



# **POLICY MANUAL**

# ***ABLED, Inc.***

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## **FOREWORD**

ABLED, Inc. began serving participants with intellectual disabilities throughout 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 403 NAC.

Every employee, subcontractor, 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 enforces 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.

**Our mission: Serving Jesus Christ by enabling people with developmental disabilities to creatively explore and live full meaningful lives in their communities**

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 shall 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 US Constitution, its amendments, and the laws of the State of Nebraska.

## **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 Team. ABLED, Inc. owners elect the Board of Directors which governs ABLED, Inc. The Board includes at least two participants in accordance with Neb. Rev. Stat. §83-1217(7)(a). The Board may vote to add to or delete from the number of directors.



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.

The Director, hereinafter referred to as the Chief Executive Officer (CEO), serves as the director responsible for overall management of the provision of services. The Chief Executive Officer will:

1. Protect and promote the health, safety, and well-being of each participant.
  - a. The CEO and/or the Rights Review Committee will review all General Event Reports (see Rights Review Committee Procedure).
  - b. The CEO will oversee the investigation and corrective action on General Event Records.
  - c. CEO will ensure all new employees receive initial training as provided in the New Staff Training Manual covering health and safety guidelines.
2. Ensure quality services are provided to meet the needs of all participants whether services are provided directly by ABLED, Inc. staff or through subcontractors.
  - a. CEO will ensure there are procedures for training quality staff (See Staff Training and Competency Section II.F)
  - b. CEO will ensure all new employees and subcontractors are trained on ABLED policies and procedures as applicable.

The Chief Executive Officer will ensure ABLED, Inc. establishes and implements written policies and procedures.

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 participants' needs.
3. All Policies and Procedures are reviewed at least biennially.
  - a. The Board of Directors will meet at least quarterly.
  - b. Policy changes will be reviewed.
  - c. The Executive Team or its staff will ensure policies are implemented.



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 will communicate 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. ABLED staff (employees, subcontractors, or volunteers) 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 conflicts with the proper discharge of his/her duties.
2. Staff are prohibited from using or attempting to use their official position to secure unwarranted privileges or exemptions for themselves or others.
3. Staff 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. Staff 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. Staff 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 for convenience purposes only.

## **E. STANDING COMMITTEES**

All committees of ABLED, Inc. report directly to the Board of Directors unless otherwise indicated below.

### **Advisory Committee**

ABLED, Inc. is governed by a Board of Directors and therefore does not have an Advisory Committee.

### **Rights Review Committee**

The Rights Review Committee meets quarterly. This committee reviews any situation requiring an emergency safety intervention, any restrictive measure, and any situation where violation of a participant's rights occurred. The review may include obtaining additional information and gathering input from the affected participant 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 participants served. The person responsible for approving the participant's program and any staff who provides direct services to the participant cannot participate as



decision makers. At least half of the committee members must be participants, family, or other interested persons. All members are free of conflict of interest.

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.

### QA/QI Committee

Consists of two or more members of the Executive Team and may include Board Members or participants. The purpose and responsibilities are to ensure ABLED, Inc. continues to improve and identify areas of concern. This committee reviews all General Event Reports, prepares a quarterly report for the board, and reports the findings to DHHS. This committee ensures training is available for all staff. Staff training needs are identified through a combination of surveys, Therap data, home visits, and direct contact with staff.



## **II. PROVISION OF SERVICES**

### **A. ELIGIBILITY**

ABLED, Inc. provides services primarily to participants 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**

The ABLED Executive Team will gather as much information as possible from the source of referral. If the referral is from or for an individual not receiving services, the participant themselves, the participant's guardians, or family members may serve as sources of referral. The referral must include a description of the funding of the placement.

- Staff will identify any medical protocols at the time of Admission to ABLED, Inc. services. Staff must be trained in any medical protocols and demonstrate competency before beginning services.
- Staff will document the participant's preferences, strengths, and needs.
- Staff will use this information to determine whether ABLED, Inc. can provide services to meet the participant's needs.
- Staff will consider the safety of all participants in the decision to accept new participants to service or the location for the services.
- Staff will determine if ABLED, Inc. has the capacity, commitment, and resources necessary to provide supports to the participant for the long term. ABLED, Inc. will not admit an individual to services if it cannot reasonably assure that it can meet the individual's needs.
- 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 Team. 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: Habilitative or Non-Habilitative. The type and level of service is determined by the participant's Individual Support Plan (ISP) team. ABLED, Inc. will ensure that all participants receive services consistent with their needs and preferences. Participants 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 with participants requiring care each day of the year. ABLED, Inc. leaves it to the discretion of the ISP Team and the participant's guardian to determine when time off is required. **ABLED, Inc. will be closed for day services on days when the local public schools are closed due to weather. The local public school is the school district wherein the participant resides.**

## **E. TERMINATION OF SERVICES**

ABLED, Inc. may terminate services to a participant when we have determined that we can no longer effectively and appropriately serve the participant due to a lack of resources, skills, or capacity. Written notification will be given to the participant 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.

When a participant 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.

