. To define desired behavior(s) and the procedures for teaching/strengthening desired behavior(s).

These objectives can be best achieved in a physical, social and emotional environment which nurtures, supports and stimulates people. Therefore, a primary obligation of ABLED, Inc. staff is to help individuals live and work in a stimulating, nurturing environment.

Within the context of proper environment, ABLED, Inc. staff are further obligated to assure that individuals have numerous opportunities to display adaptive and appropriate behavior.

Behavior management programs are not used as a substitute for a stimulating environment or lack of sufficient opportunity to display adaptive and appropriate behavior.



The absence of maladaptive or problem behavior(s) does not constitute a definition of desired behavior(s).

Procedures for strengthening desired behaviors may include learning when maladaptive or problem behaviors may be appropriately exhibited or learning to channel such behaviors into similar but appropriate expressions.

Any method directed at strengthening desired behavior will be appropriate for the individual's level of understanding, age, and location in which it is used.

## **B. WEAKENING PROBLEM BEHAVIORS**

Behaviors requiring a behavioral intervention program or procedure include:

- a. Behaviors that are obstacles to an individual's becoming more independent;
- b. Behaviors that interfere with the individual's ability to take part in habilitation or training;
- c. Self-injurious behavior; and
- d. Behaviors that are a threat to others, aggressive or destructive.

When problem behaviors persist in the presence of a nurturing environment, there will be numerous opportunities to engage in adaptive behaviors, and efforts to help the individual acquire desired behaviors. Intervention will also be directed toward weakening undesirable behaviors.

Any intervention directed at weakening undesirable behavior will have the following characteristics:

- a. It is one component of a two-step program which places equal, if not more, emphasis on teaching/strengthening socially positive alternative behavior.
- b. It has a program to increase alternative or competing positive behaviors running simultaneously.
- c. It is appropriate for the individual's level of understanding, age, and the location in which it is used.
- d. It is not more severe than the behavior warrants.
- e. It is not a substitute for adequate supervision.
- f. It has a developmental function in leading the individual toward the increased ability to discriminate between acceptable and unacceptable behavior and to exercise control over his or her own actions.
- g. It is totally non-aversive whenever possible and will represent the least restrictive effective alternative.

### **Restrictive Measures**

ABLED, Inc. will, to the fullest extent possible, ensure that an individual's rights are not suspended or restricted. See more on Restrictive Measures in Section IV.D.

### **Restraints**

**ABLED, INC. PROHIBITS RESTRAINTS.**



### Prohibited Methods of Behavior Management

The following procedures are unacceptable under any condition and are not used in ABLED, Inc.:

- a. Corporal punishment.
- b. Withholding meals, breaks, sleep or the opportunity to maintain personal hygiene.
- c. Verbal abuse, including name-calling, shouting, or ridicule.
- d. Isolation (except for valid medical reasons as documented by physician's orders).
- e. Seclusion (placing an individual alone, in a room or other area from which exit is prevented).
- f. People in services disciplining other people in services.
- g. Forfeiture of money or personal property, except when the individual is asked to replace property that he/she is known to have damaged intentionally.
- h. Delivery of abusive consequences.
- i. Restraining devices such as mechanical restraints or totally enclosed cribs.
- j. Physical abuse.
- k. Psychological abuse.
- l. Aversive stimuli.
- m. Emotional abuse.

### **C. PROCEDURES REQUIRING REVIEW**

Behavior management programs employing any of the elements listed will meet internal and external review requirements.

- a. Behavior modifying, drugs;
- b. Any form of physical restraint;
- c. Restriction of an individual's legal rights;
- d. Any procedure clearly disliked by the individual (aversive);
- e. Any time out procedure when this involves removing the individual from the situation in which the undesired behavior is exhibited.
- f. Any procedure that invokes the criminal justice system;
- g. Any procedure withholding tobacco products;
- h. Any punitive procedure creating an individual break or meal time for an individual;
- i. Any procedure requiring the individual to earn an item that already belongs to him/her;
- j. Any procedure requiring the individual to perform extra work as a result of inappropriate behavior.
- k. Restricted use of the telephone;
- l. Restricted access to personal possessions;
- m. Restrictions on accessibility to food and drink;
- n. Any other procedure considered restrictive by any member of the Individual Support Plan team.





The Individual Support Plan team will approve the restrictive program before it is implemented. However, if the team intends to request the introduction of a medication to modify maladaptive behavior as part of the program, the Rights Review Committee will review and approve the Program before the medication is administered.

#### **D. EXTERNAL REVIEW**

All procedures requiring review will be examined by the Rights Review Committee as a condition of continuing implementation.

