

SECTION 5 SERVICE REQUIREMENTS/SCOPE OF WORK

This section sets forth the general requirements that the Qualified Vendor will be expected to comply with in the delivery of Agreement services. The Qualified Vendor shall also comply with the requirements in Section 7, Service Specifications, for each service identified in the Qualified Vendor Agreement Award Notice, as well as Section 6, DES/DDD Standard Terms and Conditions for Qualified Vendors, and all other provisions of this Request for Qualified Vendor Applications (RFQVA).

5.1 Provider Qualifications

The Qualified Vendor shall meet all applicable license/certification requirements and standards throughout the term of the Qualified Vendor Agreement, including the following:

- 5.1.1 If required in statute or regulation, the Qualified Vendor shall have the appropriate current Arizona license and fully comply with all licensing requirements prior to the delivery of service. Payment will not be made for services delivered prior to the issuance of the license.
- 5.1.2 The Qualified Vendor shall be certified by the Division as a home and community-based provider pursuant to Arizona Administrative Code (A.A.C.) Title 6, Chapter 6, Article 15 prior to the delivery of service. Payment will not be made for services delivered prior to the date of certification.
- 5.1.3 The Qualified Vendor shall be registered as a provider with the Arizona Health Care Cost Containment System Administration (AHCCCSA) prior to the delivery of service. Payment will not be made for services delivered prior to the date of registration.
- 5.1.4 Qualified Vendors that provide nursing and/or occupational, physical, or speech therapy services shall also obtain a National Provider Identification (NPI) and submit their NPI to AHCCCSA. This requirement also applies to the individual practitioners who actually deliver the services in addition to the Qualified Vendors. An NPI can be obtained at <https://nppes.cms.hhs.gov/NPPES/Welcome.do>.
- 5.1.5 Qualified Vendors that are considered as Group Billers by AHCCCSA shall also ensure that they obtain a Provider Participation Agreement from each individual practitioner who actually delivers the services. Currently, this only applies to Qualified Vendors that deliver occupational, physical, or speech therapy services. Please refer to <http://azahcccs.gov/commercial/ProviderRegistration/registration.aspx>.
- 5.1.6 The Qualified Vendor shall comply with A.A.C. Title 6, Chapter 6, Article 9, Managing Inappropriate Behaviors.
- 5.1.7 The Qualified Vendor shall comply with all applicable Federal and State laws.

- 5.1.8 The Qualified Vendor shall comply with applicable Division policies, procedures and administrative directives, which are posted on the Division's website at <http://www.azdes.gov/ddd/>.
- 5.1.9 As needed to effectively implement the service, the Qualified Vendor will be able to communicate effectively with the consumer/family/consumer's representative (e.g., American Sign Language or Spanish). Minimally, establishing an effective communication strategy is a primary consideration in accepting a referral. This may include utilizing alternative communication strategies (e.g., written versus spoken language), using a volunteer or paid translator, or recruitment of staff who speak different languages. DES contracts, including Qualified Vendor Agreements, must comply with all applicable requirements of state and federal law. Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.*, prohibits discrimination based on national origin. Failing to take reasonable steps to ensure meaningful access to Medicaid services for persons with limited English proficiency is a form of national origin discrimination prohibited by Title VI.
- 5.1.10 When transportation of the consumer is provided or is part of the service delivery:
- 5.1.10.1 The vehicle in which transportation is provided must have valid vehicle registration and license plates and, at a minimum, the level of liability insurance required by the State of Arizona's Department of Administration risk management.
 - 5.1.10.2 The vehicle must be maintained in a safe, working order.
 - 5.1.10.3 The vehicle must be constructed for the safe transportation of the consumers. All seats must be fastened to the body of the vehicle and individual(s) properly seated when the vehicle is in operation. The vehicle must have operational seat belts installed and be operational for safe passenger utilization. When transporting, consumers must be securely fastened in age- and weight-appropriate restraints, as required by State law.
 - 5.1.10.4 Consumers with special mobility needs shall be provided transportation in a vehicle adapted to those needs as required to facilitate adequate access to service.
 - 5.1.10.5 If the vehicle is used to transport consumers in wheelchairs, it shall also be equipped with floor-mounted seat belts and wheelchair lock-downs for each wheelchair that it transports.
 - 5.1.10.6 Persons providing transportation must be a minimum of 18 (eighteen) years of age and possess and maintain a valid driver license.

