



# BENEFICIARY / GUARDIAN INFORMATION

Independent Case Management  
1525 Merrill Drive, Little Rock, AR 72211

# **Independent Case Management, Inc.**

## **The ICM mission:**

**ICM's mission is to provide excellent individualized services and supports to individuals and their families across Arkansas.**

**ICM's vision is to provide the support necessary so that individuals remain in their community of choice, to experience and promote interactions with those around them and to provide the opportunities for an enhanced quality of life.**

## **ICM strives to maintain the following rights for all customers:**

- *To be free from physical or psychological abuse or neglect, retaliation, humiliation and financial exploitation.*
- *To have control over their own financial resources, wherever possible.*
- *To receive, purchase, have and use personal property.*
- *To actively and meaningfully make decisions affecting one's own life.*
- *To access information pertinent to the individual in sufficient time to facilitate decision making.*
- *To have privacy.*
- *To be able to associate and communicate publicly or privately with any person or group of the individual's choice.*
- *To practice the religion of choice.*
- *To seek external advocacy services from any organization or person of their choosing at any time or for any purpose.*
- *To be free from the inappropriate use of a physical or chemical restraint, medication, or physician's order or as a substitute for treatment.*
- *To be treated with dignity and respect.*
- *To receive due process.*
- *To offer input into all services/support.*
- *To have access to their own records including information on how funding is accessed and utilized and what services were billed for on the individuals' behalf.*
- *To have informed consent or refusal or expression of choice in regard to service delivery, release of information, concurrent services and composition of the service delivery team.*
- *To have investigation and resolution of alleged infringement of rights and that the agency will maintain documentation of such investigations.*
- *To have the rights and responsibilities of citizenship.*
- *To be afforded all other applicable legal and constitutional rights.*

## **ICM- from our website:**

**ICM is a non-profit organization that provides services to persons with developmental disabilities across the state of Arkansas. With customers in every county of the state, ICM serves individuals in their home, no matter where in the state they reside.**

**We respect our customers as strong independent citizens contributing to society and their communities. This is what drives our dedication to inclusion and community integration.**

## Independent Case Management, Inc.

### Providing Support to Individuals with Developmental Disabilities and their Families

**ICM, through direct service provision, assists families and individuals with developmental disabilities to:**

- ❖ **Create** service packages that meet individual needs, with **ownership** being in the hands of the customer.
- ❖ **Support** the active participation in local communities of individuals with disabilities as full citizens and good neighbors.
- ❖ **Monitor** services to assure that customers receive the best **quality** services possible.
- ❖ **Provide** services in typical living, work, and recreational environments, based upon the preferences of the customer.
- ❖ **Create** high quality **positive** programming that focus' on the development of practical life skills.
- ❖ **Involve** individuals and their families in the design, monitoring and operation of services.

#### **ICM's services include:**

**BRAVO**

**Community Integration**

**Consultation**

**Specialized Foster Care**

**Supported Living**

**Supported Employment**

# **Independent Case Management, Inc.**

## **Individual/Parent/Guardian, Grievance**

- Any individual has the right to express dissatisfaction with Independent Case Management, Inc. If any party, parent or guardian, disagrees with any decision; procedure or policy they have the right to file a grievance using the following steps:
  - The individual, parent, guardian should express their desire to file a grievance to their ICM representative within ten days of the issue arising.
  - The ICM representative will assist the individual, parent, guardian in completing a statement discussing their concerns, and will notify the Executive Director or designee within five days.
  - The Executive Director or Designee will respond to information submitted by the individual, parent, guardian, within ten working days.
  - The individual, parent, guardian, will indicate acceptance or rejection of the decision of the Executive Director within ten working days. Should they seek to appeal; the individual, parent, guardian will indicate their desire to appeal to the ICM Board.
  - The ICM Board will consider the matter within 14 days of notification of appeal and will render a decision to the appealing party.
  - Individuals wishing to take further action may seek private legal counsel and pursue judicial relief.
- Individuals who receive the support of ICM have the right to request a change in staff or to deny further services from ICM at any time without future penalty by ICM. All decisions, ICM or individual, parent, guardian, must be rendered in writing. It should be noted that ICM does not discriminate in personnel based upon sex, race, health conditions, sexual preference, creed, age, disability, marital status or national origin. All health conditions, including HIV, are confidential and records are HIPPA protected.
- All formal complaints will be reported to the Board, regardless of the level of resolution, and shall be used for trends, service planning, outcome or performance monitoring. When deemed necessary by the Board, a plan of action will be created and monitored by the Board, or their designee.