- a. When a medication is first prescribed for the purpose of modifying a maladaptive behavior, it is reviewed within thirty-one days.
- b. Documented recommendations of the Rights Review Committee are followed unless the CEO of ABLED, Inc. specifically authorizes an alternative approach in writing.
- c. Once a procedure is approved by the Rights Review Committee, all staff who work with the individual in the setting(s) designated will follow the procedure.
- d. After the Rights Review Committee reviews a procedure, the committee may request follow-up information. If substantive changes are made in the procedure or if another restrictive procedure is instituted, the case will be referred again for internal and external review.
- e. If an approved program continues for three years as anticipated, and with no additional ethical reviews, it is re-referred to the Rights Review Committee.
- f. The policy and procedures of the internal and external review requirements are available upon request to people served, their parents and/or legal representative, staff advocates, and DHHS.



## IX. HEALTH, LEISURE, SAFETY & EMERGENCIES

In accordance with **Title 404, 4-005.06**, unless otherwise assigned in the ISP, ABLED, Inc. Executive Staff or designated staff will take reasonable steps to assist and support individuals in obtaining health services consistent with his/her needs. Individual health services include medication administration and monitoring, medical services, dental services, nutritional services, health monitoring and supervision, assistance with personal care, personal health care and education, exercise, and other therapies.

### A. EVALUATIONS/SERVICES

In accordance with **Title 404, 4-005.06A**, individuals served by ABLED, Inc. receive medical and dental care from healthcare professionals in the community. Specialized health services are procured as determined by the ISP team.

Unless otherwise assigned in the ISP, ABLED, Inc. Executive Staff or designated staff will arrange for or assist the individual in obtaining evaluations and services based on the individual's need, such as physical exams, dental services, psychological services, physical and occupational therapy, speech therapy, audiological services, vision services, nutrition therapy, and other related evaluations and services. Each individual will receive the following evaluations:

1. A medical evaluation every 12 months. Exception: The medical practitioner has identified the need for these evaluations on an alternate schedule; and
2. A dental evaluation every 12 months. Exception: The dentist has identified the need for the evaluation on an alternate schedule.

#### Observing and Reporting

In accordance with **Title 404, 4-005.06B**, ABLED, Inc. Executive Staff or designated staff will ensure that the health status and physical conditions are observed, reported, and responded to in a timely and appropriate manner as needed. This applies to all individuals supported in any capacity by ABLED, Inc. For those individuals where the responsibility for obtaining health services has been assigned to someone other than ABLED, Inc., ABLED, Inc. will observe, report, and respond to the individual's health service needs to ensure needs can be appropriately met.

#### Medical Orders/Recommendations

In accordance with **Title 404, 4-005.06C**, ABLED, Inc. Executive Staff or designated staff will ensure individuals receive care, treatment, and medications in accordance with orders from a medical practitioner. Recommendations from other health care professionals will be reviewed by the ISP team and incorporated into the ISP as determined by the ISP team.

Responsibility for the implementation of ABLED Inc.'s medication administration plan, including training, direction/monitoring, and errors lies with the Staff nurse. Except for people who administer their own medications or who are learning to administer their own medications, all medication is administered by staff who have passed the



medication administration class and been judged competent to administer medications by the Staff nurse or designated staff.

Documentation of training for staff certified as medication aides is maintained in the individual's personnel file. A physician's order is required before any medication is administered in ABLED Inc.'s supervised settings. All medication records are completed precisely according to ABLED Inc.'s procedure. This includes records for the administration of non-prescription medications. Records are kept on Therap.

Prescription medications are counted every day. Controlled substance medications are counted every 24 hours by staff as required by state regulations. Medication errors are reported through General Event Reports (GER's). Monitoring of medication errors is the responsibility of the Executive Staff and ultimately the Staff nurse. Major errors are reported to the State of Nebraska and could affect staff status as certified medication aides. When a prescription is discontinued, a registered pharmacist disposes of the residue. Every item of the medication destruction form is completed. Contaminated medications are disposed of by the same procedure.

When an individual leaves an ABLED, Inc. facility permanently, a final count of the medication is taken and the medication is sent with the individual in its original container. Medication records are retained by ABLED, Inc. When an individual leaves an ABLED, Inc. facility temporarily (vacations, home visits), medication is sent with the individual in its original container. If an individual frequently visits family or friends, the preferred procedure is to separately maintain prescribed medications at the site frequently visited.

Self-administration of medications means that the individual knows which medication to take, when to take it, how much to take, and requires no staff assistance in doing so. The Individual Support Plan team makes the decision to initiate training in self-administration of medications. When an individual completes a medication self-administration training program, follow-up monitoring must be done. During the first six months of independent self-administration, follow-up is regularly scheduled.

### Assistive Devices

In accordance with **Title 404, 4-005.06D**, ABLED, Inc. Executive Staff or designated staff will ensure individuals with the utilization of assistive and adaptive devices receive assistance as needed and as identified on the ISP.