- 5.1.10.7 The Qualified Vendor shall review driving records periodically to ensure driver qualifications.
- 5.1.10.8 The Qualified Vendor shall ensure that its home and community-based certification includes meeting transportation requirements.
- 5.1.10.9 The Qualified Vendor shall ensure sufficient staff is provided to ensure the health and safety of all consumers being transported, including boarding and un-boarding supervision.
- 5.1.11 The Qualified Vendor shall comply with the requirements of Arizona Revised Statute (A.R.S.) § 8-804, which requires that all direct care staff are submitted to the Central Registry for background checks for employment. References to “juvenile” in A.R.S. § 8-804 shall also include “vulnerable adult” as defined in A.R.S. § 13-3623. A form for submitting the request is included as Attachment 9.G to this RFQVA. Use of this form is optional; however, Applicants shall submit the information in a format that includes the information contained in Attachment 9.G.
- 5.1.12 The Qualified Vendor shall have on file three (3) verifiable letters of reference for each direct care staff that clearly state the name, address, and phone number of the person providing the reference and make them available upon request to the Division [A.A.C. R6-6-1540 (D)].

5.2 Staffing

- 5.2.1 The Qualified Vendor shall have a plan for the recruitment, initial and ongoing training, retention and monitoring of direct service staff.
- 5.2.2 The Qualified Vendor shall ensure that each direct service staff meets the qualifications in A.A.C. R6-6-1520 through 1533, as applicable.
- 5.2.3 The Qualified Vendor shall ensure that no direct service staff work unsupervised with consumers until all required training has been completed.
- 5.2.4 The Qualified Vendor shall ensure that all direct service staff are appropriately trained to meet the special needs of the particular consumer being served (e.g., behavioral or medical challenges).
- 5.2.5 The Qualified Vendor shall ensure that staff are trained and supported to effectively meet the variety of needs of the consumers that the vendor serves, including consumers with intensive behavioral, physical, and medical challenges.
- 5.2.6 The Qualified Vendor shall have a staff back-up plan at all times in order to ensure that appropriately trained back-up staff are available when the primary staff person is not available and the service is critical to assure the maintenance of health and safety of the consumers receiving service. In addition, AHCCCSA has implemented a court order

under the *Ball v. Betlach* lawsuit related to tracking any non-provision of services (NPS) for in-home Attendant Care, Housekeeping or Respite. The Division has also included Habilitation Individually Designed Living Arrangement services in the tracking. As part of the court order, AHCCCS requires a monthly report which outlines when a consumer has reported a gap in service [meaning a lack of provider to meet the assessed needs of an individual in the Arizona Long Term Care (ALTCS) program]. Qualified Vendors shall comply with the AHCCCS Non Provision of Services reporting requirements as directed by the Division. Please refer to the DDD website for instructions and forms at www.azdes.gov/ddd. The report is due by the 5th (fifth) day of every month whether or not there is an NPS to report.

- 5.2.7 The Qualified Vendor shall routinely monitor and supervise direct service staff to ensure the direct service staff has the skills and abilities to work with the consumers and have developed a positive relationship with the consumers, their families or their representatives.

5.3 Training

- 5.3.1 The Qualified Vendor shall ensure that all direct service staff receive the following training:

5.3.1.1 Minimum orientation standards regarding individuals served and the operations of the program.

5.3.1.2 Minimum training standards in areas determined by the Division and Qualified Vendor depending upon the specific needs of the setting and/or of the consumers served.

5.3.1.3 Specialized training as required by the consumer's Individual Support Plan (ISP).

- 5.3.2 All training completed shall be documented in the individual employee's personnel record.

- 5.3.3 The Qualified Vendor shall encourage participation of consumers and parents in presenting staff training.

- 5.3.4 The Qualified Vendor shall make all training curriculum available upon request of Division staff. In addition, the Qualified Vendor shall maintain records documenting training for all direct care staff and make those records available upon request by the Division.

5.3.5. Direct Service Training Requirements

5.3.5.1 AHCCCS has been identified as the lead state agency implementing standardized Direct Care Training Guidelines and Competency Testing. Initial implementation of the training begins on January 1, 2011 with full

implementation targeted for January 30, 2012. Additional information regarding the Direct Care Workforce Initiative is available at <http://www.azdirectcare.org>.

- 5.3.5.2 The mandatory AHCCCS training requirements for Direct Care Workers applies to Attendant Care, Housekeeping and Respite (when Attendant Care is provided) services in accordance with the AHCCCS Medical Policy Manual (AMPM) Chapter 1200 and the AHCCCS Contractor's Manual (ACOM).

