

SOUTH DAKOTA SHARED LIVING GUIDE

Developed by the South Dakota Department of Human Services,
Division of Developmental Disabilities, Office of Community Living

Updated February 2018



DEPARTMENT OF HUMAN SERVICES
DIVISION OF DEVELOPMENTAL DISABILITIES

South Dakota Shared Living Guide

WHAT IS SHARED LIVING	2
BENEFITS OF SHARED LIVING	2
DEFINITIONS	3
MATCHING BETWEEN PARTICIPANTS AND HOST HOME/COMPANIONS	4
HOW CAN A CSP START PROVIDING SHARED LIVING?	6
HOW TO BECOME A SHARED LIVING PROVIDER	7
FAMILY MEMBERS AS HOST HOME PROVIDERS	7
ROLES AND RESPONSIBILITIES	7
COMMUNITY SUPPORT PROVIDER	7
CASE MANAGER	7
HOST HOME	8
COMPANION	8
DEPARTMENT OF HUMAN SERVICES/ DIVISION OF DEVELOPMENTAL DISABILITIES	8
DAILY LIFE AND EMPLOYMENT	9
RESPIRE	9
FINANCES	9
REP-PAYEE	9
ROOM AND BOARD	10
PAYMENT FOR COMPANIONS	10
PAYMENT FOR HOST HOMES	10
HOME INSPECTIONS	10
CONTRACTS	11
RESOURCES	12

What is Shared Living?

Shared living is an arrangement of services provided in the private home of a participant, or a family, in which care is provided to a participant. Shared Living is meant to provide a person centered approach to supports that are offered to a participant in which the participant and the selected provider share a life.

Shared Living is built on the foundation of life sharing, an innovative design which is extremely flexible and offers highly personalized supports. Developing natural supports, and being an active member of the community are also key components of Shared Living. The host home provider/companion shall provide services, including assistance, support, and guidance in life domain areas such as daily living, safety and security, community living, healthy lifestyle, social interactions, spirituality, citizenship and advocacy.

Shared Living can be provided in two ways, including the participant residing with a host home provider or a companion living in the participant's home in order to provide support. Host Home and Companion providers are very diverse and can include college students, families, single people, couples, and empty nesters. The shared living provider can be anyone over the age of 18 who wants to share a life and provide supports to an individual with an intellectual or developmental disability. Up to two participants can be supported by a shared living provider at any given time.

Shared living is an option for any person with a disability who is interested in this type of living arrangement and is a participant of Home and Community Base Services (HCBS) through the Department of Human Services. When considering Shared Living the participant and their Individualized Service Plan (ISP) team should discuss what the participant's vision of a good life for the participant looks like, what they don't want, and which past, current, and future life experiences and support needs will contribute to the attainment of that vision. This is a great opportunity for the ISP team to use the Life Trajectory Worksheet found at [Lifecoursetools.com](http://lifecoursetools.com).

Benefits of Shared Living:

- Participants have access to individualized person centered supports in a home-like environment;
- Participants have opportunities to develop meaningful relationships, access typical community resources, and be active members of their community;
- Participants have control, consistency and stability in the supports that are provided and who provides them. There is an extensive matching process between the participant and the companion/host home to ensure a quality pairing;
- Provider agencies can address staff turnover and the number of open positions within the agency. With Shared Living, the participant is living in a private home where there is one person providing support. There is no need for multiple shifts with multiple staff; and
- Provider agencies can reduce overhead since shared living does not require a provider-managed location for residential services.

Definitions

Administrative Rules of South Dakota (ARSD): Administrative authority of State agencies. Applicable articles for Shared Living include 46:04 and 46:11 (<http://sdlegislature.gov/Rules/RulesList.aspx>).

Community Support Provider (CSP): Agencies that are certified by the Division of Developmental Disabilities to provide Home and Community Based Services to participants with intellectual and developmental disabilities.

Companion: An employee of the CSP who lives in the home of a participant and provides needed supports.

Critical Incident Report (CIR): Serious medical, behavioral, safety, events involving a participant which are required to be reported to the Division of Developmental Disabilities. A complete list of reportable incident can be found in ARSD 46:11:03:02 or on the Divisional of Developmental disability website.

Employee: A Companion on the payroll of a CSP that receives at least minimum wage. Hourly employees/companions are compensated in accordance with Fair Labor Standards Act (FLSA) overtime requirements for any hours worked that exceed 40 hours a week.

Host Home: An arrangement of services provided to a participant in the private home of a community member, friend, or family member. Host home providers are considered independent contractors.