## **B. HEALTH RECORDS**

In accordance with **Title 404, 4-005.06E**, ABLED, Inc. Executive Staff or designated staff will ensure health-related records on each individual document the provision of services and the individual's response to services. The records will be maintained at the main office and on Therap. These include:

1. Any health related assessments;
2. Documentation of an illness, injury, and other health concerns of care, treatment, and medication administration;



3. Documentation of provision of health-related services, including observations of the individual's response, such as lack of progress in provision of service;
4. Current physician orders for medication, treatments, and therapies;
5. Records of visits to the physician or other health care professionals and their recommendations and any other consultation or therapy provided; and
6. Information related to hospitalization, nursing facility stays, or other types of health care providers.

## **C. COMMUNICABLE DISEASES**

1. Universal precautions are to be used when giving care to all individuals receiving services.
2. ABLED, Inc. uses the most current version of the Nebraska Department of Health and Human Services list of communicable diseases.
3. If either a staff person or an individual in service is suspected of having a communicable disease, a physician's examination is required. In addition to diagnosis and treatment, this assures proper reporting of the disease. The physician's directions regarding prevention of disease transmittal will be followed.
4. Copies of ABLED, Inc.'s Blood-borne Pathogen Program are available in the main office.

## **D. NUTRITION**

1. Individuals living in an ABLED, Inc. supervised setting receive nourishing, well-balanced diets. Within this framework, ABLED, Inc. encourages individual choice in matters of food.
2. People in services help plan meals, purchase groceries, prepare and serve meals, clean up and store the food, to the extent possible.
3. Each individual's developmental needs are attended to in all aspects of food service.
4. Religious and ethnic dietary tenets of people receiving services are observed.
5. ABLED, Inc. regards meals as social, as well as nutritional, functions.
6. Because of this, attractiveness of food and surroundings, interpersonal communication and the opportunity to acquire increasingly complex social skills are consistently emphasized.
7. ABLED, Inc. complies with pertinent government food service regulations and, if independent accreditation is sought or in effect, accreditation standards pertaining to food service.
8. Modified diets for individuals served by ABLED, Inc. are only with recommendations from qualified medical personnel, and approval by the individual served, his or her legal representative, if applicable, and the Individual Support Plan team. Such modified diets, if approved, will be accompanied by a formal training program as developed by the Individual Support Plan team. The



program shall include alternatives should the individual refuse the modified diet at a later date.

9. Menus (if required by external regulations) are reviewed and modified by a dietician or nutritionist. Once approved, the menu is adhered to as closely as possible and substitutions, if necessary, are recorded on the menu and should be of similar nutritive value as the original item. Records of menus are kept for six months.

## **E. RESTRICTED SMOKING**

Smoking poses a significant risk to the health of a smoker. Second hand smoke can be annoying to non-smokers and there is some evidence that second hand smoke is harmful to non-smokers. This risk is increased for individuals with heart or respiratory diseases or allergies related to tobacco smoke.

Therefore, smoking and the use of electronic cigarettes is prohibited in ABLED, Inc. owned or operated buildings, and vehicles, and private vehicles when paid staff are transporting individuals served.

## **F. SPECIAL ACTIVITIES OUTSIDE THE COMMUNITY**

Community is defined in this section as the area in which residents of a town or city routinely carry out commercial, recreational, and personal transactions. Community, therefore, frequently encompasses a larger area than the town itself.

ABLED, Inc. will request written authorization prior to any special activities from the individual's parents or legal guardians.

ABLED, Inc. will maintain records of consent forms for minors and adults with legal guardians documenting their consent in order for the individuals to take part in special events outside the community.

If transportation is not provided by ABLED, Inc., there will be proof that insurance coverage of the appropriate type is available.

All activities are to be supervised by an ABLED, Inc. paid staff or authorized personnel. At least one member of the supervising staff will have successfully completed first aid training. All supervising staff will have in their possession emergency and ABLED, Inc. phone numbers to be used in case of an emergency or crisis,

Adequate personal information will accompany individuals when out of town.

At minimum, this should be: (a) the name and phone number of emergency contact person, and (b) personal identification card. Additional information is at the discretion of staff.

## **G. WATER SAFETY**

### **Recreational Swimming**

1. ABLED, Inc. sponsored swimming is defined as any time ABLED, Inc. staff in paid status are present with individuals served by ABLED, Inc.