If ABLED, Inc. decides to terminate services, a transition plan will be developed in conjunction with the participant's ISP team and the new provider. The plan will be agreed upon by the ISP team and include:

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

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

ABLED, Inc. will require a participant 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 participant to fulfill any housing lease agreement he/she holds.

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

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

ABLED, Inc. will ensure that staff and management responsible for providing supports and services to participants with intellectual disabilities are educated/trained on the minimum requirements necessary to address the participant's needs prior to working with participants.

Staff responsible for providing direct services will demonstrate the competence to support participants 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 participants.

ABLED, Inc. will document 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.

All staff receive follow-up training as necessary and appropriate. Staff training needs are identified through a combination of surveys, Therap data, home visits, and direct contact with staff by the QA/QI Committee.

### Initial Orientation Requirements

Initial orientation will be completed by all new staff prior to working alone with participants. Staff will complete the following training requirements:

- Individual's choice;
- Individual's rights in accordance with state and federal laws;
- Confidentiality;
- Dignity and respectful interactions with participants; and
- Abuse, neglect, and exploitation and state law reporting requirements and prevention.

### Required Training

Staff will be trained to respond to injury, illness, and emergencies, and competency verified **within 30 days of hire or before working alone with a participant**. The following training areas will be addressed:

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

Staff will be trained and demonstrate competency **within 180 days of hire** regarding the implementation of the provision of services to participants. 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 participant;
5. Use of adaptive and augmentative devices used to support participants, as necessary;



6. Other training required by ABLED, Inc.; and
7. Other training as required by the specific service options.

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.

The Executive Team or a designated member staff will document in the staff personnel records 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 securely and paperless in the cloud.

### **Staff Credentials**

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 securely and paperless in the cloud.

### **Sufficient Staff**

The Executive Team of ABLED, Inc. will always maintain sufficient staff to provide services, supports, and supervision to meet the needs of each participant served.

### **Staff Expectations**

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

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

ABLED, Inc. will only use unlicensed staff to provide non-complex nursing interventions to participants served under the direction of ABLED Inc.'s RN.

### **Medication Aides**

ABLED, Inc. will provide medication to participants as identified in the ISP. These med aides must be certified and operate under the license of ABLED Inc.'s RN

### **Staff Attendance Records**

ABLED, Inc. maintains complete attendance records on Therap. These records include the name of the staff person, position title, date, specific time worked if hourly, and the location if applicable.



### **Staff Employment Records**

ABLED, Inc. maintains all employment records for staff securely and paperless in the cloud. These records include:

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

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

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 participants 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**

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.



These reviews may include but are not limited to:

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

## **I. QA/QI DESIRED RESULTS**

ABLED, Inc. QA/QI activities result in:

1. Compliance with applicable 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.
  - b. Corrective actions will be taken because of specific items cited in the review.
3. Information gathered as a result of QA/QI activities will be periodically reviewed to make necessary revisions to ensure services are of the highest quality.

## **J. QA/QI ACTIVITIES DOCUMENTATION**

ABLED, Inc. Executive Team will maintain documentation of all QA/QI activities, including the results of reviews, recommendations, action taken, effectiveness of action taken, and other relevant information. All findings of QA/QI activities are available for review by participants supported, families, legal representatives, or other interested members. The Quality Assurance Policy and procedures will be reviewed at least biennially and updated as needed.

## **K. SUBCONTRACT SERVICES**

ABLED, Inc. may enter into subcontracts to provide services as permitted. 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 other staff of ABLED, Inc. including 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 may not serve as legal guardian of the participant 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 participant supported.
- g. Any backup staff of the subcontractor must meet the same requirements of the subcontractor.

ABLED, Inc. will submit copies of subcontracts to DHHS as required or requested. Subcontracts are subject to the requirements of relevant statutes, regulations, and other policies and procedures of DHHS. The ABLED, Inc. subcontractor has no independent, contractual relationship with DHHS.



## III. PARTICIPANT SERVICE OPTIONS

### A. OVERVIEW

ABLED, Inc.:

- Is person centered;
- Ensures the participant directs his/her services and supports;
- Promotes the freedom for the participant to live a meaningful life and participate as a member of the community as any other citizen;
- Promotes the participant's rights and autonomy;
- Promotes the use of generic services, natural supports, and options;
- Assists the participant in acquiring, retaining, and improving the skills and competencies necessary to live successfully in his/her residence and as a member of the larger community; and
- Promotes well-planned and proactive opportunities for the participant and his/her family to determine the type and amount of support desired with meaningful direction from the participant, the participant's family, or guardian, and ABLED, Inc.

### B. HABILITATIVE SERVICES

ABLED, Inc. provides habilitative services in residential settings and in the participant's community. Habilitation is assisting participants to acquire, retain, and improve skills necessary for the participant to enjoy independence, enhance individual choice, and self-management. Habilitation assists participants to participate in the rights and responsibilities of community membership.

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 participant.

These services require ABLED, Inc. staff to run programs and document the participant's performance. Specific habilitative services and their descriptions are found in [Title 403 NAC 5](#).

### C. NON-HABILITATIVE SERVICES

ABLED, Inc. provides non-habilitative services to participants. These services can be provided in the participant's home or in the greater community. These services do not require ABLED, Inc. staff to run programs or document the participant's performance. Specific habilitative services and their descriptions are found in [Title 403 NAC 5](#).