Independent Contractor: A person who provides the host home services to a participant. An independent contractor will contract with the CSP to provide care and support to an individual in the home. Anyone who is willing to provide the Shared Living service and has met the requirements set out by ARSD can be an independent contractor. An Independent contractor is not a CSP employee and is not subject to employee regulations such as wage/hour laws, workers compensation, and unemployment.

Individualized Service Plan (ISP): A single plan for the provision of services and supports to the participant that is person centered, directed by the participant, oriented around personal outcomes measures, and is intended to specify all needed assessments, supports, and training.

Level of Care: Documentation provided by the Case Manager to the Division of Developmental Disabilities to determine if a participant is eligible for HCBS.

Person Centered Thinking: Values, concepts, and tools that are used to promote a person's positive control over the life they have chosen for themselves. The core concept of what is important to (happy, content, satisfied) and important for (healthy, safe and seen as a valued member of their community) a person is the core concept and is foundational during the ISP process.

Representative payee: An individual or agency who receives the social security or SSI benefits for anyone who can't manage or direct the management of his or her benefits.

Respite: Services provided on a short term basis to provided needed relief to the shared living provider.

Shared Living provider: In this document the term shared living provider describes host homes or companions who are providing Shared Living supports through a CSP.

Matching between participants and host homes/companions

Matching between participants seeking supports through the Shared Living model and host home/companion provider is critical to ensure supports are successful for both parties. Below are areas which require attention and thoughtful consideration when determining the compatibility of the participants and host home/companion, as well as tools to assist in the process. The process should be intentional with a person-centered for both the participant and the host home/companion.

Areas of focus during the matching process will include consideration of both the host home/companion and the participant in the following areas:

- Lifestyle
- Personal preference
- Cultural values
- Religious beliefs
- Involvement with family and friends
- Compatibility with others in the home
- Home visits/overnight stays
 - It is important for the participant and host home/companion to have time to get to know each other before a decision is made to move into Shared Living. Activities or opportunities like having lunch together, spending time together at the home and overnight visits are great ways to help make matches more successful.

The use of the *Charting the LifeCourse* principles and PCT discovery tools and skills are intended to learn about the person and the support they need to maintain balance between what is Important To them and what is Important For them. This information can contribute to the development of a one page description and will help identify whether the participant and host home/companion are a good match:

- Person Centered Discovery Tools/Skills
 - Like and Admire
 - Relationship Map
 - Rituals and Routines
 - Good Day/Bad Day
 - Communication Chart
 - Reputations
- Charting the LifeCourse tools
 - LifeCourse Trajectory
 - Integrated Services and Supports star

Please follow the link provided to gain access to the *Charting the LifeCourse* tools:
<http://www.lifecoursetools.com/>

Trajectory

Individuals and families can focus on a specific life stage, with an awareness of how prior, current and future life stages and experiences impact and influence life trajectory. It is important to have a vision for a good, quality life, and have opportunities, experiences and support to move the life trajectory in a positive direction.

What happens to us early in our lives can have a significant impact on our quality of life and well-being in the future. It is important to help people have positive, healthy experiences, adequate support, and ample opportunities to learn and make mistakes so that they can have better outcomes later in life.

CHARTING the LifeCourse
Life Trajectory Worksheet: Family

Everyone wants a good life. The bubbles on the right will help you think about what a good life means for you or your family member, and identifying what you know you don't want. You can use the space around the arrows to think about current or needed life experiences that help point you in the direction of your good life.

VISION for a GOOD LIFE

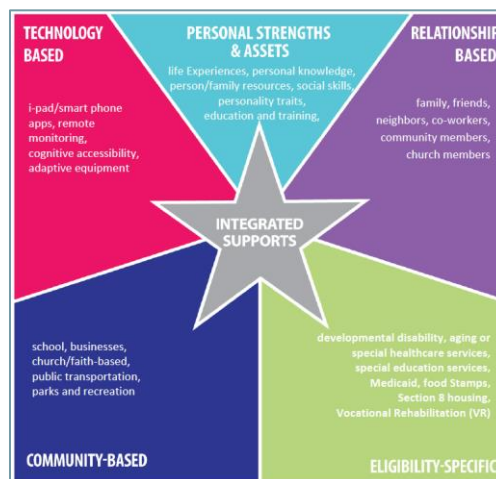
What I DON'T Want

Developed by the UMRIC Institute for Human Development, UCEDD. More materials at lifecoursetools.com May 2016

Integrated Services and Supports Star

Individuals and families access an array of integrated supports to achieve the envisioned good life, including those that are publicly or privately funded and based on eligibility; community supports that are available to anyone; relationship-based Supports; technology; and that take into account the assets and strengths of the individual and family.

