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## Welcome to ERC

Our **mission** is to “enhance the quality of life for children and adults with disabilities”. We do this by **E**nhancing lives, **R**emoving barriers, and **C**reating opportunities.

The Elizabeth Richardson Center (ERC) provides a broad range of services to meet the needs of the children and adults participating in our programs. Some of our services include Child Development, Waiver, Adult Development, Intermediate Care Facilities, Vocational Training, and Community Employment.

It is ERC’s **vision** to be the regional provider of choice for services and solutions for people with disabilities throughout their lives.

ERC’s core **values** are:

### **We value our ERC Family**

- We treat each other with **respect** and **dignity**
- We build relationships on **trust** and **integrity**
- We embrace our **diversity**
- We are committed to **inclusion** and **acceptance**
- We encourage **innovation** through **empowerment**
- We create **independence** through a **learning environment**

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CARF has accredited the Elizabeth Richardson Center (ERC) through May, 2017 for the following programs & services: **Community Services:** Child & Youth services; **Community Services:** Community Housing; **Employment Services;** Organizational Employment Services and all **Governance Standards** have been applied.

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## **Description of ERC Waiver Services**

ERC is licensed to provide Alternative Community Services Home & Community Based (ACS), Supportive Living, Adaptive Equipment, Community Transition, Consultation, environmental Modifications, Respite, Specialized Medical Supplies, Supplemental Support, and Supported Employment. You may choose to receive one or all of these services through ERC or another organization.

**Program Description:** The ACS Waiver program supports individuals with developmental disabilities

- to live, work, and participate in the community of their choice.
- to help you live as independently as possible.
- to receive one on one support at home and in the community.

**It may also cover the cost of:**

- moving from an institution to the community,
- needed environmental modifications and assistive technology,
- some medical supplies,
- receiving respite services,
- and provide employment supports.

**Populations served** – The ERC Waiver program serves adults and children with developmental disabilities who live in Washington, Benton and Madison counties. In some circumstances we can provide Waiver support outside of these counties.

**Settings** – Waiver services can be provided in your home and/or in the community.

**Hours of service** - Hours of service are based upon your needs and as approved by Medicaid. Some individuals receive Waiver support 24 hours a day, while others need only a few hours a week.

**Days of service** - Days of service are based upon your needs and as they are approved by Medicaid. Some individuals receive Waiver support seven days a week, while others only require services for a couple of days a week.

**Frequency of service** – Frequency of service is based upon your needs and as approved by Medicaid.

**Payer sources** – Waiver services are paid by Medicaid. If you are not approved for Medicaid, you can choose to self-pay for the services.

**Fees** – There is no cost to you for Waiver services if you are approved by Medicaid. If you do not have Medicaid, then you can self-pay for the services. Costs vary according to the amount of support you need.

**Referral sources** – If you are funded by Medicaid, then the Arkansas Department of Disability Services (DDS) will refer you to the ERC Waiver program or another program of your choice. If you choose to self-pay for Waiver services, then you can be self-referred.

**The specific services offered** - ERC Waiver Program is licensed to provide Supportive Living, Non-Medical Transportation, Adaptive Equipment, Environmental Modification, Specialized Medical Supplies, Consultation Services, ACS Respite Services, and Supported Employment Services. ERC may also provide Representative Payee services, if applicable. The Representative Payee Programs are not part of the Waiver Programs.

**Your Waiver Client Care Coordinator is:** \_\_\_\_\_

He or she works at: \_\_\_\_\_

His or her phone number is: \_\_\_\_\_

*What does an ERC Client Care Coordinator do?*

- Finds you employees you like.
- Assists you to make goals for yourself.
- Supervises the employees that support you
- Help you to find a place to live, if needed.

**Your Waiver Specialist is:** \_\_\_\_\_

His/her phone number is: \_\_\_\_\_

*What does a Waiver Specialist do?*

- Helps you to understand the Waiver Program
- Helps you with paperwork needed to be in Waiver

**ERC will provide supports based on your needs and desires in the following areas:**

- Healthy lifestyles
- Hygiene
- Home maintenance
- Family contact, if desired
- Financial stability
- Your role as a tenant, if applicable
- Medical supplies
- Effective self-advocacy and decision making
- Social life - friendships/relationships
- Community membership and social networks
- Community transition assistance
- Adaptive Equipment
- Training for Waiver staff
- Job coaching for community employment opportunities
- Environmental modifications
- Being safe in the home and community
- Other identified needs

**You will be provided opportunities to choose and access:**

- Community activities
- Cultural activities
- Social activities
- Transportation, when necessary
- Recreational activities
- Spiritual activities
- Employment / income generation activities
- Other

**Other Important Information about Waiver:**

- **You will be responsible for the rent, utilities, groceries, personal effects, etc.**
- **We will assist you with applying for or accessing special assistance programs (i.e., food stamps, low income housing) if needed.**
- **We can become your Payee, if applicable.**

- **Your Waiver staff may take time off for vacation or sickness. ERC may substitute other staff to provide your support and services. ERC will create a back-up plan for you addressing these types of situations.**

## Your Rights and Responsibilities

### Your Individual Rights

When you choose to receive services through ERC, you (or your legal guardian, if applicable) have rights. Those **rights** include:

- A. Being free from physical or psychological abuse or neglect, retaliation, humiliation, and from financial exploitation.
- B. Having control over your own financial resources.
- C. Being able to receive, purchase, have and use your own personal property.
- D. Actively and meaningfully making decisions affecting your life.
- E. Having access to information about you and your services so you can make good decisions.
- F. Having privacy.
- G. Being able to talk to and hang with any person or group of people of you choose.
- H. Being able to practice the religion of your choice.
- I. Being free from the inappropriate use of a physical or chemical restraint, medication, or isolation as punishment, for the convenience of the provider or agent, in conflict with a physician's order or as a substitute for treatment, except when a physical restraint is in furtherance of your health and safety.
- J. Not being required to work without compensation, except when you are residing and being provided services outside of the home of a member of your family, and then only for the purposes of the upkeep of your own living space and of common living area and grounds that you share with others.
- K. Being treated with dignity and respect.
- L. Receiving due process.
- M. Having access to your own records, including information about how your funds are accessed and utilized and what services were billed for on your behalf.
- N. Having access to our electronic record system (Therap)
- O. Having informed consent or refusal or expression of choice regarding:
  1. Service delivery.
  2. Release of information.
  3. Concurrent services.
  4. Composition of the service delivery team.
  5. Involvement in research projects, if applicable.
- P. Having access or referral to legal entities for appropriate representation.
- Q. Having access to self-help and advocacy support services.
- R. Adherence to research guidelines and ethics when you are involved, if applicable.
- S. Not being discriminated against if you have or may have Human Immuno Virus (HIV), Hepatitis B or Acquired Immunodeficiency Syndrome (AIDS). Your status will be kept confidential.
- T. You have the right to ask for a summary of any monitoring or evaluating parts of this facility prepared by and received from federal, state, or local authorities.
- U. Rights and responsibilities of citizenship and other legal and constitutional rights including;

