

# DIRECT NURSING SERVICES

UPDATED FOR JUNE 28TH, 2016 PERMANENT  
RULE CHANGES

# WHAT ARE DIRECT NURSING SERVICES?

**Direct Nursing Services are a direct shift nursing service provided by an RN or LPN for an individual 21 years or older with a Developmental Disability who has complex health management support needs that require continual assessment and reassessment, supervision, nursing treatments, therapies and interventions.**

## ▶ **Who is eligible for Direct Nursing Services?**

- ❑ **Must be age 21 or older**
- ❑ **Must be eligible for Developmental Disability Services and meet Level of Care requirements**
- ❑ **Have Long Term Care needs determined medically necessary by physicians orders**
- ❑ **Have a Functional Needs Assessment**
- ❑ **Meet the minimum Direct Nursing Services Criteria for Adults score**

**This is a Waiver Service**

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## WHO IS NOT ELIGIBLE FOR THE SERVICE?

- **Individuals who reside in a DD 24 hour residential group care setting**
- **Individuals while in a medical or psychiatric hospital**
- **Individuals in a nursing facility, assisted living facility, residential care facility or residential education setting**

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**ODDS cannot pay for Direct Nursing in a school setting where services are expected to be covered under the Individuals with Disabilities Education Act (IDEA).**

EFFECTIVE AUGUST 2016 CMS APPROVED  
DIRECT NURSING AS A NEW WAIVER SERVICE

A RULES ADVISORY COMMITTEE MET IN JANUARY 2016 TO REVIEW FOR CHANGES TO PERMANENT RULES EFFECTIVE JUNE 28<sup>TH</sup>, 2016

THE FOLLOWING CHANGES WERE INCLUDED:

CHANGE IN DEFINITIONS:

CHANGE "DIRECT NURSING SERVICES ASSESSMENT FOR ADULTS" TO "DIRECT NURSING SERVICES CRITERIA FOR ADULTS" TO REDUCE CONFUSION WITH OTHER ASSESSMENT TYPES

ADD LANGUAGE TO RN & LPN DEFINITION'S TO REFERENCE STATUS AS EITHER INDEPENDENT CONTRACTORS OR EMPLOYEES OF IN-HOME OR HOME HEALTH AGENCIES

OTHER CHANGES:

LANGUAGE CHANGES TO CLARIFY THE PROHIBITION OF OVERLAPPING OF DIRECT NURSE AND ATTENDANT CARE SERVICE HOURS

AS PART OF NURSING QUALIFICATIONS REMOVE REQUIREMENT FOR NURSES TO HAVE ONE YEAR OF EXPERIENCE WITH INDIVIDUALS WITH INTELLECTUAL/DEVELOPMENTAL DISABILITIES-CHANGE TO A RECOMMENDATION OF A YEAR EXPERIENCE

# NURSING RULES

**Direct Nursing Service Rules were filed (temporary) effective January 1<sup>st</sup>, 2016. They became permanent June 28<sup>th</sup>, 2016**

**Nursing Rules for young adults (age 18 -20) will be referenced in two places: OAR 410-132 (Private Duty Nursing Services) & OAR 411-300 Children's Intensive In-Home Services (Medically Fragile)**

**Rules for Long Term Care Community Nursing are referenced in OAR 411-048**

## THE DIFFERENCES BETWEEN:

### MFCU Nursing

- ▶ **Medically Fragile Children's Unit is a Model Waiver Program**
- ▶ **Do not have to be DD eligible**
- ▶ **Must be under 18**

### Direct Nursing Services

- ▶ **Direct Nursing Services is a waiver service**
- ▶ **Must be DD eligible**
- ▶ **Must be 21 years or older**



## WHAT HAPPENS TO AN INDIVIDUAL IN THE MFCU PROGRAM WHO IS TURNING 18?

**As part of the Turning-18 transition process a nursing clinical criteria will be done to determine if the soon to be young adult will continue to be eligible for nursing service and at what level. If eligible those nursing services are referred as PRIVATE DUTY NURSING. A young adult does not have to be DD eligible to receive PRIVATE DUTY NURSING.**

# HOW IS LONG TERM CARE COMMUNITY NURSING DIFFERENT FROM DIRECT NURSING SERVICES?

- ▶ **LTCCN is a K-plan Service**
- ▶ **LTCCN is available to those receiving APD and DD services**
- ▶ **LTCCN services are for all ages**
- ▶ **LTCCN services are delivered by RN's only**
- ▶ **LTCCN services include teaching, delegation, training, monitoring, care coordination**
- ▶ **DNS is a waived service**
- ▶ **DNS services are for individuals with DD eligibility**
- ▶ **DNS services are for those age 21 years and older**
- ▶ **DNS are services delivered by RN's or LPN's**
- ▶ **DNS services is shift nursing doing direct interventions, tasks and treatment**