2. Swimming in lakes is permissible only with permission from the Executive Staff or his/her designated staff. People swimming in lakes will wear personal floatation devices.
3. Individuals who plan and utilize their leisure time independently in the community are not restricted from accessing swimming facilities.
4. ABLED, Inc. sponsored swimming is allowed in swimming pools with these considerations:
  - a. Swimming/Safety Skills
    - i. An individual is regarded as a non-swimmer or novice unless the individual can pass the American Red Cross beginning swimmer's test (jump into deep water, swim fifteen yards, change directions without touching, back float, and swim back to starting point) or comparable test of competence in deep water.
    - ii. A non-swimmer or novice will swim with supervision. The staff supervision should not exceed a 1:2 ratio; supervision need not be in water, but will include constant surveillance. Staff will know how to swim. Non-swimmers will stay in water where they can stand.
    - iii. Swimming lessons, following pool rules, and water safety instructions are strongly encouraged for all individuals.
  - b. Seizure disorders
    - i. Any individual with a seizure disorder is required to have 1:1 staff in-water supervision at all times. Staff will be able to swim. The individual will wear a personal flotation device if swimming takes place in over-the-head water.
    - ii. People who have been seizure-free for one year may have the need for 1:1 in-water supervision re-evaluated by the team, but constant visual supervision is required.
5. Should concerns arise regarding an individual's ability to access swimming facilities with or without supervision, the ISP team will address the concerns and identify the community supports necessary for access.
6. Vacation planning for individuals who do require supervision of their leisure time activities should include a team determination of the appropriateness of swimming in motel pools and the supervision required for each participant.

### **Boating**

1. When any individual is a passenger on a boat, he/she will wear a life jacket of the correct size and type.
2. All staff or volunteers accompanying people with intellectual disabilities on boats will wear life jackets of the correct size and type.
3. Individuals and staff on commercial boats will comply with operator standards.

## **H. EMERGENCIES**

### **Accident and Illness**

In the event of serious accident, illness, or injury, the first obligation of staff is to render immediate first aid, if necessary, and to summon the appropriate emergency services.



1. As soon as the situation allows, staff present will notify the Team Coach or other Executive Staff. The Team Coach will promptly notify the individual's service coordinator.
2. The Team Coach or designated staff is responsible for notifying family/guardians.
3. If the illness or injury appears life threatening, the Executive Staff or designated staff notifies the CEO of ABLED, Inc.
4. Staff will carry emergency numbers of persons to notify whenever an activity takes place outside the community.
5. Staff will provide necessary details to medical, rescue unit, or law enforcement personnel as required for proper medical or investigative procedures.

If an individual is lost or runs away, the first obligation of staff is to immediately attempt to locate the individual. If the individual is not located in a reasonable period of time, depending on the needs and skills of the individual, staff will contact the Executive Staff who will contact the service coordinator if necessary. The decision to involve law enforcement agencies is made by the Executive Staff or designated staff, unless another procedure has been previously approved by the Individual Support Plan team.

### Death

In the event of a death outside a medical facility, the rescue unit is contacted immediately. The rescue unit notifies the coroner's office. The body is not moved until the coroner is present.

1. As soon as the situation allows, staff present will notify the Executive Staff or designated staff who will promptly notify the service coordinator.
2. The staff notifies the CEO of ABLED, Inc. or designated staff who will notify the family/guardian.
3. The Executive Staff is responsible for following Nebraska DHHS death notification procedures. A copy of the notification report is sent to the CEO.
4. The CEO will notify the chairperson of the ABLED, Inc. Board of the death the next working day.
5. At their next meeting, all members of the ABLED, Inc. Board will be informed of any death of an individual in service.
6. An autopsy will be requested and, if necessary, paid for by ABLED Inc.
7. Only the CEO or a designated staff releases statements to the news media concerning a death.

### DISASTER PREPAREDNESS AND MANAGEMENT

In accordance with **Title 404, 4-005.07**, ABLED, Inc. Executive Staff or designated staff will ensure the disaster preparedness plans and procedures are followed to ensure that individual's care, safety, and well-being are provided and maintained during and following instances of natural (tornado, flood, etc.) or other disasters, disease outbreaks, or other similar situations. Each ABLED Inc. facility or location will:

1. Have designated staff to take charge in emergency situations.
2. Identify each individual presently served at that location.
3. Have written readily available instructions on where to go in an emergency.



4. Move individuals to points of safety or provide other means of protection when all or part of the building is damaged or uninhabitable due to natural or other disaster.
5. Protect individuals during the threat of exposure to the ingestion, absorption, or inhalation of hazardous substances or materials.
6. Provide food, water, medicine, medical supplies, and other necessary items for care in the event of a natural or other disaster; and
7. Provide for the comfort, safety, and well-being of individuals served in the event of 24 or more consecutive hours of:
  - a. Electrical or gas outage;
  - b. Heating, cooling, or sewer system failure; or
  - c. Loss or contamination of water supply.

## I. TRANSPORTATION

In accordance with **Title 404, 4-006**, when ABLED, Inc. transports individuals, the Executive Staff or designated staff will ensure that all individuals are transported in a safe and comfortable manner that meets the needs of each individual. We will ensure that:

1. Vehicles are adapted to meet the needs of all individuals served. Individuals will not be denied transportation services due to the lack of adaptation of vehicles;
2. Adequate measures are taken to provide a sufficient number of staff in the vehicle to ensure safety and to meet the needs of each individual being transported; and
3. That each person transporting individuals served:
  - a. Has a valid driver's license with the appropriate class code;
  - b. Has knowledge of state and local traffic rules;
  - c. Is capable of assisting individuals in and out of vehicles and to and from parking places, when required; and
  - d. Has received training in first aid, CPR, and in meeting the needs of the specific individuals for whom transportation is provided.