Non-habilitative services include Respite, which is defined as intermittent, temporary relief to the usual non-paid caregiver from the continuous support and/or care of the participant. ABLED, Inc. staff may not utilize the bed or other personal items of a participant who resides at a respite location.



## **D. PARTICIPANT SUPPORT PROVISIONS**

ABLED, Inc. provides the following:

1. Habilitation, staff support, professional services, and any related support services necessary to ensure the health, safety, and welfare of the participant(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 will be observable in daily practice and identifiable in the ISP and supporting documentation. Participants 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**

The Executive Team will ensure assessments are conducted for each participant to obtain accurate and complete information related to the participant's history, preferences, strengths, and abilities and services needed. The assessments will be the basis of development of the ISP. Assessments must be completed a day before the 30-day team meeting, and 30 days before each annual ISP team meeting. The assessments will be reviewed and updated to reflect the participant's status.

### **Individual Support Plan (ISP)**

Each participant receiving services from ABLED, Inc. has an Individual Support Plan (ISP).

The ISP is a person-centered plan that specifies agreed upon services to be delivered to the participant to meet identified needs. The ISP will be a plan to offer habilitation services and supports to participants. The ISP will be based on participant's preferences and comprehensive assessments.

The Executive Team or designated staff is responsible for overseeing ABLED, Inc.'s implementation of the Individual Support Plan.

### **Programs**

Habilitative programs will be identified in the ISP. ABLED, Inc. will develop specific, measurable, achievable, realistic, and timely programs with detailed teaching methods to consistently implement these services.

The Executive Team or designated staff will ensure staff receives the assistance required for the participant to maintain or increase independence, achieve community participation, improve productivity, and health and safety.



### **ISP Team Process**

The ABLED Executive Team 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 participant.

Composition of the team varies according to the needs and desires of the participant. ABLED, Inc. will participate in the ISP team process. The ISP team will consist of the participant, legal representative, if applicable, service coordinator, ABLED, Inc. representative(s), and other individuals chosen by the participant. The participant may raise an objection to a particular ABLED, Inc. representative. When a participant raises an objection, ABLED, Inc. will make every effort to accommodate.

The ISP team will utilize a team approach and work toward consensus development of a meaningful outcome driven ISP for the participant.

### **Positive Behavioral Supports**

In addressing behaviors, ABLED, Inc. Executive Team or designated staff will develop and implement policies, procedures, and practices that emphasize positive approaches directed towards maximizing the growth and development of each participant. 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 participant;
2. The assessment will focus on what purpose the identified behavior serves in the participant's life;
3. A review of the participant's day supports, residential supports, and other relevant data will be incorporated in the assessment process;
4. A plan for the participant 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 participant;
6. The plan will include a description of potential stressors and triggers that may lead to the participant 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 participant. 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**

Services are delivered in the participants' homes, or in the community. ABLED, Inc. Rights Review Committee will ensure that all participants enjoy the same rights and responsibilities of any citizen of these United States of America and the State of Nebraska.

Any restriction of rights, person, or property will not be allowed without due process.



## Restraints

ABLED, Inc. prohibits restraints. An emergency safety intervention may be used in a situation where the participant is in danger of immediate jeopardy or harm. If there are disruptive or challenging behaviors displayed by a participant, then a safety and support plan will be developed utilizing the principles of positive behavioral supports.

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 participant will be kept from harm (i.e., running into traffic, leaving a moving car or other serious, unusual, or life-threatening actions by the participant), ABLED, Inc. staff will use their reasonable and best judgment to intervene to keep the participant from injuring him/herself or others. This may include hands-on guidance to safely protect the participants and others from immediate jeopardy or physical harm.

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

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 a participant by another participant or other means of intervention with the behavior that result in or is likely to result in injury to the participant.

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

## Emergency Safety Intervention

If an emergency safety situation occurs where the participant's routine supports cannot prevent serious harm to the participant or others, an emergency safety intervention may be used. ABLED, Inc. staff will be trained in *The Mandt System* in order to properly perform an emergency safety intervention.

## Psychotropic Medications

Psychotropic medications taken by the participant 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.

Psychotropic medications taken by the participant 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.
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 annually by the prescribing physician and semi-annually by the ISP team. There will be clear and convincing evidence that the participant has a person-centered plan demonstrated by data and outcome measures.
5. Not be used to deal with under-staffing; ineffective, inappropriate, or other nonfunctional programs or environments.
6. 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.

ABLED, Inc. will ensure psychotropic medications used solely for modifying behaviors are only administered when:

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.