- Freedom of speech
- Freedom to marry and have children
- Right to vote
- Right to go to court when needed
- Right to buy and sell property
- Right to be free from cruel and unusual punishment
- Right to equal protection
- Right to be served by public agencies
- Right to equal educational opportunities
- Right to equal employment
- Right to residential services in a humane and least restrictive environment

## **SECURITY CAMERAS AT ERC FACILITIES**

**Policy** - It is the policy of ERC to have security cameras in service locations when possible.

ERC recognizes the need to strike a balance between the Individual's right to be free from invasion of privacy and the organization's duty to promote a safe environment for persons served, visitors and staff members.

The purpose of security cameras at ERC is to:

1. Promote a safe environment by deterring acts of abuse, neglect, harassment or assault.
2. Deter theft and vandalism and assist in the identification of individuals who commit such crimes.
3. Assist law enforcement and regulatory agencies with regard to the investigation of any crime or allegation of any crime that may be depicted.
4. Review suspected critical events
5. Review possible licensure violations
6. Ensure licensure standards are being met
7. Monitor work performance
8. Ensure the safety of individuals served
9. Communicate with individuals served
10. Assist in daily operations of ERC

Procedures - Use of Security Camera:

- A. Residential Programs: To ensure that the rights of persons served are protected, the use of video cameras in all residential settings must be reviewed, approved, and monitored by the Human Rights Committee.
- B. Other ERC Service Programs: To ensure that the rights of persons served are protected, the use of video cameras in other ERC Service Programs must be reviewed, approved and monitored by the Program Director or designee.
- C. Parent/Guardian access to cameras may be requested at any time. If access is granted to parent/guardian, all access and usage must comply with the Federal law known as HIPAA.

Procedures - Informed Consent:

- A. An Informed Consent and/or an acknowledgement must be signed by the person served and/or appointed guardian prior to implementation of security cameras.
- B. Informed Consents and/or acknowledgements must be done prior to admission and then updated at least annually.
- C. Completed Informed Consent documents should be maintained by the Waiver office and kept in the client's file.

- D. If you have a roommate, we must have a completed Informed Consent form signed by you (if you are your own guardian) or by your parent/guardian that says you/they agree to have a camera in the residence.

#### Procedures - Release of Digital Data

##### A. Waiver Program

1. Records that contain images of persons served is considered “health care information” for purposes of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), and is therefore, considered confidential information. Refer to release of Confidential Information Policy.
2. Images will not be released to staff, volunteers or contractors.
3. ERC staff members who are within range of the security camera system have no expectation of privacy regarding any of their activities that are recorded.
4. Any and all images and records of whatever sort generated by the system may be used in investigations of complaints and/or with respect to disciplinary action.

#### Procedures - Access to Video Viewing

- A. The Program Director will determine who has access to video viewing or use of the videos.
- B. Staff members who have access to video viewing will be properly trained on ERC policy and procedures and the protection of rights of persons served.
- C. Waiver Program – Guardians of individuals served in the ERC Waiver program may be granted access to view camera footage of their family member’s residence as long as the access is reviewed, approved and monitored by the Human Rights Committee and ERC technology department has the ability to support such access.

#### Procedures - Location of Security Cameras

- A. Security cameras may be installed in classrooms, hallways, storage areas, entrances/exits, common areas of residential properties of individuals served, and other public areas where a need has been identified.
- B. Some cameras may be hidden or disguised.

#### Procedures - Prohibitions on the use of Security Cameras

- A. Video cameras may never be used for any reason in areas where there are the highest expectations of privacy such as bathrooms, areas used for personal care, areas for private visitation or areas for private phone calls.
- B. Video cameras may not be used as a substitute for or supplement to adequate staffing or supervision protocols.
- C. The cost of the video cameras must be incurred by the facility and not the individuals served.

#### Procedures - Retrieval and Storage of Video Data

- A. The security camera system may include a recording feature (archival capacity) that stores images in a digital format for a limited period of time.
1. The setup needed to record and the amount of footage that can be recorded is dependent on the type of camera installed.
  2. Depending on the settings on the camera, this may provide the opportunity to review images after an incident occurs, if/when a complaint is made, and/or for daily operations of ERC.
- B. This provides the opportunity to review images after an incident occurs, if/when a complaint is made, and/or for daily operations of ERC.

- C. Any video documentation used for investigations will be maintained in video format for no less than seven (7) years or as required by licensure and then destroyed per ERC Destruction Procedures.
- D. If a security camera system record is requested for investigation or disciplinary purposes or as the basis for any significant clinical or administrative decision, and in all cases where the request is made by an outside entity, the Program Director (or designee) will authorize the Systems Administrator to make a copy of the original record.
- E. Copies of security camera system records are ERC records and will be maintained in the same manner as other records made or copied for similar purposes.