In the past, conversations about supporting people with disabilities and their families mainly revolved around the supports offered by the disability service system. We are trying to help families as well as organizations and policymakers understand that we ALL access a variety of supports to make it through our daily lives.



How can a CSP start providing Shared Living services?

CSPs interested in providing Shared Living should:

- 1) Review DHS/DDD Shared Living regulation and requirements outlined in ARSD 46:04:01 and assess current and future capacity to offer Shared Living supports and services.
- 2) Develop policies and procedures related to Shared Living. It is a best practice for CSPs to establish Shared Living as a separate and distinct service from traditional residential supports. Admissions, regulations, recruitment and payment for Shared Living is very different than traditional shift/residential models. They should be viewed as separate services when deciding if the CSP wants to provide Shared Living services and during the development of policies and procedures. For example the CSP should consider separate supervisors for group homes vs. Shared Living settings.
- 3) Become familiar with US Department of Labor regulations. Payment for Shared Living services is very different from the compensation CSPs provide to employees working traditional shifts. See the “Financial” section for additional information.
- 4) Develop tools and forms for implementation including but not limited to:
 - a. Contracts. For more information about Shared Living contracts, please see the “Contracts” section.
 - b. Checklists and guidelines for homes to ensure homes are meeting minimum safety requirements. For more information please see the “Home Inspection” section.
- 5) Develop job descriptions and applications for host homes and companions. Each CSP should have an application that can be filled out by a prospective independent contractor and be submitted to the CSP. The application should include but is not limited to the following information:
 - a. Age, sex, marital status, occupation, birth date, family size, location
 - b. Hobbies/Interests
 - c. Work schedule of people living in the home
 - d. Why they want to a shared living provider
 - e. Access to transportation
- 6) Recruit host home and/or companion providers.
- 7) Review applications from Case Managers for participants interested in Shared Living.
- 8) Develop a process to ensure a positive match between the participant and the provider. For more information regarding key elements of the matching process please see the “Matching” section.

How to become a Shared Living provider

Community members, families, or friends interested in becoming a shared living provider must do the following:

- 1) Review ARSD 46:04:01 to become familiar with the state requirements for providing Shared Living supports.
- 2) Contact a CSP that offers Shared Living supports and complete the application.
- 3) If the application is accepted by the CSP, collaborate with the CSP on things such as home inspections and matching with participants. For more information about matching with a participant, see the “Matching” section.
 - a. A host home provider can have a contractual agreement with more than one CSP.

Family members as host home providers

Family members are allowed to provide Shared Living services under ARSD 46:04:01. In order to provide this service, family members would have to become independent contractors through a CSP. Family members are required to go through the same screening and training requirements as any community member becoming a host home provider. Family members as host home providers would also be expected to provide participants with the same rights as any other host home provider. The CSP should have clear policies and procedures for family members as host home providers. Items that CSPs need to consider in the development of these policies include the following:

- Implementation of rights restrictions
- Choices (food, daily activities, etc.)
- Potential conflict of interest - There are family members who play multiple roles (for example a parent who is guardian, host home provider and rep payee). The CSP and the case manager need to ensure there is balance in these roles and that ISP development is a team process.
- Family members are not eligible to be host home providers for their children under the age of 21, however the DHS/DDD may allow exceptions to this rule. A request for exception needs to be made in writing to the DDD. The request for exception needs to include documentation that all other resources and options have been exhausted.

Roles and responsibilities

Community Support Provider (CSP)

The CSP is the administrative agency responsible for oversight of companions and host homes providing Shared Living services. The CSP is responsible for all of the following:

- Assuring Shared Living services they are providing are in compliance with ARSD as outlined in Articles 46:04 and 46:11.
- Recruitment of companions and host home providers (independent contractors) as well as reviewing applications of potential shared living providers, conduct background checks, and other assessments as outlined in ARSD 46:04:01.
- Completion of assessments with companions/host homes and participants to aid in the matching process between the companion/host home and the participant.
- Conduct assessments of host homes to ensure the home is safe. As a best practice home visits should occur a minimum of once a quarter.
- Provide training to all host home and companion providers.
- Provide nursing and medication management oversight.
- Actively participate as a member of the ISP team.
- Make payment to the host home provider or companion.
- Ensure payment of room and board in the host home model. Money should never be exchanged between the host home provider and the participant directly.
- Assist the host home/companion in finding respite providers as needed.
- Execute contracts between independent contractors and the CSP.