## X. FINANCIAL RESPONSIBILITY

### A. NOTICE OF COSTS TO THE INDIVIDUAL

In accordance with **Title 404, 4-005.04**, ABLED, Inc. Chief Operations or designated staff will for notify individuals and legal representatives of any associated cost to the individual for the service or items and terms of payment. They will give written notice to the individual before initiation of service and before any change, giving adequate time for the individual or legal representative to respond to the notice. The notice specifies that individuals will not be charged for services or items that are covered through other funding sources, including items necessary to provide habilitation and transportation related to habilitation and provide information on policies for:

1. Who is responsible for replacement or compensation when individuals' personal items are damaged or missing; and
2. How individuals will be compensated when staff or other individuals in service who do not reside in the location (i.e., respite) utilize the environment and eat food paid for by individuals. This excludes any visitors/guests invited by the individuals to socialize in the residence

Individuals living in ABLED, Inc. residences shall pay a monthly fee for room and board. **For individuals living in an Extended Family Home, their guardians must negotiate the monthly fee with the EFH provider.** ABLED, Inc. will monitor agreements for fairness. Monthly room and board fees are due on the first of the month for the month received.

Other charges may from time to time be assessed, as necessary, if such charges do not result in duplicate payment for service. Notification must be made to the individual and legal representative (if applicable) prior to any changes being assessed.

In situations where staff or other individuals in service eat food paid for by another individual in service (not room & board), the Team Coach is responsible for determining the cost of the food eaten and documenting compensation to the individual.

### B. MANAGEMENT OF PERSONAL FUNDS

In accordance with **Title 404, 4-005.05**, ABLED, Inc. protects individual's funds and property through the following procedures:

ABLED, Inc. may exercise control over personal funds or serve as payee for these funds when the individual is not capable of managing his/her funds or income.

ABLED, Inc. may refuse to serve as payee if parents or legal guardians of the individual are available and able to serve as payee.

A fiduciary relationship shall exist between ABLED, Inc. and the individual when personal funds are managed by ABLED, Inc. Administrative personnel and program personnel shall have the responsibility to ensure that an individual's interests are fully protected when personal funds are managed by ABLED, Inc.



### 1. General Requirements for Personal Funds and Property

In accordance with **Title 404, 4-005.05A**, ABLED, Inc. will ensure that:

- a. ABLED, Inc. will not use the individuals' funds and property as a reward or punishment;
- b. ABLED, Inc. will not assess the individuals' funds and personal property as payment for damages unless the ISP team reviews, on a case by case basis, whether it is appropriate for the individual to make restitution, the rationale is documented on the ISP, and the individual or legal representative gives written informed consent to make restitution for damages;
- c. ABLED, Inc. will not assess the individuals' funds and personal property for damages when the damage is the result of lack of appropriate supervision or lack of programmatic intervention;
- d. ABLED, Inc. will not use the individuals' funds and personal property to purchase inventory or services for ABLED, Inc.; and
- e. The individuals' funds and personal property are not borrowed by staff.

### 2. Individuals' Personal Funds and Property

In accordance with **Title 404, 4-005.05D**, when ABLED, Inc. is responsible for handling individuals' funds:

- a. ABLED, Inc. will maintain a financial record for each individual that includes:
  - i. Documentation of all cash funds, savings, and checking accounts, deposits, and withdrawals; and
  - ii. An individual ledger which provides a record of all funds received and disbursed and the current balance.
- b. ABLED, Inc. will provide account balances and records of transactions to each individual or legal representative at least quarterly, unless otherwise requested;
- c. ABLED, Inc. will ensure that all non-routine expenditures exceeding \$100 are reviewed and prior authorized by the individual or legal representative.
- d. ABLED, Inc. will ensure that policies and procedures outline how financial errors, overdrafts, late fees, and missing money will be handled when ABLED, Inc. is responsible for managing individuals' funds. The policies and procedures will include that:
  - i. ABLED, Inc. is responsible for service charges and fees assessed due to staff errors;
  - ii. ABLED, Inc. will replace missing money promptly if missing money is due to staff error; and
  - iii. ABLED, Inc. is responsible for taking steps to correct an individual's credit history when it is affected by ABLED, Inc. staff actions in managing the individual's finances;
  - iv. When ABLED, Inc. is maintaining individuals' personal funds in a common trust, a separate accounting is maintained for each individual or for his/her interest in a common trust fund.

### 3. Support in Managing Financial Resources

In accordance with **Title 404, 4-005.05B**, when an individual does not have the skills necessary to manage his/her financial resources, ABLED, Inc. may, with the informed



choice of the individual, offer services and supports that temporarily transfers some of the control of handling the individual's financial resources to ABLED, Inc.