### **Your Responsibilities**

If you are your own guardian and you are over eighteen (18) years of age, you have the following responsibilities:

1. If you agree to buy something, you must pay for it before it actually becomes yours.
2. If you buy something on credit, you must make each payment on the correct day until all payments are made.
3. If you sign your name to any kind of contract you can be held to the terms of that contract.
4. If you do not fulfill the terms of a contract you sign, you can be taken to court.
5. If you break a law, you can be taken to court, and a judgment made as to your punishment.
6. If you are accused of breaking a law, you will be given a trial to decide if you are guilty.
7. If you wish to own an automobile or motorcycle, and drive it, you must get a driver's license, buy a license plate, get insurance, and obey all the rules listed in the driver's manual and those rules posted on streets and highways.
8. If you are not eighteen (18), (or if you are not your own guardian), you must have your parent or guardian's approval (by signature), before you sign any contracts, buy on credit, get a driver's license, buy (or possess) alcohol or exercise other rights of majority. YOU ARE STILL SUBJECT TO ALL LAWS REGARDLESS OF YOUR STATUS.
9. It is against the policy of ERC for you to possess or consume alcohol or drugs not prescribed for you while you are on ERC property. However, if you choose to do so off the premises, you are subject to all the laws governing drinking and persons under the influence or possessing illegal drugs.
10. Possession of drugs, except those prescribed by your doctor, is against the law.
11. Buying alcohol for anyone under the age of twenty-one (21) or anyone who is not his/her own guardian, is against the law.

### **Program Policies, Procedures and Guidelines**

Every business or organization MUST have rules! These rules are for protecting the rights and safety of ALL. Breaking these rules will result in disciplinary actions, ranging from a verbal reprimand to suspension or immediate dismissal from ERC program(s).

#### **ABSENTEEISM**

- ERC programs are only effective when persons served attend regularly.
- ERC expects you to participate in the Waiver program as defined in your Personal Care Support Plan (PCSP). If you wish to change your Waiver program as described in your PCSP, contact your Client Care Coordinator.



## **ACCESS TO ASSIGNED WAIVER STAFF**

- You must let ERC staff assigned to you into your home when providing services as defined in your PCSP (Person Centered Service Plan).
- ERC is responsible under the law for the safety of persons served and if you repeatedly refuse services we may not be able to keep you safe and you may be discharged from the ERC Waiver program.

## **ACCIDENTS/INJURIES**

- During your Waiver Programming hours, accidents and injuries will be immediately attended to with first aid treatment or other medical services as needed.
- Family or guardian will be contacted as outlined in your PCSP (Person Centered Service Plan).
- A report will be completed for each accident. A copy of the report will be available to the person served/guardian, upon request.

## **ALLEGED ABUSE/NEGLECT**

- If we believe anyone is abusing, neglecting, or exploiting you we are required by law to contact The Department of Human Services, the local law enforcement agency, and the family/guardian, when applicable.
- Allegations will be investigated. Disciplinary or corrective action will be taken as warranted.

## **BEHAVE LIKE LADIES and GENTLEMEN**

- Be nice.
- Do not hurt others.
- Respect other people's property and personal space. Do not take items from others without permission. This includes staff, visitors, roommates, neighbors or anyone else.
- Engage in appropriate activities at appropriate times (i.e., do not play loud music during normal sleep times). Even if you live alone in your own apartment, you may be disturbing your neighbors. Respect the rights of others – just like you want them to respect your rights.
- Do not spread rumors, slander, gossip and/or lies.
- Do not be careless with the property of ERC or others.
- Do not use abusive language, profanity, obscene gestures, or other improper behavior.
- Please NOTE: Any acts of aggression and/or violence that are beyond the scope of training for ERC staff will result in police notification.

## **BEHAVIOR SUPPORTS AND RIGHTS RESTRICTIONS POLICY** (Board of Directors approved 2/26/2015)

- It is the policy of ERC to utilize all positive approaches for addressing challenging behavior before using more restrictive programmatic techniques. Measures to address positive behavior should be incorporated into formal program efforts to the extent feasible.
- Efforts at positive programming prove to be successful with the majority of challenging behaviors. The use of behavioral programming other than positive is designed for clients who repetitively engage in behavior that may endanger self or others and for whom other interventions have not been effective. This type of programming is considered restrictive in nature and requires additional levels of approval from the Human Rights Committee.
- All Positive Behavioral Supports and Intervention Plans will be designed to reduce or eliminate the target behavior(s) while increasing appropriate behaviors designed to meet the same needs.

## **CONCEALED WEAPONS**

- We prohibit anyone to carry a weapon of any kind (concealed or unconcealed) onto ERC property.

- ERC defines its property as all facilities, vehicles and grounds (including parking lots) where ERC employees work or clients reside and all ERC vehicles used to transport employees or clients.
- Violation of this policy may be grounds for immediate termination from the ERC Waiver program.

### **CORPORAL PUNISHMENT**

- ERC does not use any type of corporal punishment.
- Any staff member engaging in such practices will be subject to dismissal.

### **DIRECT SUPPORT STAFF**

- ERC will make every effort to find a Direct Support Staff that you and/or your guardian like.
- ERC is an Equal Opportunity Employer and we do not discriminate based on age, gender, race, color, religion, national origin, or disability.
- ERC follows written policies and procedures concerning employee performance issues.
- During staff shortages ERC may need to assign you a replacement staff without prior notice.
- ERC can only provide staff supports that have been approved by DDS in the Plan of Care. ERC cannot provide staff when a family calls for service that has not been approved. If the family takes their family member home than changes their mind half way through a scheduled shift, ERC may not be able to provide staff for the remainder of the shift as a result of family action.

### **HOSPITALIZATION**

- Medicaid regulations do not allow you to utilize Waiver Direct Support Staff when admitted into a hospital.

### **HAND WASHING**

- Wash your hands often so you can stay healthy.
- Say the alphabet as you wash your hands – don't stop washing until you get to "Z".
- You are expected to wash your hands after using the restroom and before handling food.

### **ILLEGAL BEHAVIOR**

- **Theft of Property:** We will notify local law enforcement to investigate incidents of theft. We may choose to prosecute based on outcome of investigation.
- **Drug Use:** We prohibit use of or being under influence of drugs (not prescribed by a physician) when participating in ERC programs or being on ERC property. We may choose to notify local law enforcement based on situation.
- **Destruction of Property:** We prohibit the deliberate or careless damage to ERC property. This includes deliberately destroying or defacing equipment and/or training materials.
- **Falsifying Records:** We prohibit the falsifying of personal records and/or other ERC forms or checks.