THOSE ELIGIBLE FOR DIRECT NURSING SERVICES CAN BE RESIDING IN:

ADULT IN HOME SETTINGS (DD49 & DD149)

ADULT FOSTER CARE (DD58)

SUPPORTED LIVING (DD51)

**Those young adults (18-20) eligible for Private Duty Nursing Services can be residing in:**

**Adult In Home Settings (DD49 & DD149)**

**Adult Foster Care (DD58)**

**Supported Living (DD51)**

**Both Direct Nursing Services (DNS) & Private Duty Nursing (PDN) services can be delivered in the Home or Community**

## WHO DOES CASE MANAGEMENT FOR DIRECT NURSING SERVICES?

**As is the current practice the CDDP or the Support Services Brokerage will provide case management and authorize services.**

**This is the same for young adults receiving Private Duty Nursing**

# FOR INDIVIDUALS ELIGIBLE FOR DIRECT NURSING SERVICES - WHO COMPLETES THE DIRECT NURSING SERVICES CRITERIA FOR ADULTS?

- ▶ **ODDS Nurse managers will do the Direct Nursing Services Criteria for Adults at the following required times:**

**Upon initial entry**

**For those already receiving DNS, when there is significant change in the medical condition (i.e. hospitalization)**

**For those already receiving DNS, as part of an annual review process**

- ✓ **ODDS Central Office & the local CDDP or Support Services Brokerage will coordinate the scheduling of the Direct Nursing Services Criteria for Adults process**
- ✓ **ODDS Central office will notify the local CDDP or Support Services Brokerage of the results of the Direct Nursing Services Criteria for Adults including the level of monthly direct nursing hours**

# FOR INDIVIDUALS ELIGIBLE FOR PRIVATE DUTY NURSING WHO COMPLETES THE NURSING CLINICAL CRITERIA?

**Medically Fragile RN Service Coordinators will complete the Nursing Clinical Criteria:**

**Upon entry or referral**

**When there is significant change in the medical condition (i.e. hospitalization)**

**Every 6 months**

- ✓ **ODDS Central Office & the local CDDP or Support Services Brokerage will coordinate the scheduling of the Nursing Clinical Criteria.**
- ✓ **ODDS Central office will notify the local CDDP or Support Services Brokerage of the results of the Nursing clinical criteria including the level of monthly Private Duty Nursing hours**

# HOW DO INDIVIDUALS, FAMILY'S OR FC PROVIDERS OBTAIN NURSES?

**Nurses (RN's or LPN's) who deliver Direct Nursing Services or Private Duty Nursing Services are not employees of the state. An RN or LPN providing services under these rules is either an independent contractor or an employee of an organization that is an enrolled Medicaid Provider (In Home Agency or Home Health Agency).**

**Service Coordinators or Personal Agents can work with individuals, family's or FC providers to help recruit, self employed nurses or nurses from In-Home Agency's or Home Health Agency's**

**Nurses must be enrolled Medicaid providers**

## HOW WILL NURSES (DNS & PDN) BE PAID?

- **Nurses will be paid through the Medicaid Management Information System (MMIS)**
- **Service Coordinators & Personal Agents will work with individuals, family's and FC providers to review for projected hours**
- **These hours will be prior authorized in an electronic form by the ODDS central office**
- **Once the hours have been worked, case managers will work with individuals, family's or FC providers to review the timesheets which will then be sent to the ODDS central office where the payment claim can be released through the MMIS payment system**



# CAPACITY ISSUES. HOW DO WE ADDRESS THE NEED FOR NURSES & BETTER TRAINED STAFF?

- ▶ **ODDS in conjunction with OHA recently made adjustments Nursing Rates.**
- ▶ **As part of the waiver submission and rules, relatives who are qualified providers (Nurse Licensed, Medicaid enrolled providers) will be able to provide services to their related individual if it is the choice of the individual and as long as the qualified provider is not also a designated representative or legal guardian to the individual. This applies only to Direct Nursing Services (age 21 & older).**
- ▶ **For Individuals living in the home setting Personal Support Workers delivering attendant care can be eligible for training to work with individuals with identified enhanced or exceptional support needs and are compensated at a higher pay rate.**

## WHAT DO THESE CHANGES MEAN FOR

- ❖ **Individuals & family's**
- ❖ **Foster Care Providers**
- ❖ **Service Coordinators & Personal Agents**

## FOR INDIVIDUALS & FAMILIES

- ❖ **If you have been receiving a type of Direct Nursing service and have not had a recent Direct Nursing Services Criteria for Adults, ODDS will be scheduling with your local service coordinator or personal agent to come out for a review.**
- ❖ **Nurses or Agencies will be asked to enroll as Medicaid enrolled providers if they are not currently.**

# FOR FOSTER CARE PROVIDERS

- **Individuals being served in Adult Foster Homes will have a Direct Nursing Services Criteria for Adults scheduled with ODDS & local service coordinators.**
- **Nurses (wanting to deliver Direct Nursing) or Agencies will be asked to enroll as Medicaid enrolled providers if they are not currently.**