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

### **General Event Reporting System**

ABLED, Inc. utilizes Therap to electronically prepare, communicate, approve, and store General Event Reports. This includes:

1. Identifying reportable incidents that require completion of a General Event Report:
  - a. Reportable incidents that require a General Event Report are to be found in Nebraska DHHS-DD's [Incident Reporting & GER Guide](#) and ABLED, Inc.'s [General Event Report and Procedures](#) manual.
2. Recording the essential facts of the event, including the results of the event and any actions which might have prevented the event;
3. Developing an action plan that includes ABLED, Inc.'s immediate effort to address the situation and prevent recurrence;
4. Establishing timelines to ensure prompt reporting of events as appropriate, including reporting to:
  - a. ABLED, Inc. management;
  - b. The participant 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. Immediate notification of an ABLED Administrator, the participant's Service Coordinator, and Guardian, for all High GERs;
  - b. Completing the GER in Therap within 24 hours;
  - c. A written summary submitted to DHHS of ABLED, Inc.'s investigation if applicable; and
  - d. An aggregate report of critical events 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 QA/QI Committee will review and analyze information from General Event Reports to identify trends and problematic practices which may be occurring and take appropriate corrective actions.

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

### **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 has 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 participant 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.

## **E. PROVIDER CERTIFICATION**

ABLED, Inc. will take all necessary steps to maintain certification, including the following:

- Comply with the applicable provider requirements;
- Comply with all applicable federal and state laws and regulations and local codes;
- Support participants with intellectual disabilities to increase independence, productivity, and community integration; and
- Ensure that the type and intensity of services provided are commensurate with identified strengths and preferences that enhance community membership.



ABLED, Inc. Chief Executive Officer is responsible for overall management of the provision of participant services and will ensure compliance with applicable requirements.

## **F. OVERALL DUTIES AND RESPONSIBILITIES TO PARTICIPANTS**

ABLED, Inc. ensures:

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

## **G. RESIDENTIAL AND DAY SERVICES**

ABLED, Inc. Residential and Day services offer habilitation in the participant's home and the community.

ABLED, Inc. Residential services take place where the participant lives or in the community and are directed at developing, improving, or maintaining the participant's health and personal skills that would typically occur in one's home.

ABLED, Inc. Day services are directed at developing, improving, or maintaining skills to maximize employment and community inclusion.

## **H. GENERAL STANDARDS – RESTRICTIVE MEASURES**

ABLED, Inc. will ensure that a participant's rights are not suspended or restricted. In the event where a restrictive measure is considered:

1. The restrictive measure determined necessary for one participant will not affect other participants 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 participant or their legal representative, if applicable, will give consent to the restrictive measure;
7. The restrictive measure will be safe for the participant; and
8. The restrictive measure and these considerations will be documented in the ISP.

ABLED, Inc. will ensure that prior to implementation of a restrictive measure, there is both review and approval by the ISP team and the Rights Review Committee.

## **I. PHYSICAL LOCATION REQUIREMENTS**

ABLED, Inc. residential settings will comply with the codes and regulations of the local jurisdiction and meet the needs of the participants receiving services in those locations. Residences will have a home-like character. All new settings that are subject to the Medicaid HCBS Final Settings Rule will be assessed by ABLED, Inc. for compliance prior to the provision of services. Assessment surveys will be completed by ABLED, Inc. staff and reviewed by Nebraska DHHS-DD within 15 business days to determine whether the new site is compliant. Paper copies of the survey will be available upon request.



## **IV. RIGHTS & RESPONSIBILITIES**

### **A. DESIRED RIGHTS AND ACCEPTED RESPONSIBILITIES**

ABLED, Inc. ensures each participant has the same legal rights and responsibilities guaranteed to all other persons under the US Constitution 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

ABLED, Inc. will ensure that:

1. Rights and responsibilities are specified and reviewed annually with the participant and/or legal representative.
  - 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 participant, or through other modes of communication necessary for understanding.
2. The provision of supports to participants receiving services in exercising their rights;
3. Rights will not be treated as privileges; and
4. Prohibit retaliation against participants' services and supports due to the participant, family members, or legal representatives advocating on behalf of the participant. This includes initiating a complaint with outside agencies.

Participants are 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 participants in our care. Rights are not considered privileges.

People with intellectual disabilities carry the responsibilities which correspond with the rights they exercise. Participants 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 participants served have all the rights granted to all persons by the government of these United States and the State of Nebraska. These include 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 participants have the right:

1. To 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 participants 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 participant'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 participants 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 a participant with intellectual disabilities to incur significant risks, have a potentially irreversible impact on the participant, or intrude physically, psychologically, or socially on the participant.
2. Every participant 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 a participant 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 participant who receives services, the parent, if the participant 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 participant, sufficiency of information available to the participant, and freedom of choice.
8. Participants 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. ensures the participant's right to due process is protected.
2. The ISP Team Meeting is the proper forum for the participant to state their concerns about any rights restrictions imposed by their team.
3. The participant's concerns will be considered by the team.
4. The team will only impose the rights restriction if it is in the best interest of the participant.
5. ABLED Inc.'s Rights Review Committee ensures there are no restrictions unless less restrictive



measures were tried and failed, and when there is a stated goal to eliminate the restriction.

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

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 of a vulnerable adult is defined by Nebraska law (Neb. Rev. Stat. §28-351, 354, 367.01, 367, 370) as any knowing or intentional act on the part of a caregiver or any other person which results in physical injury, unreasonable confinement, cruel punishment, sexual abuse, or sexual exploitation of a vulnerable adult.