### **INCOME / BENEFITS / EXPENSES**

- You are expected to notify ERC immediately of any changes to income, benefits, insurance plans, etc.
- Occasionally there are special reporting requirements that have to be done in order to maintain benefits, insurance plans, etc. It is your responsibility to assist ERC with these requirements.
- You are responsible for paying for medical care / hospitalizations / lab work / medications / adaptive equipment / etc. that not covered by your health insurance.

### **MEALS**

- You are responsible for providing your own food.
- We can help you to create a grocery list, shop, and prepare your food as written in your PCSP.

## **MEDICATION**

- Only medication prescribed by a physician and administered by ERC nursing staff or family, or self-administered per PCSP will be allowed.
- If you take psychotropic medications for behavior we will create a Behavior Support Plan that we will ask you and your guardian to approve.
- Individuals in the ERC Waiver Program cannot take “PRN” or “As needed” psychotropic medications unless the individual is assessed as having the ability to medicate independently or the guardian is willing to direct staff in the usage of the medication.

## **PETS**

- You may want to own a pet while receiving ERC Waiver Services. Owning a pet is a big responsibility.
- You should make sure you are allowed to have pets in your apartment or house.
- You need to be committed to making sure your pet is fed, watered, groomed and exercised.
- You should determine if you have enough money every month to buy pet food and pay for veterinary care.
- Your case manager can help you decide if having a pet is a good choice for you.
- ERC Waiver staff are only responsible for what is included in your active treatment goals as it relates to any pet you might have.

## **RECORDS**

- The records of persons served are confidential and will only be shared as outlined in the ERC’s Notice of Privacy Practices.
- You will be given a copy of our Notice of Privacy Practices.

## **RECREATIONAL ACTIVITIES**

- You are responsible for costs related to recreational activities such as bowling, going to the movies, or going out to eat. Participation is voluntary.
- We can help you to budget your money and/or help you to get a job if want more money.
- A limited amount of money is available to pay your staff’s admission into events. Please check with your Client Care Coordinator to find out how to request money for events.
- ERC staff cannot attend or watch inappropriate movies with residents.

## **RESPONSIBILITIES OF INDIVIDUALS LIVING IN THEIR OWN APARTMENT OR HOUSE IN THE WAIVER PROGRAM:**

ERC expects individuals served in the Waiver program to:

- Be nice to your staff and/or roommates.
- Keep apartment neat and clean.
- Maintain personal furniture in good condition.
- Participate in home activities, such as doing own laundry, sweeping, dusting, vacuuming, doing the dishes, etc.

## **SAFETY DRILLS**

- ERC expects all staff, persons served, and visitors to participate in all safety/evacuation drills.
- It is expected that Waiver staff will conduct required drills at regular intervals with you so that you can become more independent and learn how to act appropriately when an emergency happens.

## **SMOKING AND TOBACCO USE**

- Smoking and/or use of tobacco products is not allowed inside any ERC building.
- Tobacco use is allowed outside in designated areas ONLY.
- Tobacco products must be disposed of properly.

- Tobacco use may be regulated based upon orders from a physician and an approved Rights Restriction.
- ERC Waiver staff have the right to request a transfer to work with other clients if they object to a client who smokes.

## **TRANSPORTATION**

- Individuals who are receiving ERC Waiver services will use transportation provided by ERC Waiver staff in the staff's personal vehicle, ERC vans, public transportation or a Medicaid transportation provider based on their individual needs.
- Transportation needs that will be provided by ERC Waiver staff are outlined and approved in your PCSP.
- ERC bills Medicaid for this mileage and ERC then reimburses your Waiver staff for that amount.
- Medicaid does not reimburse ERC or our staff for transporting our clients to and from medical appointments. Medicaid encourages all providers to utilize community resources such as Ozark Regional Transportation or other Medicaid transportation for medical visits.

## **VACATION/TIME AWAY**

- If are receiving Waiver services from ERC and plan to go on vacation or there are other reasons why you will not be needing ERC staff for a period of time, it is requested that you give at least 48 hours' notice to your Waiver Direct Care Supervisor so that staff can be notified and re-assigned as needed.

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## **DDS Waiver policy 211.200 Risk Assessment**

- A. DDS will not authorize or continue waiver services under the following conditions:
1. The health and safety of the beneficiary, the beneficiary's caregivers, workers or others are not assured;
  2. The beneficiary or legally responsible person has refused or refuses to participate in the plan of care development or to permit implementation of the plan of care or any part thereof that is deemed necessary to assure health and safety;
  3. The beneficiary or legally responsible person refuses to permit the on-site entry of: case manager to conduct required visits, caregivers to provide scheduled care, DDS, DMS, DHS or CMS officials acting in their role as oversight authority for compliance or audit purposes;
  4. The beneficiary applying for, or receiving, waiver services requires 24 hour nursing care on a continuous basis as prescribed by a physician;
  5. The beneficiary participating in the waiver program is incarcerated, adjudicated as guilty or is an inmate in a state or local correctional facility;
  6. The person is deemed ineligible based on DDS Psychological Team assessment or reassessment for meeting ICF/IID level of care;
  7. The beneficiary is deemed ineligible based on not meeting or not complying with requirements for determining continued Medicaid income eligibility.
- B. Safeguards concerning the use of Restraints or Seclusion:
1. Personal restraints (use of a staff member's body to prevent injury to the consumer or another person) are allowed in cases of emergency. An emergency exists when:
    - a. The individual has not responded to de-escalation techniques and continues to escalate

- behavior,
- b. The individual is a danger to self or others, or
- c. The safety of the individual and those nearby cannot be assured through positive reinforcers.

An individual must be continuously under direct observation of staff members during any use of restraints.

If the use of personal restraints occurs more than three times per month, use should be discussed by the interdisciplinary team and addressed in the plan of care. When emergency procedures are implemented, plan of care revisions including but not limited to, psychological counseling, review of medications with possible medication change or a change in environmental stressors that are noted to precede escalation of behavior may be implemented.

1. Mechanical restraints fall under the same requirements as the use of personal restraints in that they may only be used in emergency circumstances that place the individual or others around the individual at serious threat of violence or risk of injury if no intervention occurs. If emergency procedures are used more than three times in six months, the interdisciplinary team must meet to revise the plan of care.
2. DDS standards require that providers will not allow maltreatment or corporal punishment (the application of painful stimuli to the body in an attempt to terminate behavior or as a penalty for behavior) of individuals. Provider's policies and procedures must state that corporal punishment is prohibited.
3. Providers must develop a written behavior management policy to ensure the rights of individuals. The policy must include a provision for alternative methods to avoid the use of restraints and seclusions.