5.4 Delivery of Services

- 5.4.1 The consumer/family/consumer's representative has the right and responsibility to choose from the available Qualified Vendors whom they believe will best meet the needs of the consumer. If services are provided to a group by one provider, such as a group home, the consumers shall collectively choose the Qualified Vendor.
- 5.4.2 The Qualified Vendor shall, as set forth in each consumer's ISP, deliver services to consumers in such a manner that meets the following service goals:
 - 5.4.2.1 To increase or maintain the self-sufficiency of consumers.
 - 5.4.2.2 To maintain the health and safety of consumers.
 - 5.4.2.3 To provide services in a manner that supports and enhances the consumer's independence, self esteem self-worth, mutual respect, value, and dignity.
- 5.4.3 The Qualified Vendor shall ensure that in delivering services, specific service-related activities as well as staffing are:
 - 5.4.3.1 Available and provided at any time as specified in the consumer's ISP.
 - 5.4.3.2 Modified appropriately in order to accommodate the changing needs of the consumer and/or his/her environment.
 - 5.4.3.3 Delivered in a manner that takes into consideration the primary language of the consumer (and consumer's representative) as well as any cultural diversity issues.
 - 5.4.3.4 Provided according to the personal needs, cultural considerations/preferences, and medical needs of the consumer.
- 5.4.4 The Qualified Vendor shall ensure that materials, supplies, equipment and activities meet the varied interests, physical needs/abilities, chronological ages and cultural backgrounds of consumers.

- 5.4.5 The Qualified Vendor shall ensure that services are provided by appropriately qualified and trained staff, including ensuring that all tasks required to be performed by a medical practitioner are performed by a qualified medical practitioner.
- 5.4.6 The Qualified Vendor shall ensure that services are provided in the least restrictive environment.
- 5.4.7 The Qualified Vendor shall ensure that children and adults are not served together unless specifically approved in the child's ISP.
- 5.4.8 Under no circumstances shall more than one type of habilitation service be provided to a consumer at the same time.

5.5 Service (Prior) Authorization

- 5.5.1 Authorization/authorization levels will be set by the Division to reflect the current needs of the consumer. As consumer needs change, authorizations/authorization levels may also change. Changes in authorizations and/or authorization levels will not require an amendment to the Qualified Vendor Agreement.
- 5.5.2 Prior authorization is required for all services before service delivery.
- 5.5.3 A prior authorization/authorization level for an extended period, such as the term of the entire ISP year, is subject to change. Qualified Vendors can expect reasonable notice of changes in authorizations/authorization levels for future service delivery.
- 5.5.4 The Qualified Vendor is responsible for verifying that service is authorized prior to providing the service.
- 5.5.5. Authorization is specific to a particular consumer in a particular setting and is not transferable to other consumers.
- 5.5.6 Prior to making any changes in the level of service provided (including an increase or decrease in the number of units of service) and/or a change in the setting, the Qualified Vendor must ensure that it has received the appropriate new authorization from the Division.

5.6 Vendor Calls and Referrals for Services

- 5.6.1 Vendor Calls. Vendor calls can be used to identify a viable Qualified Vendor.
- 5.6.2 Qualified Vendors should respond to vendor calls if they are interested in serving the needs of the person stated in the vendor call.
- 5.6.3 The Division will confirm that the person's needs can be met by the qualified vendor.

- 5.6.4 Referrals for Service. When a Qualified Vendor receives a referral for services, the Qualified Vendor must:
- 5.6.4.1 Assess the referred consumer for the service(s) in the referral and, inform the referral source either in writing or verbally whether the Qualified Vendor has an interest in serving the consumer.
 - 5.6.4.2 Meet or confer with the consumer and/or the consumer's representative prior to the start of service delivery to obtain necessary information and have an orientation to the specific needs of the consumer, including obtaining all required consents.
 - 5.6.4.3 Ensure that direct service staff has the necessary skills and training as identified in the consumer's ISP, e.g., client intervention training, sign language, etc., to provide services to the consumer.
 - 5.6.4.4 Obtain payment authorization from the Division prior to the service start date.
- 5.6.5 For emergency referrals, the Division will contact the Qualified Vendor and request an immediate response as to whether the provider can appropriately address the emergency needs of the consumer.

5.7 Individual Support Plan (ISP) and Related Activities

- 5.7.1 As part of the ISP process, the Qualified Vendor shall, as appropriate, assist the consumer's ISP team in developing the consumer's ISP and facilitating its implementation. The Qualified Vendor shall support all of the applicable ISP goals and ensure that all applicable objectives are implemented. (See *DES/DDD Policy and Procedure Manual Chapter 800*, <https://www.azdes.gov/main.aspx?menu=96&id=2844> for a detailed discussion of ISP development.)

5.8 Quality Management Plan

- 5.8.1 The Qualified Vendor shall develop and maintain a quality management plan in order to continuously monitor the delivery of services and to ensure that the services are appropriately meeting the objectives set forth in consumers' ISPs. The Qualified Vendor shall keep the quality management plan on file and make the plan available to the Division or consumers/families/consumer representatives upon request.
- 5.8.2 The quality management plan shall contain elements that address the following:
- 5.8.2.1 Incident management, corrective action and preventions.
 - 5.8.2.2 Complaints and grievances.