Abuse or neglect of a child is defined by Nebraska law (Neb. Rev. Stat. §28-710) as knowingly, intentionally, or negligently causing or permitting a minor child 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 participant.

ABLED, Inc. staff and subcontract employees are required to report suspected abuse or neglect of a participant 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 a participant is in imminent danger as a result of neglect or abuse, law enforcement is contacted immediately. If a participant 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 EVP Operations (or designated staff)
  - b. The participant's Service Coordinator (upon becoming aware of the event)
  - c. The Chief Executive Officer (or designated staff)
  - d. The participant's legal representative (if any)



- e. The participant's advocate (if any)
- f. The participant's parent (if participant 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 participant 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 participants 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. The ABLED, Inc. Executive Team will implement the appropriate corrective action including possible suspension or termination.
  - i. Furthermore, the Executive Team 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 participant 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**

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, any restrictive measure, and any situation where violation of a participant's rights occurred. The review may include obtaining additional information and gathering input from the affected participant 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**

The Rights Review Committee is composed of persons free of conflict of interest, including at least one family member or participant with an intellectual disability. Committee members receive training regarding the role of the committee.

### **The Right to Confidentiality**

ABLED, Inc. will ensure protection of the confidentiality of each participant's information, including verbal, electronic, and written form. Participant information will be protected regardless of the form or storage method of the records. ABLED, Inc. stores participant records in secured electronic means. All paper records are scanned and shredded.

1. Information is considered confidential if it deals with medical, psychological, legal, financial, sexual, personal, or family concerns of a participant supported by ABLED, Inc.
2. Confidential information is released to external agencies (except for regulatory entities) only with the signed consent of the participant 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 (participant's first and last name, photo, achievements, etc.) may be used in public education activities if the participant 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 participant 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).



## **G. SOCIALIZATION/SEXUALITY**

ABLED, Inc., with respect to socialization/sexuality issues of all participants served, shall ensure that each participant 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 participants served to ensure that their inherent sexual rights, as well as basic human needs, are affirmed, defended, promoted, and respected.

Participants 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 participants 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 participant who is intellectually disabled with that participant's constitutionally and legally protected rights.

ABLED, Inc. prohibits sexual exploitation of all participants. 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.

Every participant shall have the right to develop self-identity, self-esteem, and self-respect. Based on individual need, every participant will receive socialization/sexuality orientation, education, and access to healthcare.

Every participant shall have the opportunity to access individualized sexuality education, counseling, and support, including legal support. Every participant shall have the opportunity for choices and accept responsibility regarding social relationships and sexual expression.

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 participants served, their parents/guardians, nor staff, are asked to participate in research without participant prior consent.

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



## **V. PARTICIPANT RELATIONSHIPS**

### **A. RELATIONSHIPS**

ABLED, Inc. encourages participants to develop and maintain relationships with their families, service providers, and the community. Visits between participants and their family/friends are strongly encouraged. The home where the participant lives is first and foremost their home with the right to invite others as they desire.

### **B. 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 participant will be asked to sign a consent form giving ABLED, Inc. permission to use general information (participant'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.

### **C. 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.

### **D. COMPLAINTS/GRIEVANCES**

ABLED, Inc.'s supreme objective is the happiness and fulfillment of our staff and participants served. To this end, ABLED, Inc. will ensure that staff and participants are able to express their concerns without the fear of retaliation or repercussion; this includes but is not limited to anonymous complaints via an anonymous survey and a printable complaint form accessible on ABLED, Inc.'s website. ABLED, Inc. Executive Team will promptly address complaints and grievances filed with ABLED, Inc. on behalf of participants served.

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

If participants supported or their legal representatives are dissatisfied with treatment of themselves or their child/ward by ABLED, Inc. and have not been able to resolve the concern with the staff involved, or the planning team, they should first contact ABLED, Inc.'s EVP of Operations. The EVP Operations will respond to the complaint in writing within five days of the discussion. If the response is not agreeable to the participant or parent/guardian, he/she should state the problem in writing and send or present it to the Chief Executive Officer of ABLED, Inc. within seven days of the written response. The ABLED, Inc. President/Chief Executive Officer must respond in writing within ten days.



If the participant or their legal representative is dissatisfied, due process procedures through Nebraska DHHS Service Coordination may be implemented.

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

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



## **VI. PROACTIVE PROGRAMMING AND CHALLENGING BEHAVIOR**

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

To achieve the best understanding of the participant served and implement the best possible processes to achieve optimum results, ABLED, Inc. will conduct assessments that attempt to define the communicative function of the behavior and the purpose the behavior serves in the participant's life. Staff will review the participant's day supports, residential supports and other relevant data. Then staff will develop a plan that emphasizes positive meaningful activities and options that are consistent with behavior targeted for change. This will include a combination of planned meaningful day and individualized supports for the participant. Staff will document a description of potential stressors and triggers that may lead to the participant 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 participant. Major behavioral objectives for all participants 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 participants live and work in a stimulating, nurturing environment.

Within the context of proper environment, ABLED, Inc. staff are further obligated to assure that participants 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 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 participant'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 a participant's becoming more independent;
- b. Behaviors that interfere with the participant'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 participant 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 participant'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 participant 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.