The behavior management plan must specify what behaviors will constitute the use of restraints or seclusion, the length of time to be used, who will authorize the use of restraints or seclusion and the methods for monitoring the individual.

Behavior management plans cannot include procedures that are punishing, physically painful, emotionally frightening, depriving or that put the individual at a medical risk.

When the behavior plan is implemented, all use of restraint must be documented in the individual's case record, including the initiating behavior, length of time of restraint, name of authorizing personnel, names of all individuals involved and outcomes of the event.

1. The use of restraints or seclusion must be reported to the DDS Quality Assurance section via an incident report form that must be submitted no later than the end of the second business day following the incident. The DDS Quality Assurance staff investigates each incident and monitors use of restraints for possible overuse or inappropriate use of restraints or seclusion. DDS Quality Assurance staff will notify entities involved with the complaint or service concern the results of their review. If there is credible evidence to support the complaint or concern, the provider will be required to submit a plan of correction. Failure to complete corrective action measures may result in the provider being placed on provisional status or revocation of certification.
2. Each person working within the provider agency must complete Introduction to Behavior Management, Abuse and Neglect and any other training as deemed necessary as a result of deficiencies or corrective actions.

### C. Safeguards Concerning the use of Restrictive Intervention

1. DDS Standards require the use of a behavior management plan for all individuals whose behavior may warrant intervention. The behavior management plan must specify what will constitute the use of restrictive interventions, the length of time to be used, who will authorize the use of restrictive intervention and the methods for monitoring the individual.  
When the behavior plan is implemented, all use of restrictive interventions must be documented in the individual's case record and should include the initiating behavior, length of time of restraint, name of authorizing personnel, names of all individuals involved and outcomes of the event.
2. Restrictive interventions include:
  - a. Absence from a specific social activity, or
  - b. Temporary loss of a personal possession

These interventions might be implemented to deal with aggressive or disruptive behaviors related to the activity or possession. Staff, families and the individual are trained by the provider to recognize and report unauthorized use of restrictive interventions.

Before absence from a specific social activity or temporary loss of personal possession is implemented, the individual is first counseled about the consequences of the behavior and the choices they can make.

1. All personnel who are involved in the use of restrictive interventions must receive training in behavior management techniques, as well as, training in abuse and neglect laws, rules and regulations and policies. The personnel must be qualified to perform, develop, implement and monitor or provide direction intervention as applicable.
2. Use of restrictive interventions requires submission of an incident report that must be submitted no later than the end of the second business day following the incident. The DDS Quality Assurance staff investigates each incident and monitors use of restrictive interventions for possible overuse or inappropriate use. DDS Quality Assurance staff will notify entities involved with the complaint or service concern the results of their review. If there is credible evidence to support the complaint or concern, the provider will be required to submit a plan of correction. Failure to complete corrective action measures may result in the provider being placed on provisional status or revocation of certification.

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## **ERC APPEALS PROCESS - CONFLICT RESOLUTION/GRIEVANCE POLICY**

### **A. Program Appeals Policy:**

- All Service/Program related complaints shall be given prompt and fair consideration. The use of this appeals process is your right.
- If you pursue a complaint through the appeals process, no one will be mad at you or punish you in any way for using this process.
- You are allowed to have someone help you with your appeal.
- A "complaint" is a specific violation, unfair application or misrepresentation of any of ERC's rules, policies, or procedures alleged by you or your representative.
- Vague or general charges of "unfairness" that are not backed up by facts will not be processed through the appeals procedure.

**B. Program Appeals Procedure:** If you have a complaint, this is what you should do:

**Step 1:**

- Tell your problem to your staff.
- If the problem is still not better, go to the next step.

**Step 2:**

- Meet with the Client Care Coordinator to try to solve the problem.
- If the problem is still not solved, go to the next step.

**Step 3:**

- Meet with the Waiver Program Director to try to solve the problem.
- A written decision will be provided to you within five (5) working days.
- If the problem is still not solved, go to the next step.

**Step 4:**

- Write to the Executive Director asking for a meeting to solve your problem within ten (10) working days from meeting date in Step 3.
- Make sure to write down the problem and everything you have done so far to try to solve it. If you need help, have someone help you write it down to make sure that you have told your story the way you want it told.
- Your meeting with the Executive Director will happen within twenty (20) working days from the date the Executive Director gets your written request.
- A written decision will be provided to you.
- If an agreement is not reached, proceed to Step 5.

**Step 5:**

- Write to the Board of Directors and ask if they will meet with you within ten (10) working days from the meeting date in Step 4.
- Make sure to write down the problem and what has been done to try to solve it.
- All written information about the grievance can be given to you if you ask.
- The Board of Directors will listen to the grievance and review all of the written information.
- A written decision will be provided to you within ten (10) working days of the meeting of the Board of Directors.
- If an agreement is not reached, proceed to Step 6.

**Step 6:**

- If your problem is still not solved, you can contact the licensing agency (DDS). You should do this within ten (10) working days of receipt of the written decision from the ERC Board of Directors.

ARKANSAS DEPARTMENT OF HUMAN SERVICES  
DDS DIRECTOR'S OFFICE POLICY MANUAL – APPEALS POLICY

<u>Policy Type</u>	<u>Subject of Policy</u>	<u>Policy No.</u>
<u>Administrative</u>	<u>Appeals</u>	<u>1076</u>

1. Purpose. This policy is provided to allow for appealing decisions made by Developmental Disabilities Services (DDS) regarding the following programs:

- A. Human Development Centers (HDCs)
- B. Community Programs and Services

C. Medicaid Home and Community Based Waiver Services

D. Licensure of Community Programs/Services and Certification of Providers of Waiver Services, Providers of Early Intervention Voucher Services and Independent (Self-Employed) Certified Case Managers (CCMs)

E. Nursing Facility, PASSAR determinations. These determinations are made, as required, by the 1987 Omnibus Budget Reconciliation Act (OBRA) for persons with a MR/DD diagnosis who seek admission or for whose admission is sought to a Nursing Facility. It includes annual reviews for continued stay.