# **Independent Case Management, Inc.**

## **Individual/Parent/Guardian, Behavior Programming**

ICM strives to maintain the following rights regarding behavior programming for all customers:

- All appropriate lesser restrictive alternatives will be attempted.
- Positive behavior programming, environmental modifications, reasonable accommodations and effective services will be attempted. Approaches will be specified in the individual's plan of care and/or individual program support plan.
- Consent, from the individual or guardian if applicable, will be obtained after a review of the benefits, interventions and/or medications. Individuals, regardless of level of care, will have positive behavioral supports based upon their needs. Consultation with behavioral experts will be encouraged.
- All regulations from funding sources regarding behavioral programming will be considered minimum requirements.
- Medications will be given as prescribed and in accordance with the medication management plan. Medication restriction must be a last resort and prescribed by a primary care physician or psychiatrist.
- The programming plan will be developed and implemented by an ICM QMRP. An outside consultation can be requested with waiver funding. The data collected should be reviewed at each quarterly meeting, or more frequently as needed.
  - At a minimum, data should include the frequency and severity of an occurrence
  - The data should demonstrate the effectiveness and any side effects or unintended consequences of the program.
  - A review of medications, including any recommendations for modification.
  - A review of the psychiatrist's input regarding medications.
- When an individual is pervasive level of care, per DDS classification, all of the above specifics continue to apply. The plan, however, must be developed by an individual approved under Waiver Guidelines.
- No PRN medication may be given without the express consent of the person or guardian and must be used in compliance with the Consumer Directed Care Act or other currently governing law or restrictions.

If an emergency occurs in regard to unanticipated behavior that places the individual or others at serious risk, the intervention used should be specified in the plan prepared by the above professionals. That intervention should be known to the consumer or guardian and its use be preapproved. Interventions must be as non-intrusive as possible and only use when de-escalation techniques have failed. All interventions, the de-escalation attempted, and the outcomes will be reportable to DDS and to the psychiatrist, or other professional monitoring the plan. No more than 3 emergency interventions in a six-month time period can occur without the team and professional review of the behavior plan.

# **Independent Case Management, Inc.**

## **Service Provision, Financial Interests**

- ICM will protect the financial interests of individuals served when functioning as the payee for purposes of Social Security, or the authorized representative for Medicaid. Individuals have access to financial records at all times. Where possible, individuals will give consent for expenditures, access funds when needed, have their funds segregated for accounting purposes, have safeguards in place to ensure the proper use and management of funds, earn interest on their balances, if allowable.
- Individuals will have information regarding limited funding for a specific instance, or a specific purpose. People will participate in the budgeting process, will review time frames for saving or spending, be informed of their responsibilities, and view evidence that their money was spent according to the budget.
- Individuals should have money management as a goal and receive specific instruction as to financial matters. Unrestricted money should be used as a method to instruct in financial management skills. Individuals employed by the agency should be paid at a level commensurate with work of other similarly employed individuals.

# Independent Case Management, Inc.

## Consumer Directed Care

Consumer Directed Care Act of 2005, ACA §17-87-103 (11)

All the health maintenance activities (except injections and IVs) can be done in the home by a designated care aide under the following conditions:

1. Health maintenance activities may be provided by a designated care aide for a competent adult at the direction of the adult or for a minor child or incompetent adult at the direction of a caretaker.
2. Caretaker means a person who is directly and personally involved in providing care for a minor child or incompetent adult, and the parent, foster parent, family member, friend, or legal guardian of the minor child or incompetent adult receiving care.
3. Designated care aide means the person hired by the competent adult or caretaker to provide care for the competent adult, minor child, or incompetent adult.
4. Health maintenance activities mean activities that the minor child or adult is unable to perform for himself or herself.
5. The attending physician, advanced practice nurse, or registered nurse must determine a designated care aide under the direction of a competent adult or caretaker can safely perform the activity in the minor child's or adult's home.
6. Home shall not include nursing home, assisted living facility, residential care facility, an intermediate care facility, or hospice care facility.
7. Health maintenance activities that are not exempted by the Consumer Directed Care Act of 2005 include:
  - a. Physical, psychological, and social assessment which requires nursing judgment, intervention, referral, or follow-up;
  - b. Formulation of the plan of nursing care and evaluation of the client's response to the care rendered;
  - c. Tasks that require nursing judgment or intervention;
  - d. Teaching and health counseling;
  - e. Administration of any injectable medications (intradermal, subcutaneous, intramuscular, intravenous, intraosseous, or any other form of injection) or intravenous therapy.
  - f. Receiving or transmitting verbal or telephone orders.
8. The designated care aide must demonstrate the ability to safely perform the health maintenance activity.

# **Independent Case Management, Inc.**

## **Solicitation**

Solicitation is when someone uses “undue” or improper influences to get someone to change providers. This influence can be by making threats or promises, offering things that are not included: or other things that might convince a person to change providers.

As importantly, solicitation does not respect individuals’ or families’ competency to make their own decisions, nor is it ethical professional conduct. Solicitation is a form of exploitation and is not tolerated in any form.