### **Prohibited Methods of Behavior Management**

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

- a. Restraints, unless approved by the ISP team for the participant's wellbeing.
- b. Corporal punishment.
- c. Withholding meals, breaks, sleep, or the opportunity to maintain personal hygiene.



- d. Verbal abuse, including name-calling, shouting, or ridicule.
- e. Isolation (except for valid medical reasons as documented by physician's orders).
- f. Seclusion (placing a participant alone, in a room or other area from which exit is prevented).
- g. Participants disciplining other participants.
- h. Forfeiture of money or personal property, except when the participant is asked to replace property that he/she is known to have damaged intentionally.
- i. Delivery of abusive consequences.
- j. Restraining devices such as mechanical restraints or totally enclosed cribs.
- k. Physical abuse.
- l. Psychological abuse.
- m. Aversive stimuli.
- n. 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 a participant's legal rights;
- d. Any procedure clearly disliked by the participant (aversive);
- e. Any time out procedure when this involves removing the participant 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 a participant break or mealtime for a participant;
- i. Any procedure requiring the participant to earn an item that already belongs to him/her;
- j. Any procedure requiring the participant 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 modifying a maladaptive behavior, an interim approval is specified until the next ABLED, Inc. Board Meeting.
- 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 participant 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.



## **VII. HEALTH, LEISURE, SAFETY & EMERGENCIES**

ABLED, Inc. will take reasonable steps to assist and support participants in obtaining health services consistent with his/her needs. Participant 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**

Participants 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.

ABLED, Inc. staff will arrange for or assist the participant in obtaining evaluations and services based on the participant'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 participant 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**

ABLED, Inc. 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 participants supported in any capacity by ABLED, Inc. For those participants 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 participant's health service needs to ensure needs can be appropriately met.

#### **Medical Orders/Recommendations**

ABLED, Inc. staff will ensure participants 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.

Documentation of training for staff certified as medication aides is maintained in Therap and in staff's personnel file. A physician's order is required before any medication is administered. All medication records are kept on Therap.

Medication errors are reported through General Event Reports (GER's). ABLED, Inc.'s EVP Compliance monitors medication errors in coordination with 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 residual. Contaminated medications are disposed of by the same procedure.

When a participant leaves ABLED, Inc., the medication is sent with the participant in its original container. When a participant temporarily leaves an ABLED, Inc. (vacations, school, home visits), medication is sent with the participant in its original container. If a participant 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 participant knows which medication to take, when to take it, how much to take, and requires no staff assistance in doing so.

The Staff Nurse determines whether the participant demonstrates competency to self-administer medications.

### **Assistive Devices**

ABLED, Inc. staff will ensure participants with the utilization of assistive and adaptive devices receive assistance as needed and as identified on the ISP.

## **B. HEALTH RECORDS**

ABLED, Inc. staff will ensure health-related records on each participant document the provision of services and the participant's response to services. The records will be maintained on Therap. These include:

- Any health-related assessments;
- Documentation of an illness, injury, and other health concerns of care, treatment, and medication administration;
- Documentation of provision of health-related services, including observations of the participant's response, such as lack of progress in provision of service;
- Current physician orders for medication, treatments, and therapies;
- Records of visits to the physician or other health care professionals and their recommendations and any other consultation or therapy provided; and
- 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 participants 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 a participant 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.



## **D. NUTRITION**

1. Participants living in an ABLED, Inc. residential setting receive nourishing, well- balanced diets. Within this framework, ABLED, Inc. encourages individual choice in matters of food.
2. Participants help plan meals, purchase groceries, prepare and serve meals, clean up and store the food, to the extent possible.
3. Each participant'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 participants served by ABLED, Inc. are only with recommendations from qualified medical personnel, and approval by the participant 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 participant refuse the modified diet.
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 health risk. Secondhand smoke can be annoying to non-smokers and is harmful to non-smokers. This risk is increased for participants with heart or respiratory diseases, or allergies related to tobacco smoke.

Therefore, smoking and the use of electronic cigarettes is prohibited in any enclosed setting where participants are present including buildings and vehicles.

## **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 as necessary written authorization prior to any special activities from the participant's parents or legal guardian.

ABLED, Inc. will maintain records of consent forms for minors and adults with legal guardians documenting their consent in order for the participants 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 participants 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 participants served by ABLED, Inc.
2. Swimming in lakes is permissible only with permission from the Executive Team. People swimming in lakes will wear personal floatation devices.
3. Participants 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
5. A participant is regarded as a non-swimmer or novice unless the participant 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.
  - 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.
  - Swimming lessons, following pool rules, and water safety instructions are strongly encouraged for all participants.
- b. Seizure disorders
  - Any participant with a seizure disorder is required to have 1:1 staff in-water supervision at all times. Staff will be able to swim. The participant will wear a personal flotation device if swimming takes place in over-the-head water.
  - 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.