2. Scope. This policy applies to recipients of services, their parents/guardians, Community Programs, Service Providers, and Certified Case Managers, other interested parties and all DDS employees.

3. General Provisions:

A. Who May File An Appeal. Only persons identified in Section 2. Scope may file an appeal relative to decisions made.

An appeal filed by anyone other than those listed in Section 2. Scope above is not a valid appeal and will be rejected and denied by DDS.

B. Conditions for Appeal – Each person who may file an appeal has specific conditions which must be addressed for an appeal to be considered.

All decisions listed will be made in writing and provided to the appropriate persons by certified mail with signed return receipt kept on file.

Any appeal of a decision that is determined as not made by or under the control of DDS will be acknowledged with an explanation and referral to the appropriate agency to which the appeal should be presented.

C. Time Frames. Time frames are established to resolve issues in an orderly and timely manner. Failure to meet the established time frames will result in the appeal being rejected and denied.

D. Contents of the Appeal. All appeals filed must be in writing and contain, at a minimum:

- 1) The name, address and telephone number of the person filing the appeal.
- 2) The relationship of the person who is filing the appeal to the individual requesting or receiving services or the relationship to the program that is affected.
- 3) The decision that is being appealed.
- 4) The reason(s) the decision is being appealed.
- 5) The desired outcome of the appeal; what the person is seeking through the appeals process.
- 6) The law and/or facts that are being relied upon in the filing of the appeal.
- 7) The person who will present the appeal.



8) Whether the person will be represented and if so, the name, address and telephone number of the representative. This is not limited to legal representation.

NOTE: Appeals not containing this information will be rejected and denied.

E. Appropriate Person with Whom to File an Appeal. Appeals must be filed with the specific person identified in the following procedures. Failure to do so can result in the rejection/denial of the appeal.

F. Review Process. The review process is outlined for each party who may file an appeal.

G. Final Agency Action. The final agency decision is outlined for the program/providers identified.

4. Procedures:

A. Community Programs and Services.

1) The individual applying for or receiving services or the parents, guardians or surrogate parents of the individual, and DDS Community Program Administrator or Board Chair may file an appeal.

2) Appeals may be filed on decisions regarding individual service eligibility, funding of services, program funding and service provision.

3) Appeals must be submitted within ten (10) working days of the receipt of notification of a decision.

4) Contents of an appeal are outlined in 3.D.

5) Appeals must be filed as follows:

- Eligibility – Assistant Director, Client Services, DDS
- Funding – Assistant Director, Program Management, DDS
- Early Intervention – Office of Chief Counsel, Appeals & Hearings.

The appeal for a fair hearing shall be mailed to:

OCC – Office of Appeals and Hearings  
Donaghey Plaza South  
P.O. Box 1437 - Slot 1001  
Little Rock, AR 72203-1437

Request for fair hearing shall include the information required in 3.D. above - Contents of Appeal. Persons appealing under fair hearings will receive a copy of the procedures to be following during the hearing.

6) Within ten (10) working days of the receipt of the appeal, (Except Early Intervention) the Assistant Director will schedule and conduct a meeting with all the parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.

7) If the person who filed the appeal is still dissatisfied, the decision may be appealed.

If a party disagrees with a decision, the decision may be appealed within ten (10) working days by filing an appeal with the Director, DDS. Within fifteen (15) working days of receiving the appeal, the Director shall schedule and conduct a meeting with all parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.

- 8) The decision of the Director is the final agency action except for decisions regarding Early Intervention.
- 9) Early Intervention Program. The decision of the Fair Hearing Officers is final agency action.

B. Medicaid Home and Community Based Waiver Services and or Nursing Facility Pre-admission and Annual Resident Review.

- 1) The individual applying for or receiving Waiver or Nursing Facility Services or the individual's parent/guardian may file an appeal.
- 2) Appeals may be filed on decisions regarding the eligibility of or receipt of services under Waiver and Nursing Facility services.
- 3) Appeals of service denied must be in writing within thirty (30) days of date of the notice of service denied. Appeals of changes in services must be received within thirty (30) days of the effective date of change.
- 4) Contents of an appeal is outlined in 3.D. above.
- 5) Appeal will be filed with the Assistant Director, Program Management, DDS.
- 6) Within ten (10) working days of receipt of an appeal the Assistant Director shall conduct an administrative review of the case file, the appeal filed and any additional information presented. Within five (5) working days of this review, a written decision shall be rendered and submitted to the parties.
- 7) If a party is not satisfied by the result of the administrative review, a fair hearing may be requested. Within (10) working days of receiving the results of the administrative review, an appeal may be filed with the Office of Chief Counsel, Appeals and Hearings. Request for fair hearings shall include the information required in 3.D. above - Contents of Appeal. The appeal shall be mail to:

OCC – Office of Appeals and Hearings  
Donaghey Plaza South  
P.O. Box 1437  
Little Rock, AR 72203-1437

8) The conclusion of the fair hearing is the final agency action.

C. Licensure of Community Programs/Services, Certification of Providers of Waiver Services, Providers of Early Intervention Voucher Services, and Independent (Self-Employed) Certified Case Managers (CCMs).

- 1) The President or Chair of the Community Program Board or Director of licensed Community Program/Services and for Certified Providers, the person certified may file an appeal.
- 2) Appeals may be filed on decisions regarding the granting of a license/ certification or the taking of adverse action against a license/certification. Decisions regarding investigations of services concerns/complaints.
- 3) Appeals must be submitted within ten (10) days of the receipt of notification of a decision.
- 4) Contents of an appeal is outlined in 3.D. above.
- 5) The appeal must be filed with the Assistant Director, Administrative Services, DDS.
- 6) Within ten (10) working days of the receipt of the appeal, the Assistant Director will schedule and conduct a meeting with all the parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. An extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting shall be recorded. Only the issues relevant to the appeal shall be discussed and considered. Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.

If a party disagrees with a decision, the decision may be appealed within (10) working days by filing an appeal with the DDS Director. Within fifteen (15) working days of receiving the appeal, the DDS Director shall schedule and conduct a meeting with all parties. All parties shall be notified of the meeting date, time and location in writing and shall be followed up by telephone. Extension of time frames may be allowed when either party has a valid reason for postponement and both parties agree to the delay. The meeting will be recorded. Only the issues contained in the appeal shall be discussed and considered.

