

016-19-95--002

ARKANSAS DEPARTMENT OF HUMAN SERVICES
Division of Aging and Adult Services

FILED
ARL. REGISTER DIV.
SEP 19 PM 1:10
SHARON PRIEST
SECRETARY OF STATE
STATE OF ARKANSAS
BY _____

Policy Type
AAA Functions

Subject of Policy
Client Representation

Policy Number
220.00

Policy Statement

Providers who receive funds for Client Representation services that they provide to frail, older individuals, particularly those who have low incomes, are in the greatest economic need and/or are in the minority must comply with state and federal regulations pertaining to the funding and delivery of such services.

Purpose

The purpose of this policy is to ensure that all older individuals receiving Client Representation will have their needs assessed and that services to meet those needs will either be provided directly by the Client Representative or arranged for in an organized and consistent manner. (Client Representation includes, but is not limited to, such things as outreach; referral for legal assistance; providing information on and determining eligibility for public benefits such as QMB and SMB; assisting with completion of applications and paperwork; attending meetings on behalf of clients; and information and assistance. Travel and waiting time are also included.)

Scope

This policy applies to all area agencies on aging and/or providers providing Client Representation services to eligible individuals.

General Authority

Older Americans Act of 1965 as amended
Arkansas Code Annotated Section 25-10-101 et. seq.

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95 SEP 19 PM 1:10

DEPARTMENT Department of Human Services
DIVISION Division of Aging and Adult Services
PERSON COMPLETING THIS STATEMENT Nadine E. Grice
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BY SHARON PRIEST
SECRETARY OF STATE
OF ARKANSAS

FINANCIAL IMPACT STATEMENT

To comply with Act 884 of 1995, please complete the following Financial Impact Statement and file with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE DAAS Client Representation Policy and Procedures

1. Does this proposed, amended, or repealed rule or regulation have a financial impact? Yes _____ No X
2. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain.
3. If the purpose of this rule or regulation is to implement a federal rule or regulation, please give the incremental cost for implementing the regulation.

1995-96 Fiscal Year

1996-97 Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other _____
Total _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other _____
Total _____

4. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule or regulation?

1995-96 Fiscal Year

1996-97 Fiscal Year

5. What is the total estimated cost by fiscal year to the agency to implement this regulation?

1995-96 Fiscal Year

1996-97 Fiscal Year

July 28, 1995

ARKANSAS DEPARTMENT OF HUMAN SERVICES/DIVISION OF AGING & ADULT SERVICES	
SECTION: AAA FUNC.	SUBJECT OF PROCEDURES: CLIENT REPRESENTATION
PROCEDURE #: 220.01	CORRESPONDING POLICY: 220.00
ORIGINATING UNIT: COMM. BASED SERV.	EFFECTIVE DATE: 10-01-95

Scope

These procedures define and govern the provision of client representation services and apply to all Arkansas area agencies on aging (AAA).

Definitions

Active Client: A client who is receiving services coordinated by the AAA. A client for whom services have not been terminated.

Area Plan: An area agency on aging plan of operation which has been approved by the Division of Aging and Adult Services.

Case File: A file containing all relevant information about an individual client and meeting the specifications of applicable procedures.

Case Management: An activity under which responsibility for locating, coordinating and monitoring necessary and appropriate services for a client rests with a specific person. Case management services will assist clients in gaining access to all needed medical, social, educational and other services, informal and formal, regardless of source. Case management also may be provided to individuals who are at risk of abuse, neglect or exploitation in order to determine the proper placement and/or need for services (including protective services). Includes examining and reexamining the client's needs and altering the service plan to meet the changing needs. Also includes measuring the client's progress toward specific goals.

Client Bill of Rights: A list of rights to which all AAA clients are entitled.

Client Record: See case file.

Client Representation: An activity under which a client's needs are assessed and services to meet these needs are either provided directly by the Client Representative or arranged for in an organized and consistent manner. (Client Representation includes, but is not limited to, such things as outreach; referral for legal assistance; providing information on and determining eligibility for public benefits such as QMB and SMB; assisting with completion of applications and paperwork; attending meetings on behalf of clients; and information and assistance. Travel and waiting time are also included.) **Client representation excludes any service covered by Title XIX under the Targeted Case Management Program for an eligible Medicaid recipient.**

Division of Aging and Adult Services (DAAS): The agency of the state government to which the Governor and the State Legislature have assigned responsibility for all matters relating to the needs of older adults in Arkansas.

Assessment: The process of determining the type and extent of assistance needed by a client.

Formal Service Provider: Paid provider of services.

Informal Provider: An unpaid provider of services or assistance, such as a client, family member and/or a friend.

Information and Assistance: The provision of concrete information to a client about available public and/or voluntary services and linkages to ensure the service will be delivered to the client. Includes contact with provider(s) and/or family member(s) on client's behalf.

Intake: Initial information gathering and preliminary evaluation of the client's need for services.

Assistance: Linkage with appropriate resource(s) to ensure that necessary service will be delivered to the client. Must include contact and follow-up with the provider and/or client.

Unit: A measurement of work for which funds are disbursed in payment for services rendered.

Follow-Up: Checking with clients regarding outcome of action taken and any need for further services.

Procedural Requirements

- I. Responsibilities of the Division of Aging and Adult Services
 - A. Authorize the provision of client representation to the eligible clients in the State of Arkansas.
 - B. Prescribe, promulgate and enforce policies, standards, regulations and procedures governing the provision of client representation.
 - C. Establish a formula for the apportionment of funding for client representation to the eight area agencies on aging.
 - D. Develop program reports and data collection forms to standardize reporting of client representation.