# FOR SERVICE COORDINATORS & PERSONAL AGENTS

**SC's & PA's will work with ODDS on the scheduling of Direct Nursing Services Criteria**

**Once Direct Nursing Hours are determined service coordinators or personal agents will incorporate hours into ISP plan**

**ODDS will provide Technical Assistance with ISP planning & MMIS Medicaid Enrollment**

## NEW TO SERVICE?

There will be individuals who are new to service. Examples may be folks who moved from out of state, who moved from 24 hour residential program to AFH or In Home, or an individual living at home or AFH who develops a major severe illness, injury or condition that makes the individual technology dependent.

Service coordinators & personal agents can contact ODDS central office for assistance in determining who should be referred for a Direct Nursing Services Criteria for Adults.

# COLLABORATION –INDIVIDUALS, PROVIDERS, THE FIELD AND ODDS

## ▶ Business Practices

- **Communication between individual/family/FC provider & the Nurse Provider(s)-Monthly Provider projections**
- **Communication from individual/family/FC provider to SC/PA - cross check of ISP authorization of hours**
- **Communication from SC/PA to ODDS central office**
- **ODDS central office enters the Nursing Prior authorization in MMIS**

## ▶ Payment

- **At the end of the pay period (month) review & sign off of provider timesheet by the individual, family, FC provider. Timesheet must also be signed by provider.**
- **Sent to SC/PA for review (check against authorized hours)**
- **ODDS central office enters info for release of payment to provider(s)**

# DIRECT NURSING RULES COVER:

- **Statement of Purpose**
- **Definitions**
- **Eligibility & Limitations**
- **Complaints, Notifications of Planned Actions and Hearings**
- **Direct Nursing Service Requirements**
- ❑ **Qualifications for Providers of Direct Nursing Services**
- ❑ **Provider Disenrollment and Termination**
- ❑ **Provider Documentation and Records**
- ❑ **Provider Billing and Payment**



# FOR FURTHER INFORMATION ABOUT DIRECT NURSING SERVICES PLEASE CONTACT:

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## ODDS NURSING SERVICES MATRIX

	Medically Fragile Children's	Private Duty Nursing	Direct Nursing Service	Long Term Care Community Nursing
Ages	0-17	18-20	21 and older	All Ages
OAR's	411-350	411-132 & 411-350	411-380	411-048
Service	State Plan	State Plan	Waiver Service	K-Plan
Eligibility	Meet Assessment Criteria	Meet Assessment Criteria	DD Eligible, OSIPM, Meet Assessment Criteria	For Children or Adults In-Home or Foster Care
In-Home DD49, DD149	Not Allowed	YES	YES	YES
Foster Care DD58 C&A	YES -With MFC Approval	YES	YES	YES
Residential DD50 & DD142	Not Allowed	Not Allowed	Not Allowed	Not Allowed
Supported Living DD51	Not Allowed	Yes	Yes	Not Allowed
Provider Qualifications	RN or LPN with In-Home or Home Health Agency or Self Employed. MMIS Enrolled	RN or LPN with In-Home or Home Health or Self Employed. MMIS Enrolled	RN or LPN with In-Home or Home Health Agency or Self Employed. MMIS Enrolled	RN Only. Enrolled through LTCCN&MMIS
Authorization for Service	MFCU Service Coordinator	CDDP/Brokerage & Central Office	CDDP/Brokerage & Central Office	CDDP/Brokerage through LTCCN referral process
Access and Referrals	CIIS referral & assessment	SC/PA if part of MFC T-18 Transition. If new-Central Office for Assessment	SC/PA Transition from PDN. If new Central Office Assessment	SC,PA & LTCCN Nurse Approval
Prior Auth & Payment	MFCU-SC, Payment MMIS	SC/PA & Central Office, Payment MMIS	SC/PA & Central Office, Payment MMIS	SC/PA & LTCCNurse & APD office, Payment MMIS
Nurse Services	Shift Nursing ongoing for skilled interventions, direct treatments and therapies for technology dependent	Shift Nursing ongoing for skilled interventions, direct treatments and therapies for technology dependent	Shift Nursing ongoing for skilled interventions, direct treatments and therapies for technology dependent	RN's who do assessments, delegation, training, education, monitoring and case coordination. No direct nursing services. No LPN's

Individuals in residential services(24hr) have funding built into their individualized rates. Agency's provide nursing as part of service

Individuals in residential services are prohibited from receiving MFCU,PDN,DNS and LTCCN Nursing.

All ODDS Nursing services are intended to support individuals with long term ongoing or intermittent medical support needs.

Consult with OHP/CCO for coverage for short term, acute episodes of illness, injury or medical condition requiring nursing F/U including Hospital D/C planning.