Some examples of prohibited conduct would be:

- Contacting individuals and telling them you are going to work somewhere else.
- Telling families you are no longer going to work for any agency with the intent that they change to another provider.
- Negotiating pay with another provider with the intent of convincing the customer to change.
- Negotiating pay with another provider’s employee, with the intent of their convincing the customer to change.
- Offering incentives to get an individual to change, including cash, gifts, or services.
- Threatening families with withholding of goods or services if provider changes do not occur.
- Offering extended or free goods or services not available to everyone else.
- Refusing to serve someone in another service unless they change to you as a provider.
- Making negative or derogatory comments about another provider.
- Giving the customer the impression that a new agency is the only one that can provide the services desired.

*Any person that witnesses such occurrences should immediately report such to their supervisor.*



# **Independent Case Management, Inc.**

## **Employment of Relatives / Significant Others**

ICM permits the employment of qualified relatives, or significant others of employees as long as such employment does not create an actual or perceived conflict of interest. For purposes of this policy, a “relative” is a spouse, child, parent, sibling, grandparent, grandchild, aunt, uncle, first cousin, or corresponding in-law or “step” relation. “Significant other” is a boyfriend, girlfriend, live-in partner or domestic partner. ICM will exercise sound business judgment in the placement of related/significant employees in accordance with the following guidelines:

- Individuals who are related by blood or marriage, or significant others are permitted to work in the same ICM area, provided no direct reporting or supervisory/management relationship exists. That is, no employee is permitted to work within the “chain of command” of a relative/significant other. Such relative/significant other’s work responsibilities, salary, or career progress cannot be influenced by the other.
- No relatives are permitted to work in the same department or in any other positions in which ICM believes an inherent conflict of interest may exist.
- Employees who marry while employed are treated in accordance with these guidelines. That is, if, in the opinion of ICM, a conflict or apparent conflict arises as a result of the marriage, one of the employees will be transferred at the earliest practicable time.
- ICM recognizes employees and their “close friends”, “domestic partners”, or “significant others” may be assigned to positions that create a coworker or supervisor-subordinate relationship. ICM will exercise sound judgment with respect to the placement of employees in these situations to avoid the creation of a conflict or the appearance of a conflict of interest, avoid favoritism or the appearance of favoritism. This policy applies to all categories of employment at ICM.

### **Policies Concerning Payment for State plan HCBS Furnished by Relatives, Legally Responsible Individuals, and Legal Guardians.**

- Relatives may be paid to provide HCBS services, provided they are not the parent, legally responsible individual, or legal guardian of the member.
- The HCBS services that relatives may provide are: supported employment, peer support, family support partners, therapeutic host home, life skills development, and planned respite.
- All relatives who are paid to provide the services must meet the minimum qualifications set forth in the Waiver and may not be involved in the development of the Person Centered Service Plan. (PCSP).
- These individuals must be monitored by the PASSE to ensure the delivery of services in accordance with the PCSP. Each month, the care coordinator will monitor the delivery of services and check on the welfare of the member.
- Payments are not made directly from the Medicaid agency to the relative. Instead, the State pays the PASSE a per member per month (PMPM) prospective payment for each attributed member. The PASSE may then utilize qualified relatives to provide the service.

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## **Who to Contact**

Direct Support Staff Concern: ICM

DSP Schedule Changes (Temporary): ICM  
Permanent (Plan change): PASSE

Supplies: PASSE  
Medical Equipment: PASSE  
Personal Care: PASSE

BRAVO Information: 501-228-0063

## **PASSE Information**

### **Arkansas Total Care**

P.O. Box 25010  
Little Rock, AR 72221  
1-866-282-6280  
[www.arkansastotalcare.com](http://www.arkansastotalcare.com)

### **Empower Healthcare Solutions**

1401 West Capitol Avenue, Suite 330  
Little Rock, AR 72201  
1-866-261-1286  
[www.getempowerhealth.com](http://www.getempowerhealth.com)

### **Summit Community Care**

425 W. Capitol Avenue, Suite 233  
Little Rock, AR 72203  
1-844-405-4295  
[www.summitcommunitycare.com](http://www.summitcommunitycare.com)

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## **Resources**

### **Arkansas PASSE Information Page**

<https://humanservices.arkansas.gov/about-dhs/dms/passe>

### **Disability Rights Arkansas**

<https://disabilityrightsar.org>

### **Office of the PASSE Ombudsman**

<https://humanservices.arkansas.gov/about-dhs/dms/passe-ombudsman>

### **Arkansas Medicaid Contact Information**

<https://medicaid.mmis.arkansas.gov/General/DMSCon.aspx>

### **PASSE – Provider-Led Arkansas Shared Savings Entity**

<https://humanservices.arkansas.gov/about-dhs/dms/passe/>

### **Other helpful Resources**

<https://humanservices.arkansas.gov/about-dhs/dms/helpful-websites>