6. Should concerns arise regarding a participant'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.
7. Vacation planning for participants 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 participant 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. Participants 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 EVP Operations or other Executive Team member. The designated staff will promptly notify the participant's service coordinator.
2. The EVP Operations or designated staff is responsible for notifying family/guardians.
3. If the illness or injury appears life threatening, the Executive Team 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 a participant is lost or runs away, the first obligation of staff is to immediately attempt to locate the participant. If the participant is not located in a reasonable period of time, depending on the needs and skills of the participant, staff will contact the Executive Team who will contact the service coordinator if necessary. The decision to involve law enforcement agencies is made by the Executive Team 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 Team who will promptly notify the service coordinator.



2. The staff notifies the CEO of ABLED, Inc. who will notify the family/guardian.
3. The Executive Team 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 a participant.
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**

The ABLED, Inc. Executive Team will ensure the disaster preparedness plans and procedures are followed to ensure that participant'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. location will:

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

When ABLED, Inc. transports participants, the Executive Team or designated staff will ensure that all participants are transported in a safe and comfortable manner that meets the needs of each participant:

1. Vehicles are adapted to meet the needs of all participants served. Participants 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 participant being transported; and
3. That each person transporting participants served:
  - a. Has a valid driver's license with the appropriate class code;



- b. Has knowledge of state and local traffic rules;
- c. Can assist participants 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 participants for whom transportation is provided.



## VIII. FINANCIAL RESPONSIBILITY

### A. NOTICE OF COSTS TO THE PARTICIPANT

ABLED, Inc. Executive Team or designated staff will notify participants and legal representatives of any associated cost to the participant for the service or items and terms of payment. They will give written notice to the participant before initiation of service and before any change, giving adequate time for the participant or legal representative to respond to the notice. The notice specifies that participants 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 participants' personal items are damaged or missing; and
2. How participants will be compensated when staff or other participants who do not reside in the location (i.e., respite) utilize the environment and eat food paid for by participants. This excludes any visitors/guests invited by the participants to socialize in the residence

Participants living in ABLED, Inc. residences shall pay a monthly fee for room and board. For participants living in a Shared Living home, their guardians must negotiate the monthly fee with the Shared Living 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 participant and legal representative (if applicable) prior to any changes being assessed.

In situations where staff or other participants eat food paid for by another participant (not room & board), ABLED, Inc. staff is responsible for determining the cost of the food eaten and documenting compensation to the participant.

### B. MANAGEMENT OF PERSONAL FUNDS

ABLED, Inc. protects participant'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 participant 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 participant are available and able to serve as payee.
- A fiduciary relationship shall exist between ABLED, Inc. and the participant when personal funds are managed by ABLED, Inc. Administrative personnel shall have the responsibility to ensure that a participant's interests are fully protected when personal funds are managed by ABLED, Inc.

#### General Requirements for Personal Funds and Property

ABLED, Inc. will ensure that:



- a. ABLED, Inc. will not use the participants' funds and property as a reward or punishment;
- b. ABLED, Inc. will not assess the participants' 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 participant to make restitution, the rationale is documented on the ISP, and the participant or legal representative gives written informed consent to make restitution for damages;
- c. ABLED, Inc. will not assess the participants' 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 participants' funds and personal property to purchase inventory or services for ABLED, Inc.; and
- e. The participants' funds and personal property are not borrowed by staff.

### Participants' Personal Funds and Property

When ABLED, Inc. is responsible for handling participants' funds:

- a. ABLED, Inc. will maintain a financial record for each participant that includes:
  - Documentation of all cash funds, savings, and checking accounts, deposits, and withdrawals; and
  - A participant 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 participant or legal representative at least quarterly, unless otherwise requested; ABLED, Inc. will have guardians sign the Payee Account Notice Guardian Consent form allowing bank records to be shared upon request rather than quarterly; if guardian refuses to sign, an ABLED, Inc. representative payee will send quarterly bank records to the guardian.
- c. ABLED, Inc. will ensure that all non-routine expenditures exceeding \$100 are reviewed and prior authorized by the participant or legal representative.
- d. ABLED, Inc. will address financial errors, overdrafts, late fees, and missing money when ABLED, Inc. is responsible for managing participants' funds:
  - ABLED, Inc. is responsible for service charges and fees assessed due to staff errors;
- e. ABLED, Inc. will replace missing money promptly if missing money is due to staff error;
- f. ABLED, Inc. is responsible for taking steps to correct a participant's credit history when it is affected by ABLED, Inc. staff actions in managing the participant's finances; and
- g. When ABLED, Inc. is maintaining participants' personal funds in a common trust, a separate accounting is maintained for each participant or for his/her interest in a common trust fund.

### Support in Managing Financial Resources

When a participant does not have the skills necessary to manage his/her financial resources, ABLED, Inc. may, with the informed choice of the participant, offer services and supports that temporarily transfers some of the control of handling the participant's financial resources to ABLED, Inc.



### Transfer of Control

The transfer of control of a participant'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 participant and the extent to which the participant can participate;
- d. Will not be transferred to another entity and the participant will not be charged for the service.

### **C. DAMAGES BY PEOPLE SERVED**

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

Participants who damage property may be required to pay for the repair/replacement of the damaged property.

