

**REGIONAL CENTER OF THE EAST BAY  
PURCHASE OF SERVICE POLICY #3416  
Date Revised: 10/2010**

**NURSING SERVICES**

**PHILOSOPHY**

Medically fragile and technology dependent children and adults with a developmental disability often have intensive physical care and medical needs that require nursing care, treatment and monitoring. The severity of their medical condition often means that they must have constant monitoring and frequent treatment or interventions in order to maintain life and health. Hospitalization or specialized health care environments may be necessary for the medically fragile or technology dependent unless nursing services are provided. Some adult consumers may have chronic conditions that they, due to their developmental disability, are not able to manage without the intervention of a licensed nurse. When the consumer is residing with a parent(s) or relative(s), nursing services can be designed to maintain the current living arrangement. With children and adults living with family, this may mean nursing services designed specifically to allow them to remain in the family home. With adults, this may involve measures to prevent re-institutionalization or periods of treatment in a nursing facility. These services may be provided to consumers living in their own homes or in licensed facility to avoid transfer to a more restrictive environment. RCEB recognizes that some consumers may require licensed nursing care.

Nursing care is intended to meet a portion of the health needs of the consumer, i.e. to protect the medical well being of an individual and prevent the need for hospitalization or placement in a health setting. Nursing services are provided: a) when the consumer's family cannot otherwise maintain a child at home; b) in the form of regularly scheduled (e.g., daily) or intermittent nursing care for individuals in independent living environments; or c) as intermittent nursing care for individuals in licensed setting requiring nursing level care or monitoring.

Nursing services for RCEB consumers will be provided by individuals with specialized nursing knowledge, training, and skills and the appropriate license of certification to practice in the state of California. A RCEB RN will complete or arrange for a comprehensive nursing assessment to determine the level and type of care. This may include R.N. (registered nurse), L.V.N. (licensed vocational nurse), or C.N.A/H/H.A. (certified nurse's aide or home health aide) supervised by a licensed nurse care. RCEB will follow the California Nurse Practice Act and California Department of Consumer Affairs definitions and guidelines in determining the level of nursing staff who may provide the service. All nursing care is provided under the prescription of the consumer's physician.

**SERVICE DEFINITION**

Nursing services are designed to protect the health of a consumer and prevent the necessity for hospitalization or placement in a specialized health care setting. As such,

they are different than respite or child care/daycare provided by a licensed nurse or certified aide (see separate policies on these services).Nursing services include:

- Periodic home visits by a licensed nurse for any or all of the following:

- Monitoring and evaluating a consumer's overall medical condition

- Identifying potential medical emergencies

- Determining the need for changes in care and treatment

- Providing specific treatment that can only be provided by a licensed nurse

- Providing training to the consumer, primary care giver or direct care staff in a specific care technique or other health education.

- Care provided by a licensed nurse (RN or LVN) or certified aide (HHA/C.N.A) supervised by a licensed nurse for four or more hours per day to supplement or augment the care given by the primary caregiver or direct care staff who have been trained to administer nursing related care and treatment to the consumer.

### **BOARD POLICY**

RCEB may purchase nursing services when a consumer's IPP identifies the need for intermittent and/or shift nursing care to maintain the individual in the family home. Periodic visits may be of various frequencies depending on the health care requirement. Consumers who require shift nursing may need such intervention on a daily basis or weekly basis; however RCEB will assist families with up to 16 hours of nursing per day. RCEB believes that families who desire their son or daughter to live at home should continue to be responsible for a daily portion of their child's care. RCEB will assist consumers living in their own homes with up to 16 hours of care; it is anticipated that these adult consumers will have a primary non-nursing system of support to maintain health and safety. When there is another funding source for nursing care, RCEB may provide nursing support up to the combined total of 16 hours/day of nursing service.

RCEB will "identify and pursue all possible sources of funding for consumers receiving regional center services. These sources shall include but not be limited to, both of the following:

1. Governmental or other entities or programs required to provide or pay the cost of providing services...
2. Private entities, to the maximum extent they are liable for the cost of services, aid, insurance, or medical assistance to the consumer "Welf. & Inst. Code section 4659, subd.(a)

RCEB will " not purchase any service that would otherwise be available from Medi-Cal, Medicare, the Civilian Health and Medical Program for Uniform Services ,in- home support services California Children's Services, private insurance, or a health care service plan when a consumer or a family meets the criteria of this coverage but chooses not to pursue that coverage. "Welf. & Inst. Code section 4659, subd.(c)

RCEB will " not purchase medical, services for a consumer three years of age or older unless the regional center is provided with documentation of a Medi-Cal, private insurance, or a health care service plan denial and the regional center determines that an appeal by the consumer or family of the denial does not have merit." Welf. & Inst. Code section 4659, subd. (d)(1))(A)(B)(C)

RCEB “may pay for medical or dental services during the following periods:

(A) While coverage is being pursued, but before a denial is made.

(B) Pending a final administrative decision on the administrative appeal if the family has provided to the regional center a verification that an administrative appeal is being pursued.

(C) Until the commencement of services by Medi-Cal, private insurance, or a health care service plan.” Welf. & Inst. Code section 4659, subd. (d)(1))(A)(B)(C)

For children under 36 months of age, “a family’s private insurance for medical services or a health care service plan identified in the individualized family service plan, other than for evaluation and assessment, shall be used in compliance with applicable federal and state law and regulation”. Government Code Section 95004(b)(1)

## **PROCEDURES**

RCEB may purchase nursing services for consumers when all of the following are complete:

1. Prior to any decision to provide nursing services, a RCEB RN will complete or arrange for a comprehensive nursing assessment to be completed which will address each and all of the following questions and areas:

Consumer’s current medical status and documented needs for nursing care

Required level and frequency of nursing care (RN, LVN or C.N.A/HHA)

Medical/nursing needs

Required medications and treatment

Equipment and supplies needed at home

Adequacy and safety of the physical environment of the home

Consumer’s physician’s recommendations and medical treatment/care plan

2. The planning team (which includes the consumer/family and the RCEB RN) in their assessment of the need for nursing services must consider and jointly determine that the individual’s needs can be and are most appropriately met in the home environment; the plan is recommended/supported by the individual’s personal physician; and the physical environment of the home is adequate for the care and equipment necessary to provide nursing care and treatment; and the consumer, family, or support staff are supportive of the plan.

3. The planning team has explored and exhausted generic resources, including private health insurance; and other resources for the provision of nursing care available to the consumer such as Medi-Cal (including Early Periodic Screening, Diagnostic & Treatment (EPSDT) program, Model and Nursing Facility waivers), California Children’s Services (CCS), In Home Support Services (IHSS), Genetically Handicapped Persons Program (GHPP), and Medicare.

4. All plans for nursing care shall be reviewed and re-assessed by the planning team including the RCEB RN at least annually. Nursing assessments shall be obtained and utilized by the planning team when making recommendations for the continuation of nursing services.

## **AUTHORITY**

California Welfare and Institution Code Section 4512 (b) and Government Code, Section 95004(b)(1)