7) Within five (5) working days of the meeting, a written decision shall be rendered and submitted to all parties.

8) The decision of the DDS Director is the final agency action.

Effective Date: July 1, 1996

## OTHER ERC SERVICES

### CHILDREN'S SERVICES

**ERC Child Development Centers (CDC)** – A preschool for children with and without special needs. Services include Developmental Day Treatment, Nursing Services, Speech/Occupational/Physical Therapy and Certified Case Management. Locations in Farmington, Fayetteville, Springdale, and Siloam Springs and Huntsville.

### ADULT DAY SERVICES

#### ADULT DEVELOPMENT SERVICES

1. The Adult Development Program at the ERC is designed to assist people with developmental disabilities eighteen (18) years of age and older to acquire knowledge in the areas of home and community living including but not limited to time/money management, social skills, computer skills and health/safety/hygiene skills.
2. People in the Adult Development Program may also participate in one of the ERC work programs to develop vocational and work-readiness skills while earning money.

#### COMMUNITY EMPLOYMENT SERVICES

ERC has a variety of community employment services as well as sheltered work opportunities. These services include:

- **Sheltered work** – limited availability. Offers work opportunities in a sheltered environment. Local High School students are served in this program.
- **Vocational Rehabilitation** – services are varied and include a 10 day work assessment, a 60 day work adjustment, and 120 day extended services. Job placement and employment services are offered throughout the program. Services begin at Richardson Industries and then moves to community placement as the client progresses through the program.
- **Supported Employment** – can be facility or non-facility based. Once competitive employment is reached ERC provides thirty (30) days of full job coaching and then three (3) months of 20% job coaching once stabilization on the job is reached.
- **Placement** – community based only, individuals do not come into the workshop and need to have the initiative to want to do some job searching on their own along with career counseling and resume work with ERC employment staff. This program offers no job coaching.

- **Ticket to Work** – Is a program that is designed through Social Security Administration to assist people with returning to work full time with the idea of eventually getting off of their social security benefits. Services provided are career counseling, resume building, interview skills, job development and benefit counseling.

### **HIGH SCHOOL TO WORK TRANSITIONAL PROGRAM**

1. The High School to Work Program is designed to assist high school students with disabilities in learning how to complete light assembly work such as tool assembly, electronics assembly, packaging, sorting, collating, and labeling.
2. In addition, the program assists people to gain various general vocational skills including staying on task, following directions, understanding the “chain of command”, getting along with coworkers and supervisors, and proper dress and hygiene while earning money.

### **ERC REPRESENTATIVE PAYEE PROGRAM**

- ERC may choose to become the Representative Payee for individuals who lack adequate family or guardian support and who have been judged legally incompetent by a State court, or who the Social Security Administration (SSA) has determined as legally competent adult but unable to manage or direct the management of his/her own benefits.
  - As an individual’s Representative Payee, ERC decides how to spend benefits to help create a stable living environment for the individual and ensure that the basic current needs of food, shelter, clothing, and medical care are met.
  - Once current needs are met, ERC assists the individual to save any leftover funds for the individual’s future use.
  - Most importantly, ERC assists the individual to work toward more independent living.
  - ERC charges a monthly fee to individuals receiving payee services. The monthly fee meets Social Security Administration guidelines and is based on an income-based sliding scale.
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## IMPORTANT PHONE NUMBERS

### **ERC PHONE NUMBERS**

Administration Office/Richardson Industries	479-872-1800
Life Skills Program	479-872-4663
Child Development Centers	
Farmington	479-267-5760
Fayetteville	479-443-4420
Huntsville	479-738-1751
Siloam Springs	479-373-6488
Springdale	479-927-1350
ICF-DD Homes Office	479-872-4657
Transportation Office	479-601-3105
Waiver Services	479-872-4663 x14
Employment Services	479-713-0354

### **OTHER PHONE NUMBERS**

Adult Protective Services	800-482-8049
Arkansas DDS	479-782-4555
Medicaid Transit	866-854-8892
Ozark Regional Transit	479-756-5901
Legal Aid of Arkansas	800-234-3544
Center for Arkansas Legal Services	800-950-5817

### **EXTERNAL ADVOCACY GROUPS**

Advocacy Services	800-482-1174
The People First Self-Advocacy Group	888-488-6040
Disability Rights Center	800-482-1174
Partners for Inclusive Communities	501-682-9900
Sources for Independent Living	479-442-5600
Arkansas People First	479-521-5333

**ERC Board of Directors  
FY 2016 - 2017**

**Jenna Johnston** *President*

**Bill Bowen** *Vice President*

**James Kennedy** *Treasurer*

**Amy Bates** *Secretary*

**Jan Davidson**

**Alex Fitzgerald**

**Ken Milbrodt**

**Joseph O'Connell**

**Jeremy Minchew** *Ex-Officio Board Member*

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**CONFLICT OF INTEREST**

No member of the ERC Board of Directors or its principle employees may enter into business dealings or personal dealings with persons served by ERC, Inc. that may in fact appear, or have the possible intent of being in conflict of interest.

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**ERC Funding Sources**

- Title XIX (Medicaid)
- Arkansas Department of Human Services
- Division of Developmental Disabilities
- Arkansas Rehabilitation Services
- Service Fees
- Grants
- Contracts with Employers / Businesses
- United Way of Northwest Arkansas
- Donations – Individuals, Clubs, Foundations
- Memorials/Gifts Honoring Individuals
- Federal Contracts
- Ticket to Work
- Schools LEA Tuition

## SOLITICATION GUIDELINES

It is the policy of ERC, that neither the organization nor individual employees on behalf of the organization, will solicit services and that we will adhere to the guidelines established by the state regarding the solicitation of services.

“Solicitation” in this context means any attempt to unduly influence an individual or his or her family or guardian to transfer from another certified provider to ERC.