1. Claims for restitution will be submitted to the ABLED Executive Team or designated staff within 30 days of the event. Staff should inform potential claimants of this requirement to ensure timely submission of claims.
2. ABLED Executive Team or 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. Participant 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 participant actually caused the damage;
  - b. Circumstances surrounding the event;
  - c. Staff actions (was the staff negligent in any way);
  - d. The participant's ability to understand the result of his/her behavior;
  - e. The participant's ability to understand and benefit from a plan of restitution;
  - f. The participant's previous behavioral history;
  - g. The participant's ability to pay, including whether the participant 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 ABLED Executive Team or designated staff for final approval.

The ABLED Executive Team or designated staff will determine ABLED, Inc.'s liability, if any, and pass the final decision on to the claimant. For all claims, it is the responsibility of the ABLED Executive Team or designated staff to protect participants from unsubstantiated claims and ensure their legal rights are



protected. This may involve recommending the use of legal counsel.

All participants 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 participant for damages to personal jewelry items: necklaces, bracelets, watches, earrings, or rings.



## IX. ADMINISTRATION

### A. RECORD KEEPING

ABLED, Inc. Executive Team will maintain records to ensure accurate, current, and complete records specific to the participant and for administrative records. Records will be maintained electronically and securely in the cloud.

#### Participant Records

ABLED, Inc. Executive Team and/or designated staff maintains current, sufficient, and accurate participant records on Therap. Participant records include:

- a. Date of entry into services with ABLED, Inc.;
- b. Name, gender, and birth date of the participant;
- c. Current physical description and/or recent photo of the participant;
- d. The language or means of communication utilized by the participant;
- e. Legal status of participant, and name, telephone number, and address of legal representative, if applicable;
- f. Name, phone number, and address of persons to contact in an emergency;
- g. Name, phone number of the participant's current personal physician and other health care professionals, if applicable;
- h. 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;
- i. Records of events and accidents;
- j. Consents as appropriate;
- k. Records of emergency safety intervention usage and the rationale for use;
- l. ISP;
- m. Documentation of delivery of services and supports;
- n. The participant's rights notification;
- o. Notice of charges;
- p. Name of Service Provider and phone number;
- q. Accounting of the participant's funds, if managed by ABLED, Inc.;
- r. Notification of termination of services with ABLED, Inc., if applicable; and



- s. Social history information.

### **General Record Keeping**

ABLED, Inc. will complete, route, and file all record documents in a timely manner. ABLED, Inc. will ensure sufficient, current, and accurate documentation to verify the delivery of services. ABLED, Inc. will operate a paperless system for the storage of records to ensure permanency, accuracy, completeness, and easy retrieval of information. Electronic records are stored securely in the cloud. Paper records will be scanned and shredded immediately.

ABLED, Inc. will retain records relating to the participant 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. Participant 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

### **Access**

ABLED, Inc. Executive Team 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 participant are readily available to staff when providing services to participants. If there are changes in ownership, all participant records will be transferred to the current owner. Before dissolution, the administrator will notify DHHS in writing of the location and storage of participant records. ABLED, Inc. Board of Directors governs access to, duplication, dissemination, and release of information from the participant's record.

### **Access to DD Provider**

ABLED, Inc. has sole responsibility to protect access to participant 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 participant records.



### **Information Available to the Public**

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**

ABLED, Inc. obtains written consent from the participant or the participant's legal representative for the release of information specific to the participant, 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.

ABLED, Inc. requires written or verifiable electronic authorization for each event requiring medical treatment and consents.

### **Inspection of Records**

ABLED, Inc. requires that all administrative records and records relating to the participant served are made available for review by authorized representatives of DHHS.

## **B. ANNUAL INDEPENDENT AUDIT**

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.

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:

- a. A review of receipts and disbursements;
- b. A review of cash control procedures;
- c. An audit of ABLED, Inc.'s income statement, balance sheet, source and use of funds statement;
- d. An accounting of lease agreements or mortgages;
- e. A review of the cash balance on hand at the beginning and at the end of the fiscal year; and
- f. 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 No.115 *Communicating Internal Control Related Matters Identified in an Audit* and SAS No.114 *The Auditor's Communication with Those Charged with Governance*.

## **C. FISCAL ACCOUNTABILITY**

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**

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:
    - Name;
    - Position;
    - Gross salary;
    - Taxes; and
    - 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**

ABLED, Inc. will recruit, orient, train, manage, and retain qualified staff with the skills necessary to meet the needs of participants 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**

ABLED, Inc. will comply with all federal and state employee verification requirements. 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**

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**

ABLED, Inc. will ensure the safety of participants served by complying with all requirements for background checks. Prior to working with participants, all applicants must pass the APS/CPS Registry and criminal background checks. ABLED, Inc. must also initiate background checks on household members (excluding participants 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.

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 participants served. ABLED, Inc. will document any decision to maintain a staff person listed on a registry or found to have a criminal, including how that decision was made and ABLED, Inc.'s plan to reduce risks to participants and to provide protections, as necessary.

### **Specific Crimes**

ABLED, Inc. will not allow employees found to be convicted of the following crimes listed in Title 404, 4-004.03F, to work alone with participants served by ABLED, Inc. Those crimes are:

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.

All employees will notify ABLED, Inc. immediately if convicted of any of the crimes listed above or if his/her name is placed on any of DHHS's registries.