

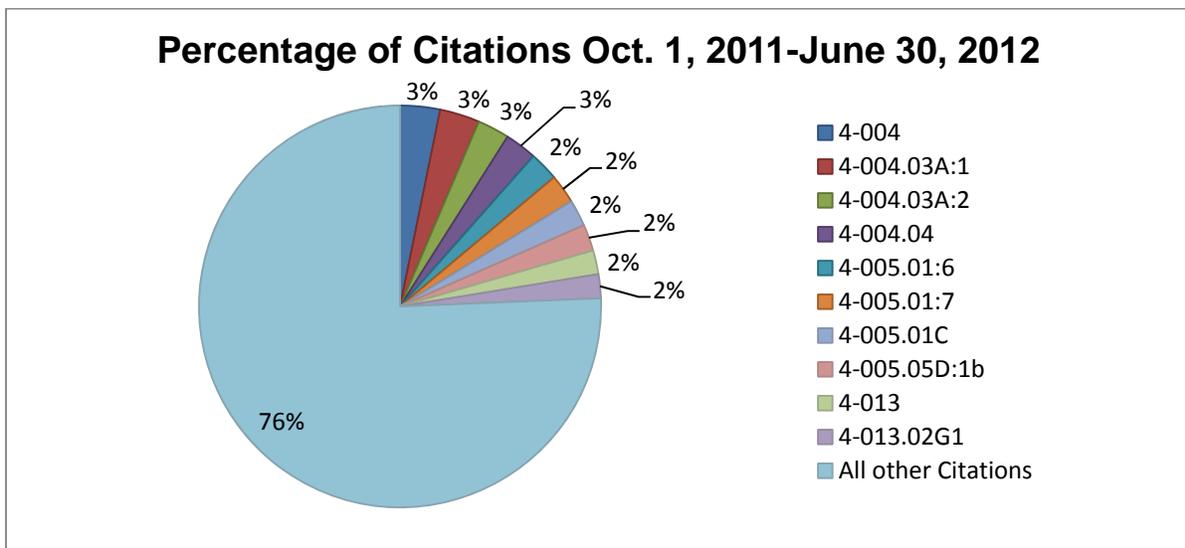
Title 404 NAC Citation Summary October 1, 2011- June 30, 2012

For the period of October 1, 2011- June 30th, 2012 a total of 468 citations were issued to community based providers resulting from certification reviews and complaint follow up. The top ten regulations that were cited with the most frequency (Table 1) account for approximately 25% of total citations issued. These ten regulations are approximately 0.03% of the total 369 regulations that were tracked from Title 404 NAC. It should be noted that citations were tracked starting in October 2011 to allow for the 90-day grace period given to providers to adjust to transitioning to Title 404 regulations.

Citation	Frequency
4-004	15
4-004.03A:1	15
4-004.03A:2	12
4-004.04	12
4-005.01:6	11
4-005.01:7	11
4-005.01C	10
4-005.05D:1b	10
4-013	9
4-013.02G1	9
All other Citations	354
Total	468

Table 1: Top ten regulations cited with the highest frequency between Oct. 1, 2011-June 30, 2012

Pie chart 1 illustrates the percentage of citation frequency, including the top ten regulations cited. These regulations from Title 404 NAC are listed below for content reference.



Top Ten Regulations Cited:

4-004 STAFF REQUIREMENTS: The provider must recruit, orient, train, manage, and retain qualified staff with the skills necessary to meet the needs of individuals and respond to emergencies. The provider must ensure and maintain evidence of the following:

4-004.03A Register/Registry Check: The provider must:

1. Check the Central Register of Child Protection Cases and the Adult Protective Services Central Registry in the Department. The provider must initiate checks with the Department within ten calendar days of employment and as necessary to verify a staff person is not on the registry/register. The provider must initiate checks on all staff. The provider must initiate checks on household members (excluding individuals served) of a household in an extended family home or respite provider's home (if services are delivered in the provider's home) as follows: checks on the Central Register of Child Protection Cases for members age 13 or older and checks on the Adult Protective Services Registry for members age 18 or older;
2. Check the Nebraska State Patrol Sex Offender Registry; and

4-004.04 Staff Training and Competency: The provider must ensure that employees, including subcontractors and management, responsible for providing supports and services to individuals with developmental disabilities are educated/trained on the minimum requirements necessary to address the individual's needs prior to working with individuals in services.

Staff responsible for providing direct services must demonstrate the competence to support individuals as part of a required and on-going training program. The provider must ensure staff receive training and demonstrate competencies under the guidance of an already trained and proficient staff member prior to working alone with individuals.

The provider must document in the employee's personnel record that required orientation and training was completed and competency was demonstrated. It is the responsibility of the provider to ensure that training and verification of such is completed by persons with expertise who are qualified by education, training, or experience in those areas.

4-005.01 Habilitation: Each individual receiving services must receive habilitation services to acquire, retain, and improve the skills necessary so the individual is able to function with as much independence as possible; enhance choice and self management; and participate in the rights and responsibilities of community membership. Habilitation must be observable in daily practice and identifiable in the IPP and supporting documentation. Habilitation must be an ongoing planned process that includes: comprehensive assessments, an individualized plan, training and supports, service delivery, documentation of the service delivery, measuring progress of the plan;

6. Performance is accurately measured and training or supports or both are modified based on data and changes in individual circumstances;
7. Monitoring of service delivery must be provided and, if needed, cause actions to occur to ensure needs are addressed

4-005.01C Programs and Supports: Services such as supports and programs to learn new skills must be identified in the IPP. The provider must develop a specific written plan with enough detail to consistently implement these services.

4-005.05D Provider Management of Individuals' Finances: When the provider is responsible for handling individuals' funds:

1. The provider must maintain a financial record for each individual that includes:
 - b. An individual ledger which provides a record of all funds received and disbursed and the current balance.

4-013 RECORD KEEPING: The provider must maintain records in such a manner to ensure accurate, current, and complete records specific to the individual and for administrative records.

4-013.02G Access: The provider must govern access to, duplication, dissemination, and release of information from the individual's record.

4-013.02G1 The provider must ensure written consent is obtained from the individual or the individual's legal representative for the release of information specific to the individual, including release of photographs to persons not authorized under law to receive them. The consent must identify the specific information to be released and the time period the consent is in effect, except that no written consent to release or access information is necessary for Department representatives to review the records.