Case Manager

The case manager is an ISP team member who acts as an advocate for the participant and assists the participant and their families in locating providers and services that align with their identified goals/needs. The case manager must be independent from the CSP providing the Shared Living service,

which means the participant's case manager cannot be employed by the CSP providing direct support services. The case manager is responsible for:

- Identifying needed supports for the participant regardless of the funding source.
- Lead the development and documentation of ISP implementation.
- Completing quarterly monitoring, including observation of all services received by the participant.
- Making referrals to CSPs on the participant's behalf.
- Educating participants about Shared Living.
- Assisting the participant and the CSP in the process of matching the participant with a host home or companion.
- Assisting the participant in the transition to a host home or companion.

Host Home

Host home providers are independent contractors therefore they are not employees of the CSP. Host Home providers enter into a legal contract with the CSP to provide supports to a HCBS participant. The host home is responsible for the following:

- Providing supports based on what is written in the ISP and agreed upon by the team.
- Maintaining the home ensuring it is safe and accessible.
- Assisting the participant in transitioning into the home.
- Participating in team meetings.
- Providing transportation.
- Assisting the participant to become an active member of the community, develop relationships and friendships.
- Following CSP policies and ARSD.
- Reporting CIRs to the CSP.
- Assisting the CSP and participant during the matching process.
- Completing written documentation as required by the CSP and ARSD.

Companion

A Companion is an employee of the CSP; however, they live with the participant in a home that is owned or leased by the participant. They are responsible for the following:

- Providing supports based on what is written in the ISP and agreed upon by the team.
- Participating in team meetings.
- Providing transportation.
- Assisting the participant to be an active member of the community, develop relationships and friendships.
- Complying with CSP policies and ARSD.
- Reporting CIRs to the CSP.
- Assisting the CSP and participant during the matching process.
- Completing written documentation as required by the CSP and ARSD.

Department of Human Services: Division of Developmental Disabilities (DHS/DDD)

DHS/DDD is the state oversight agency responsible for ensuring CSPs are in compliance with ARSD and the CHOICES Medicaid waiver program. DHS/DDD is responsible for the following:

- Conducting ongoing reviews of the CSP to ensure compliance with regulations.
 - This includes conducting a periodic onsite review of host home and companion settings.
- Maintaining contact and providing resources to the CSP

- Processing Level of Care, provider change and service change documentation.
- Processing CIRs.

Daily Life and Employment

Within Shared Living, there are several different ways in which daytime supports can be provided. Typically, day supports are delivered during “off” time for the host home/companion, however this is not a requirement. Day supports can be offered to the participant during hours that are agreed upon by the participant and the host home or companion. Day services do not need to take place between 9am-3pm.

- 1) The host home/companion can provide day activities to the participant. This includes but is not limited to socialization, employment, education, volunteering, and other meaningful activities. It is best practice to deliver day supports outside of the home to promote community life engagement, however is not a requirement and should be decided by the ISP team. If the host home/companion chooses to provide this service, they need to be compensated accordingly.
- 2) The day service can be provided by the CSP in traditional supports such as day supports, career exploration, and supported employment environments.

If the CSP is not able to provide day or employment supports or if a participant would like to receive day supports through a different agency the CSP may sub contract with another CSP to provide the services. The sub contract must comply with all criteria outlined in the CSP’s provider contract with the DHS/DDD.

Respite

Shared Living providers may receive 30 calendar days of respite per calendar year. There are training and screening requirements for all respite providers. Those requirements are outlined in ARSD 46:04:01:16.

Within host homes, the CSP can assist the provider in obtaining respite providers. The host home providers themselves can also secure a respite provider. Payment of the respite provider will filter through the host home provider. The DHS/DDD will continue to fund the CSP during authorized respite utilization. Host homes can utilize respite supports in the event of illness, vacation, or other identified needs.

Within companion settings, the CSP is responsible for securing respite and ensuring the respite provider is compensated. Respite can be utilized by the companion when they need to be out of the home for vacation, illness, or other identified needs.

Finances

In Shared Living, there should *never* be an exchange of money between the participant and the host home companion to protect all parties from exploitation.

Representative-payee: If a participant needs rep-payee supports, the CSP may provide this service or the participant can look for another outside rep-payee. The host home/companion may not be the rep-payee for the participant. An exception may be made if a family member is rep-payee and is also the

host home provider. In this circumstance, the CSP will have to request an exception in writing to the DHS/DDD.

