

# **ATTACHMENT A-10**

## **Guidelines for Determining Less Restrictive Setting**

### **ARTICLE 1 PURPOSE**

- 1.1** The guidelines set forth in this Attachment A-10 describe the procedures to be used by the local intellectual and developmental disability authority's (LIDDA's) interdisciplinary team (IDT) for determining the less restrictive setting for individuals who are requesting admission, or on whose behalf admission is requested, to a state supported living center. Note: the determination of a less restrictive setting is only one part of the admission criteria that must be considered by the IDT in accordance with 40 Tex. Admin. Code Chapter 2, Subchapter F, governing Continuity of Services – State Facilities, §2.255 and §2.257, and the Tex. Health and Safety Code, §593.052(a)(3).

### **ARTICLE 2 INSTRUCTIONS**

- 2.1** These guidelines must be used by the LIDDA's IDT to determine whether an individual can be adequately and appropriately habilitated in an available, less restrictive setting when admission to a state supported living center is requested.
- 2.2** LIDDA must ensure that the IDT makes a determination of an available, less restrictive setting using an approach that is person-centered.
- 2.3** LIDDA will ensure that IDT members have received appropriate training on the use of these guidelines and in an approach that is person-centered.
- 2.4** To ensure that the "key issues" from these guidelines are documented in IDT reports, the LIDDA will:
- (a) Incorporate the "key issues" as essential elements of the LIDDA's policy and procedure for IDTs; and
  - (b) Develop an internal monitoring system to ensure that these guidelines are utilized by IDTs.

### **ARTICLE 3 DISCUSSION OF KEY ISSUES USING QUESTIONS/PROBES**

- 3.1** The IDT will discuss the key issues using the questions/probes described in the following chart in a manner understood by the individual and LAR or actively involved person.

<b>KEY ISSUES</b>	<b>QUESTIONS / PROBES</b>
Preferences of the Individual	<p>Has the LIDDA provided the individual with an explanation of the array of services and supports administered by System Agency and other state agencies (see Attachment A-7: Options for IDD Services and Supports) for which the individual may be eligible?</p> <p>Has the LIDDA explained to the individual his or her rights in accordance with applicable Texas Health and Human Services System agency ("HHS") rules? "HHS" is defined to include the Texas Health and Human Services Commission (System Agency).</p> <p>Has the individual expressed a preference for particular types of services?</p>
Preferences of the LAR or Actively Involved Person	<p>Has the LIDDA provided the LAR or actively involved person with an explanation of the array of services and supports administered by Systems Agency and other state agencies (see Attachment A-7: Options for IDD Services and Supports) for which the individual may be eligible?</p> <p>Has the LIDDA explained the individual's rights to the LAR or actively involved person in accordance with HHS rules?</p> <p>Has the LAR or actively involved person expressed a preference for particular types of services?</p>
Medical Issues	<p>Does the individual have medical/nursing needs? If so, describe the scope of those needs and the types of services needed. (The IDT should take into account the need of an individual for immediate access to emergency medical assistance.)</p> <p>Can these needs be met through either generic or specialist services that are generally available in the community?</p> <p>What can be done to support or facilitate these needs being met in both the individual's current setting and other settings under consideration?</p>
Behavioral or Psychiatric Issues	<p>Does the individual have behavioral or psychiatric treatment needs? If so, describe the scope of those needs and the type of services needed.</p> <p>Can these needs be met through either generic or specialist services that are generally available in the community?</p> <p>What can be done to support or facilitate these needs being met in both the individual's current setting and other settings under consideration?</p>
*Quality of Life	<p>Determine factors that are important to the individual (and LAR or actively involved person) in choosing a place to live, including but not limited to: family, friends, employment, leisure activities, living arrangements, daily routine, privacy, community integration, faith or religion, self-determination, safety, freedom of movement, and dignity of risk (see *Additional Guidelines for Quality of Life below this chart).</p> <p>What can be done to support or facilitate these factors being met in both the individual's current setting and others under consideration?</p>

<b>KEY ISSUES</b>	<b>QUESTIONS / PROBES</b>
Individuals Under 22 Years of Age	<p>For individuals under 22 years of age, has there been a discussion with the family of the importance for the minor to live in a long-term, nurturing relationship with a family and of options to living in an institutional setting?</p> <p>Has permanency planning been incorporated into the service plan and reviewed as required?</p> <p>What efforts have been made to ensure LAR or family participation in services or permanency planning activities?</p> <p>Have educational issues been addressed, including contact with the local school district?</p>
History of Services and Supports	<p>Has the individual received services and supports previously? If yes, describe these and how they benefited the individual.</p> <p>Are there other services and supports that have not been tried but should be considered? If so, explain.</p>
Other Issues	Were other issues discussed? If so, explain.
LIDDA Recommendations	Based on discussion of the issues described above, the IDT must determine if there is a less restrictive setting other than the state supported living center. And if so, whether the less restrictive setting is available.

#### **ARTICLE 4 ADDITIONAL GUIDELINES FOR QUALITY OF LIFE**

- 4.1** The environment should afford the development of meaningful relationships or the continuity of current relationships.
- 4.2** The environment should allow the development of skills that foster independence, to the extent possible.
- 4.3** The environment should be as inclusive as possible, maximizing opportunities for integration, relationships, and involvement of people with and without disabilities.
- 4.4** The environment should balance safety, freedom of movement (with or without supports and assistance) and dignity of risk, as determined by the individual's preferences/needs.
- 4.5** The environment should provide opportunities for expression of faith or religion in a way or to the extent desired.
- 4.6** The environment should provide opportunities to make decisions, as appropriate.

#### **ARTICLE 5 DOCUMENTATION**

- 5.1** Documentation in the IDT staffing summary will include:
  - (a) Source of the information discussed;
  - (b) Relevant deliberation; and
  - (c) Outcome of the discussion of key issues