#### 4. Transfer of Control

In accordance with **Title 404, 4-005.05B1**, the transfer of control of an individual's financial resources:

- a. Will not be for a convenience of staff, or as a substitute for habilitation;
- b. **Will be temporary;**
- c. Will be based on the choice of the individual and the extent to which the individual can participate;
- d. Will not be transferred to another entity and the individual will not be charged for the service.

### C. DAMAGES BY PEOPLE SERVED

The guiding principles of payment for damages is that people served by ABLED, Inc. have the same rights and responsibilities as other citizens. Like most citizens, they are expected to assume responsibility for the damage they cause, whether accidental or intentional.

People who damage property belonging to ABLED, Inc., staff, or other people may be required to pay for the repair/replacement of the damaged property.

1. Claims for restitution will be submitted to the Team Coach or his/her designated staff with a copy to the Service Provider within 30 days of the event. Staff should inform potential claimants of this requirement to ensure timely submission of claims.
2. The Team Coach or his/her designated staff shall determine whether the amount claimed is reasonable and appropriate. Two or more estimates may be required. A full evaluation of the event will be done before a decision is made regarding payment.
3. Individual restitution for damages shall be determined on a case by case basis and shall be addressed through the ISP process. Criteria to be considered in determining whether or not to assess damages can include:
  - a. Evidence the individual actually caused the damage;
  - b. Circumstances surrounding the event;
  - c. Staff actions (was the staff negligent in any way);
  - d. The individual's ability to understand the result of his/her behavior;
  - e. The individual's ability to understand and benefit from a plan of restitution;
  - f. The individual's previous behavioral history;
  - g. The individual's ability to pay, including whether the individual has repaid significant amounts already.

The Individual Support Plan team may recommend exemption from all or part of payment. This recommendation and corresponding rationale will be sent to the Team Coach or his/her designated staff for final approval.

The Team Coach or his/her designated staff will determine ABLED, Inc. liability, if any, and pass the final decision on to the claimant. For all claims, it is the responsibility of the



Team Coach or his/her designated staff to protect people in service from unsubstantiated claims and ensure their legal rights are protected. This may involve recommending the use of legal counsel.

All individuals who willfully damage property (except for those involved in a single, isolated event) are actively taught alternative behavior.

Staff will not be reimbursed by ABLED, Inc. or the individual for damages to personal jewelry items: necklaces, bracelets, watches, earrings, or rings.

For damage to glasses, the maximum allowable reimbursement by ABLED, Inc. or the individual for repair/replacement will be the actual cost up to \$150.00 for frame repair or replacement, plus the cost of safety lenses.



## XI. ADMINISTRATION

### A. RECORD KEEPING

In accordance with **Title 404, 4-013**, ABLED, Inc. executive staff will maintain records to ensure accurate, current, and complete records specific to the individual and for administrative records. Records will be maintained at the main ABLED, Inc. office.

#### Individual Records

In accordance with **Title 404, 4-013.01**, ABLED, Inc. executive staff and/or designated staff maintain a record keeping system at the main office that includes a separate record for each individual that contains sufficient, current, and accurate information. ABLED, Inc. will maintain as much information as possible on Therap. The individual's records will contain information that includes, but is not limited to:

1. Date of entry into services with ABLED, Inc.;
2. Name, gender, and birth date of the individual;
3. Current physical description or current photo of the individual;
4. The language or means of communication utilized by the individual;
5. Legal status of individual, and name, telephone number, and address of legal representative, if applicable;
6. Name, phone number, and address of persons to contact in an emergency;
7. Name, phone number of the individual's current personal physician and other health care professionals, if applicable;
8. Relevant medical information; including history of seizures, illness, physician orders, treatments, medications, medication history, immunizations; physician contacts, emergency room visits, dental visits, counseling visits, and hospitalizations;
9. Records of events and accidents;
10. Consents as appropriate;
11. Records of emergency safety intervention usage and the rationale for use;
12. ISP;
13. Documentation of delivery of services and supports;
14. The individual's rights notification;
15. Notice of charges;
16. Name of Service Provider and phone number;
17. Accounting of the individual's funds, if managed by ABLED, Inc.;
18. Notification of termination of services with ABLED, Inc., if applicable; and
19. Social history information.

#### General Record Keeping

In accordance with **Title 404, 4-013.02A**, ABLED, Inc. will complete, route, and file all record documents in a timely manner as required and as appropriate to the individual.



### Documentation

In accordance with **Title 404, 4-013.02B**, ABLED, Inc. will ensure sufficient, current, and accurate documentation to verify the delivery of services and compliance with applicable requirements in 404 NAC.

### Maintenance

In accordance with **Title 404, 4-013.02C**, ABLED, Inc. executive staff will maintain the individual's records at the ABLED, Inc. main office. As much information and documentation as possible will be recorded and maintained on Therap.