- 5.8.2.3 Solicitation of input from consumers, families and/or consumer representatives including input on consumer satisfaction, the hiring and/or evaluation of direct service staff, and the improvement of services.
- 5.8.2.4 Opportunities provided to consumers/families/consumer representatives to be actively involved in Qualified Vendor operations.
- 5.8.2.5 Monitoring and evaluation of services provided (i.e., measurement of outcomes as it relates to the ISP objectives) and the improvement of the quality and appropriateness of services.

5.9 Transition of Consumers to other Vendors

- 5.9.1 There are a number of circumstances under which a Qualified Vendor will become involved in the transitioning of a consumer to another provider. All Qualified Vendors shall assist the Division in the transition of the consumer to the new provider. This may include working closely with the consumer and family, providing all necessary support services to ensure a smooth transition, and transferring of pertinent records to the new provider. If the Qualified Vendor participates in a transition placement process, it shall maintain documentation of participation and development of the consumer's ISP.

5.10 Recordkeeping

- 5.10.1 The Qualified Vendor shall maintain books and records related to services and expenditures as required by the Division in rule or policy or in this RFQVA, as may be amended. Documents that the Qualified Vendor shall have on file include but are not limited to:
 - 5.10.1.1 Articles of Incorporation, partnership agreements and/or Internal Revenue Service letters, as applicable.
 - 5.10.1.2 Copies of all licenses and/or certifications.
 - 5.10.1.3 A current organizational chart that outlines the functional structure of the organization, including all program areas and staff positions.
 - 5.10.1.4 If applicable, a complete list of the members of its Board of Directors, partners, or owners as applicable, including names, titles, addresses and phone numbers.
 - 5.10.1.5 Current written job descriptions, which include minimum qualifications for training and experience, for each position that will be utilized in the provision of a service under the Qualified Vendor Agreement.

- 5.10.1.6 Current resumes/applications for each person who will be providing services under the Qualified Vendor Agreement. Any documentation regarding personnel actions shall be kept with the person's resume/application.
 - 5.10.1.7 Current resumes for administrative/management positions.
 - 5.10.1.8 If applicable, documentation of inspections and licenses necessary to operate a residential setting.
- 5.10.2 The Qualified Vendor shall maintain a file on each consumer. A consumer's file should include the following, as applicable:
- 5.10.2.1 Pertinent documents related to the consumer's ISP such as the consumer's ISP and the consumer's behavioral health treatment plan.
 - 5.10.2.2 Record of services rendered (including administration of medications) and the consumer's response to services.
 - 5.10.2.3 Documentation of communications with consumer/consumer's representative, other service providers, the support coordinator, etc.
 - 5.10.2.4 Copy of the orientation document.
 - 5.10.2.5 Copy of the consumer's attendance sheets.
 - 5.10.2.6 Copy of progress reports.
 - 5.10.2.7 Documentation of incidents related to the consumer and/or complaints related to the Qualified Vendor's care of the consumer and documentation of resolution.
 - 5.10.2.8 All required consents, such as General Consent and/or Consent for Use of Behavior Modifying Medications.
- 5.10.3 All records created and maintained by the Qualified Vendor that pertain to the consumer shall be made available to the consumer or his/her legal representative. Upon request, the Qualified Vendor shall produce a legible copy of any or all such records at no cost to the consumer or his/her legal representative. The consumer is limited to one (1) free copy per year. All records created and maintained by the Division shall be made available to the consumer or his/her legal representative from the Division.

5.11 Application and Use of RateBook and Billing Manual

- 5.11.1 In accordance with A.R.S. § 36-557.K, the Division has published a RateBook describing the rates and rate structure for services described in this RFQVA. The RateBook is available on the Division's website at <http://www.azdes.gov/ddd/>. The RateBook,

including any updates, is incorporated by reference into this RFQVA. Qualified Vendors shall be paid the applicable rates as reflected in the RateBook.

5.11.2 The Division acknowledges that the rate models used to determine the Benchmark Rates do not necessarily reflect actual cost profiles. Actual patterns of expenditures by Qualified Vendors may be different from those outlined in a given rate model. The Division recognizes that assumptions in the rate models may need to be updated over time.

5.11.3 The Division has also published a billing instruction manual. The manual specifies the billing requirements that must be followed by providers in order to file a claim for services under this RFQVA. The billing instruction manual is available on the Division's website. The billing instruction manual, including any updates, is incorporated by reference into this RFQVA. Throughout the term of the contract, the Division's billing codes, billing units and associated billing rules are subject to change. All billing codes, billing units and associated billing rules are posted on the Division's website at <http://www.azdes.gov/ddd/>