### **Prohibition of Solicitation of Services Procedure**

1. Solicitation is prohibited by:
  - a. ERC employees or any individual acting on behalf of ERC.
  - b. Any individual who provides or has provided professional or direct care services for ERC or any individual acting on his or her behalf.
2. The following methods of solicitation are prohibited:
  - a. With the intent of soliciting consumers, hiring an individual who has been previously employed by or contracted with another certified provider who subsequently contacts consumers on the individual’s caseload with the previous provider with the intent of inducing the consumer to transfer to the certified provider with which the individual is currently employed or contracted;
  - b. Offering cash or gift incentives to an individual served or his or her family or guardian to induce the individual served or his or her family or guardian to change providers;
  - c. Offering an individual served or his or her family or guardian free goods or services that are not available to other similarly stationed consumers to induce the individual served or his or her family or guardian to change providers;
  - d. Refusing to provide an individual served access to entitlement services for which the individual is eligible if the individual served or his or her family or guardian selects another certified provider to provide services to the individual;
  - e. Making negative comments to a potential individual served, his or her family or guardian, or an advocate regarding the quality of services provided by another certified provider other than for the purpose of monitoring or official advocacy;
  - f. Promising to provide services in excess of those necessary to induce an individual served or his or her family or guardian to change programs;
  - g. Directly or indirectly giving an individual served or his or her family or guardian the false impression that the certified provider is the only agency that can provide the services desired by the individual served or his or her family or guardian; and,
  - h. Engaging in any activity that DDS determines was intended to be solicitation.
3. Only an authorized DDS representative may offer an individual or his or her family or guardian provider choice.
4. DDS investigates claims of solicitation that appear to be consistent with the definition of solicitation. If DDS makes a finding of prohibited solicitation, DDS imposes enforcement remedies consistent with the scope and severity of the solicitation. If a pattern of solicitation occurs, DDS may impose Licensure Revocation.
5. Marketing is distinguishable from solicitation and is considered an allowable practice. Examples of acceptable marketing practices include without limitation:
  - a. General advertisement using traditional media;
  - b. Distribution of brochures and other informational materials regarding the services provided by a certified provider if the brochures are factual and honestly presented;



- c. Providing tours of a certified provider to interested individuals,
- d. Mentioning other services provided by the certified provider in which a consumer have an interest; and,
- e. Hosting informational gatherings during which the services provided by a certified provider are honestly described.

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**AMERICANS WITH DISABILITIES ACT (ADA)**  
U.S. DEPARTMENT OF JUSTICE - CIVIL RIGHTS DIVISION

**EMPLOYMENT**

1. Employers may not discriminate against an individual with a disability in hiring or promotion - if that person is otherwise qualified for the job.
2. Employers may ask about one's ability to perform a job, but cannot inquire if someone has a disability or subject a person to tests that tend to screen out people with disabilities.
3. Employers will need to provide "reasonable accommodation" to people with disabilities. This includes steps such as job re-structuring and modification of equipment.
4. Employers do not need to provide accommodations that impose an "undue hardship" on business operations.
5. All employers with 25 or more employees must comply, effective July 26, 1992.
6. All employers with 15-24 employees must comply, effective July 26, 1994.

**TRANSPORTATION**

1. New public transit buses ordered after August 26, 1990, must be accessible to people with disabilities.
2. Transit authorities must provide comparable para-transit or other special transportation services to bus services, unless an undue burden would result.
3. Existing rail systems must have one accessible car per train by July 26, 1995.
4. New rail cars ordered after August 26, 1990, must be accessible.
5. New bus and train stations must be accessible.
6. Key stations in rapid, light and commuter rail systems must be made accessible by July 26, 1993, with extensions up to 20 years for commuter rail (30 years for rapid and light rail).
7. All existing Amtrak stations must be accessible by July 26, 2010.

**PUBLIC ACCOMMODATIONS**

1. Private entities such as hotels, restaurants, and retail stores may not discriminate against people with disabilities, effective January 26, 1992.
2. Auxiliary aids and services must be provided to people with vision or hearing impairments or other people with disabilities, unless an undue burden would result.
3. Physical barriers in existing facilities must be removed, if removal is readily achievable.
4. All new construction and alterations of facilities must be accessible.

**STATE AND LOCAL GOVERNMENT**

1. State and local governments may not discriminate against qualified people with disabilities.
2. All government facilities, services and communications must be accessible consistent with the requirements of section 504 of the Rehabilitation Act of 1973.

## **TELECOMMUNICATIONS**

Companies offering telephone services to the general public must offer telephone relay services to people who use telecommunication devices for the deaf (TDD's) or similar devices.

This information pertaining to ADA requirements is available in the following accessible formats:

- Braille
- Large Print
- Audio Tape
- Electronic file on computer disk
- Electronic bulletin board (202-514-6193)

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### **TITLE VI OF THE CIVIL RIGHTS ACT OF 1964 STATES:**

No person in the United States shall on the grounds of race, color, sex, national origin, be excluded from participation, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. ERC is operated in compliance with this law.

This facility is an Equal Opportunity Employer. Exceptions may be made only when age or physical requirements constitute bona fide occupational hazard.

It is the responsibility of this facility to guarantee the basic rights of employees and clients.

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**State and Federal Laws, Policies, and Procedures supersede any of the Policies and Procedures contained in this handbook.**

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# DOCUMENTATION OF RECEIPT of Program Handbook

Program: Medicaid Waiver

I, \_\_\_\_\_, have received a copy of The Elizabeth Richardson Center (ERC) Waiver Consumer Handbook (Revised 11-2016).

Included in the handbook is the following information:

- ERC Mission Statement
- Core Values
- Medicaid Waiver Individual Client Rights
- ERC's Grievance Procedures
- Transportation Procedures
- List of the ERC Board of Directors
- Workplace procedures, including:
  - o Descriptions of ERC programs
  - o Outcome expectations
  - o Guidelines for behavior
- Equal Opportunity laws
- Americans with Disabilities Act

The handbook also includes the name and contact information of my Waiver Direct Care Supervisor, and my Waiver Specialist.

The handbook has been explained to me and I have had the opportunity to ask questions.

\_\_\_\_\_  
Signature of Individual or Guardian

\_\_\_\_\_  
Date handbook received

\_\_\_\_\_  
Signature of staff responsible for  
responsible for orienting Waiver client to  
for orienting Waiver client to handbook

\_\_\_\_\_  
Printed name of staff