### Organization

In accordance with **Title 404, 4-013.02D**, ABLED, Inc. executive staff will, to the extent possible, operate a paperless system for the storage of records to ensure permanency, accuracy, completeness, and easy retrieval of information. Electronic records will be properly secured and archived. Paper records will be stored at the main office.

### Retention/Destruction

In accordance with **Title 404, 4-013.02E**, ABLED, Inc. executive staff will, to the extent possible, operate a paperless system for the retention, safe storage, and safe destruction of the individual's records to ensure retention of necessary information and to protect confidentiality of records. ABLED, Inc. will retain records relating to the individual and the provision of services for at least six years, including HIPAA health-related records:

- A. ISP Minutes/Training Program (design, data and assessments)
- B. Physician Contact Form
- C. Medication Administration Records (MARs)
- D. Health related data (seizure records, weight charts, BM records, etc.)
- E. Critical Event documents
- F. APS/CPS reports
- G. Individual report forms
- H. Personal Funds Records
- I. Monitoring reports and responses (if individualized)
- J. Terminated Services (PHI records)
- K. Logs, staff correspondence (if individualized)
- L. Rights Review Committee Referrals/Minutes

### Location

In accordance with **Title 404, 4-013.02F**, ABLED, Inc. executive staff will provide access to the records by staff and other relevant persons as needed. ABLED, Inc. will electronically store records as allowed to ensure that current and applicable records relating to the individual are readily available to staff when providing services to individuals. If there are changes in ownership, all individual records will be transferred to the current owner. Before dissolution, the administrator will notify DHHS in writing of the location and storage of individual records.



### Access

In accordance with **Title 404, 4-013.02G**, ABLED, Inc. board of directors governs access to, duplication, dissemination, and release of information from the individual's record.

### Access to DD Provider

ABLED, Inc. has sole responsibility to protect access to individual records in the possession of ABLED, Inc. Policies regarding confidentiality and consent apply to any release of records, except no written release is required for NE-DHHS-DDD representation to review/inspect individual records in accordance with **Title 404, 4-003.08**.

### Information Available to the Public

In accordance with **Title 404, 4-003.07**, ABLED, Inc. will make available to the public upon request any certification, licenses, and public inspection records. All ABLED, Inc. certifications, license, and public records are maintained in the CEO's office.

### Written Consent for Release

In accordance with **Title 404, 4-013.02G1**, ABLED, Inc. obtains written consent from the individual or the individual's legal representative for the release of information specific to the individual, including release of photographs to persons not authorized under law to receive them. The consent identifies the specific information to be released and the time period the consent is in effect, except that no written consent to release or access information is necessary for DHHS representatives to review the records.

In accordance with **Title 404, 4-013.02G2**, ABLED, Inc. requires written or verifiable electronic authorization for each event requiring medical treatment and consents.

### Record Entries

In accordance with **Title 404, 4-013.02H**, ABLED, Inc. requires all record entries are dated, legible, and clearly identify the person making the entry. In the case of electronic records, signatures may be replaced by an approved, uniquely identifiable electronic equivalent.

### Inspection of Records

In accordance with **Title 404, 4-013.02I**, ABLED, Inc. requires that all administrative records and records relating to the individual served are made available for review by authorized representatives of DHHS.

## **B. ANNUAL INDEPENDENT AUDIT**

In accordance with **Title 404, 11-005.02**, ABLED, Inc. will contract with a certified public accountant licensed to practice in the State of Nebraska for an annual independent audit of its financial operations. This audit will be conducted using generally accepted auditing standards set by the AICPA Government Auditing Standards (Yellow Book), single Audit Act, and Office of Management and Budget Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations as applicable as determined by ABLED, Inc. and its auditor.



In accordance with **Title 404, 11-005.02A**, ABLED, Inc. will submit the audit report to DHHS within 180 days of the end of the fiscal year. At a minimum, the audit report will include:

1. A review of receipts and disbursements;
2. A review of cash control procedures;
3. An audit of ABLED, Inc.'s income statement, balance sheet, source and use of funds statement;
4. An accounting of lease agreements or mortgages;
5. A review of the cash balance on hand at the beginning and at the end of the fiscal year; and
6. Any and all written communications received by ABLED, Inc. from an auditor related to ABLED, Inc.'s internal control over financial reporting requirements and communication with those charged with governance, including those in compliance with or related to Statement of Auditing Standards (SAS) 112 *Communicating Internal Control related Matters Identified in an Audit* and SAS 114 *The Auditor's Communication with Those Charged with Governance*.

### **C. FISCAL ACCOUNTABILITY**

In accordance with **Title 404, 11-005.05**, ABLED, Inc. will maintain fiscal and budgetary financial systems that provide accounting for funds administered by and disbursed from DHHS. Fiscal accountability will be consistent with generally accepted principles and standards set by the American Institute of Certified Public Accountants (AICPA).