- E. Provide technical assistance as needed for the development and provision of client representation services.
- F. Issue general revenue and Title III grant awards to AAAs and monitor expenditures and services under those grants.
- G. Review and approve client representation components of the AAA Area Plans.
- H. Evaluate the client representation services provided by each AAA to ensure compliance with program policies and procedures.

II. Responsibilities of the Area Agencies on Aging

- A. Comply with policies, standards, regulations and procedures governing the provision of client representation.
- B. Comply with Department of Human Services (DHS) Division of Aging and Adult Services Assurances included in the Area Plan.
- C. Plan, develop and provide services in compliance with directives of DAAS.
- D. Integrate client representation into the continuum of services which includes outreach, information and assistance, and case management. Include client representation in the Area Plan in accordance with the requirements of DAAS.
- E. Submit all required budgetary and service information.
- F. Submit monthly requests for funds in accordance with governing regulations.
- G. Maintain program activity data as required by DAAS.
- H. Resolve client complaints in accordance with DAAS policy and procedures.

III. Program Administration

A. General Requirements

- 1. Ensure that individuals who request or are referred for client representation services are assessed for eligibility and that findings are documented.

2. Provide or arrange for mandatory 10 hours per year of training for all staff providing client representation services. Document training in staff records as to duration, content and subject matter. Training will include at a minimum:
 - a. Techniques to improve ability to advocate;
 - b. Evaluation and interviewing techniques;
 - c. Record-keeping procedures;
 - d. Updates on available benefits; and
 - e. Group discussions of common problems.
3. Maintain personnel records as required by DAAS.
4. Require providers of client representation services to abide by a Code of Ethics which requires that they will:
 - a. Treat all clients with respect and consideration at all times.
 - b. Maximize the quality of life of clients by assisting them to be as independent as possible.
 - c. Consider the input of clients and their preferences.
 - d. Ensure confidential treatment of all records and any other information the client provides.
 - e. Not make personal use of the client's possessions, such as automobile or telephone, nor consume their food or drink.
 - f. Not discuss their personal problems, religious convictions or political beliefs with the client.
 - g. Not accept gifts or tips from the client or family members.
 - h. Not consume alcoholic beverages nor take medicine or drugs (except for treatment of a medical problem) while in the client's home or prior to delivery of services.
 - i. Not bring friends or relatives into the client's home while providing assistance.

B. Process

1. Gather intake information and record it on the Client Intake Form. All applicable items must be completed.
2. Evaluate intake information and the client's problem and determine the probable extent of assistance needed.
3. Where necessary, obtain written permission from the client to act on his/her behalf.
4. Represent clients who need assistance obtaining services or benefits. Act on behalf of the client to resolve the problem or obtain the necessary benefit. Locate, coordinate and monitor services and client to ensure that appropriate services are being provided and that client's needs are being met. If necessary, refer client for legal assistance that might be needed initially or in the future. Conduct outreach, provide information on and determine eligibility for public benefits such as QMB and SMB that client has not yet received; assist client in completion of applications and paperwork; attend meetings on behalf of client; and provide information and assistance. Travel and waiting time are also included. Record in case file the specific problems, actions taken and why, and client contact notes which include periodic assessment of client status (if necessary, and if the client's Client Representation Case File has not been closed).

Each area agency on aging will identify "periodic" (as referenced in above paragraph) for their own agency.

5. Refer for Targeted Case Management all clients who are eligible to receive that service.
6. Record all client representation services as one (1) unit equals one (1) client per annual reporting period.

C. Quality Assurance

1. Evaluation and quality assurance should not be thought of as external to the operation of client representation activities; it should be part of all stages of operation so that effective means of generating useful information will be in place.

This information can be used to meet funding requirements; to document need for future funding; and to improve, coordinate or expand services in a particular direction.

2. Client representation services shall be monitored to ensure that:
 - a. Required documents are in the clients' files;
 - b. All complaints regarding client representation are documented and investigated;
 - c. All clients are informed at the onset of services of the procedure for receiving, reviewing and resolving client complaints. This will be the procedure established in accordance with DHS DAAS Assurances.

IV. Client Eligibility

- A. To be eligible for client representation individuals must be 60 years of age or older.
- B. Priority consideration should be given to those in greatest economic need and social need.
- C. Clients eligible for and receiving both Targeted Case Management and Client Representation services will not receive duplicate services.

V. Client Bill of Rights

Ensure that each client receives and understands a printed copy of the Client Bill of Rights (Appendix A).

A CLIENT BILL OF RIGHTS

1. Clients have the right to be treated with respect and consideration at all times.
2. Clients have the right to be as independent as possible during the delivery of services.
3. Clients have the right to be consulted about actions taken on their behalf and to have their preferences considered in the plan of action.
4. Clients have the right to confidential treatment of their records and of other information provided to service providers, including the right to give or deny written permission to the service provider to share such records or information with other individuals and agencies.
5. Clients have the right to expect that service providers will not make personal use of their possessions, such as automobiles or telephones nor consume their food or drink.
6. Clients have the right to expect that service providers will not ask for nor expect gifts or tips and will not accept them if offered.
7. Clients have the right to expect that service providers will not discuss their personal problems, religious convictions or political beliefs.
8. Clients have the right to expect that service providers will not consume alcoholic beverages or take medication (except for a medical reason) prior to or during the delivery of services.
9. Clients have the right to live in a smoke free environment if they so choose.
10. Clients have the right to expect that service providers will not invite friends or relatives into the client's home during the delivery of services.
11. Clients have the right to know the specific services to be delivered, the eligibility requirements, and the conditions of service provisions and termination of services prior to the onset of service delivery.
12. Clients have the right to be informed in writing, prior to the onset of services, of the procedures for receiving, evaluating and resolving client complaints about services.
13. Clients have the right to voice grievances with respect to services that are (or fail to be) furnished without fear of reprisal.