Room and Board: In the host home model, the participant is responsible for paying room and board. The amount of the room and board is an agreed upon amount that is outlined in the contract between the CSP and the participant and in the contract between the CSP and the host home. The participant pays room and board to the CSP; the CSP then makes payment to the host home. This ensures there is consistency in the payment and ensures the rate the participant pays doesn't fluctuate from month to month. Host home providers may not request participants to increase the amount paid or ask for contributions to major household expenses (for example water heaters that go out). Host home providers should contact the CSP if there are concerns with room and board payments.

Payment for companions: Companions are considered employees of the CSP and live in the home with the participant. Part of the salary of the companion is paying the companions portion of the room and board. Companions typically are "off" while the participant is at day services and during the weekends, however this is not a requirement and should be decided by the ISP team. An alternative provider is found for the participants for the weekend hours.

- CSPs need to make sure they have a clear understanding of the Fair Labor Standards Act (FLSA), rules related to overtime and sleep for companions as well as IRS difficulty of care payments. A link to more information about these topics can be found the "Resources" section.

Payment for host homes: The rate for host home providers is outlined in the contract between the host home providers and the CSP. Host home providers are responsible for the provision of residential supports and would typically have the hours a participant is working or receiving day supports off. If a host home provider is also providing day or employment supports they would receive an additional payment for the provision of day supports.

Home Inspections

CSPs are required to ensure the safety of Shared Living homes. ARSD 46:04:01:18 provides some additional information regarding minimal safety and sanitation requirements. CSPs should develop a checklist to ensure the safety and sanitation of the environment. The checklist should outline minimum safety and sanitation requirements, reviewer comments about the environment and documentation of any remediation to address deficiencies. Areas the CSP should consider when reviewing include but are not limited to the following:

- Accessibility of the home
- Exit routes and egress windows
- Access to a phone
- Handrails
- Screens on doors and windows
- Temperature of the home
- Smoke and carbon dioxide detectors
- Fire drills
- Water temperatures
- Access to fire arms
- Pests
- Lighting

Concerns with any area of the home can be addressed in several ways. First, the CSP may request to the host home/companion to address any safety or sanitation concern. Second, specific areas of the home inspection can be addressed during ISP team meetings and in ISP documents. For example, a home could keep the water temperature above 120° Fahrenheit if training has been provided to the participant and the participant understands what this means and how to address concerns with water temperature. This information shall be documented in the ISP.

Contracts

There are two contracts that will have to be created by the CSP when offering Shared Living services. One contract will be between the CSP and independent contractor. The other contract will be between the CSP and the participant receiving services. There should not be a contract between the independent contractor and the participant.

The contract between the CSP and the independent contractor should include information about but is not limited to the following:

- Notice of termination
- Payments
- Room and board
- Respite
 - How respite is obtained will be determined by the CSP. For example, the shared living provider is responsible for obtaining their own respite services or the CSP will secure respite. It should include that respite may not exceed 30 calendar days for a participant in a calendar year.
- Day Services
 - If the independent contractor is providing day services to the individual, this should be outlined in the contract.

The contract between the CSP and the individual receiving services should include information about but is not limited to the following:

- Protections from evictions
- Responsibility as a renter
- Room and Board

Resources

- NASDDDS Shared Living guide
 - <https://www.nasddds.org/publications/nasddds-titles-for-purchase/shared-living-guide/>
- Department of Human Services
 - <http://dhs.sd.gov/>
- Administrative Rules of South Dakota
 - Shared Living home
<http://www.sdlegislature.gov/rules/DisplayRule.aspx?Rule=46:04:01>
 - Developmental Disabilities
<http://www.sdlegislature.gov/rules/DisplayRule.aspx?Rule=46:11>
- Association of Developmental Disability Providers
 - <https://www.addp.org/committee/shared-living>
- Department of Labor Shared Living regulations
 - <https://www.dol.gov/whd/regs/compliance/whdfs79g.htm>
- Life Course Tools
 - <http://www.lifecoursetools.com/planning/>
- Person Centered Thinking tools
 - <http://www.learningcommunity.us/home.html>
 - <http://helensandersonassociates.co.uk/person-centred-practice/person-centred-thinking-tools/>
- IRS Difficulty of Care payments:
 - <https://www.irs.gov/individuals/certain-medicaid-waiver-payments-may-be-excludable-from-income>
 - <https://www.irs.gov/pub/irs-drop/n-14-07.pdf>
- Social Security Administration-When People Need Help Managing Their Money:
 - <https://www.ssa.gov/payee/>