### **D. ACCOUNTING SYSTEM**

In accordance with **Title 404, 11-005.01**, the ABLED, Inc. accounting system will:

1. Produce a complete, annual financial report;
2. Permit ready accountability of all sources of funding from the respective funding source;
3. Effect proper control of salaries and wages;
4. Produce payroll vouchers or statements for salaries and wages which:
  - a. Are prepared at the end of each pay period;
  - b. Show the employee's:
    - 1) Name;
    - 2) Position;
    - 3) Gross salary;
    - 4) Taxes; and
    - 5) All other deductions or contributions; and
  - c. Are approved by the appropriate authority of ABLED, Inc.;
5. Maintain itemized records of:





- a. Personnel compensated in whole or in part with room and board;
  - b. Charges for benefits;
  - c. Expenditures for technical assistance;
  - d. Cost of the operation of programs;
  - e. Rent;
  - f. Equipment leasing expenses; and
  - g. Maintenance costs for facilities and services;
6. Maintain accounting records in sufficient detail to allow for the calculation of the cost of services provided.

## **E. STAFF REQUIREMENTS**

In accordance with **Title 404, 4-004**, ABLED, Inc. will recruit, orient, train, manage, and retain qualified staff with the skills necessary to meet the needs of individuals and respond to emergencies. ABLED, Inc. will ensure and maintain evidence of the Staff Requirements below are followed. ABLED, Inc. will only use the services of DHHS approved vendors.

### **Federal Immigration Verification**

As a specialized provider and in accordance with **Title 404, 4-004.01**, ABLED, Inc. will comply with the employee verification requirements of **Neb. Rev. Stat. § 4-114**. ABLED, Inc. will use a federal immigration verification system to determine the work eligibility status of new employees physically performing services within the State of Nebraska.

### **Age Requirements**

In accordance with **Title 404, 4-004.02**, staff providing direct services will be at least 18 years of age. ABLED, Inc. will verify age by requiring a government issued photo ID.

### **Background Checks**

In accordance with **Title 404, 4-004.03**, ABLED, Inc. will ensure the safety of individuals served by complying with all requirements for background checks as noted in the following paragraphs.

### **APS/CPS Registry & Criminal Background Checks**

In accordance with **Title 404, 4-004.03A**, ABLED, Inc. utilizes the Division of Children and Family Services' Central Registry to conduct our Adult Protective Services and Child Protective Services checks. For Criminal background checks (**Title 404, 4-004.03B**) we use the DHHS authorized vendor Accurate Background Checks. ABLED, Inc. will initiate checks immediately upon receipt of applicant's authorization. These checks must be completed prior to employment working with an individual. ABLED, Inc. must also initiate checks on household members (excluding individuals served) of a household in an extended family home or respite provider's home (if services are delivered in the provider's home) for members age 13 or older.

In accordance with **Title 404, 4-004.03C**, employees who provide direct support services may not work alone with individuals served until the results of the registry checks and



the criminal history background checks as specified in 404 NAC 4-004.03A and 4-004.03B are reviewed by ABLED, Inc.

In accordance with **Title 404, 4-004.03D**, ABLED, Inc. will determine whether employees found to be listed on CPS/APS Central Registries or found to have a criminal history present risk of abuse, neglect, exploitation, or sexual misconduct to individuals served. ABLED, Inc. will document any decision to maintain a staff person listed on a registry or found to have a criminal history as outlined in 404 NAC 4-004.03F, including how that decision was made and ABLED, Inc.'s plan to reduce risks to individuals and to provide protections, as necessary.

### Alternative Method of Criminal History Check

ABLED, Inc. will not utilize alternative methods of criminal history checks (**Title 404, 4-004.03E**)

### Specific Crimes

In accordance with **Title 404, 4-004.03F**, ABLED, Inc. will not allow employees found to be convicted of the following crimes to work alone with individuals served by ABLED, Inc.:

1. Child pornography;
2. Abuse of a child or vulnerable adult;
3. Felony domestic assault;
4. Misdemeanor domestic assault within the last five years;
5. Shoplifting after age 19 and within the last three years;
6. Felony fraud within the last ten years;
7. Misdemeanor fraud within the last five years;
8. Possession of any controlled substance within the last five years;
9. Possession of any controlled substance with intent to deliver within the last ten years;
10. Felony assault without a weapon within the last ten years;
11. Felony or misdemeanor assault with a weapon in the last 15 years;
12. Prostitution or solicitation of prostitution within the last five years;
13. Felony or misdemeanor robbery or burglary within the last ten years;
14. Rape or sexual assault; or
15. Homicide.

In accordance with **Title 404, 4-004.03G**, all employees will notify ABLED, Inc. immediately if convicted of any of the crimes listed in 404 NAC 4-004.03F or if his/her name is placed on any of DHHS's registries.