

### **Resident Eligibility for Special Case-Mix Weight for Atypically Severe Challenging Behaviors**

The Division of Licensing and Protection has developed criteria for a special case-mix weight of 1.843, which is restricted to residents who present unusually severe and challenging behaviors irrespective of whether or not there is a diagnosis of mental illness. (V.D.R.S.R. §7.1(a)(2).) Residents are not included in this case-mix class as a result of the MDS+ resident assessment, but are eligible for this classification as follows:

- a. Former residents of the Vermont State Nursing Home IMD are automatically eligible.
- b. Other nursing facility residents (including other residents of the State Hospital) are not automatically classified in this group. Instead, a facility must make a special application to the Division of Licensing and Protection for any resident that it thinks may qualify for inclusion in this class.

### **PROCEDURE FOR APPLICATION**

1. The facility should apply by letter to the Division of Licensing and Protection with a narrative description of the resident's behavior. **The facility must provide sufficient supporting information and medical documentation detailing the resident's violent/assaultive behaviors and demonstrate that without unusual interventions by the facility, the resident would be unable to be maintained in a nursing home.**
2. The following criteria will be considered when determining whether a resident should be included in this class:
  - a. The resident has been a patient at the Vermont State Nursing Home **and** a former patient of the State Nursing Home IMD, **OR**
  - b. The resident exhibits violent/assaultive behavior which has resulted, or is likely to result in serious injury, and is so severe that all other measures, including behavior management programs have been unsuccessful **and** one to one staff supervision has been necessary **and** provided for at least eight consecutive hours in a twenty-four hour period on at least three occasions in the past month, **OR**

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- c. The resident exhibits self-injurious behavior which has the strong potential to cause significant injury to the resident, and is so severe that all other measures including behavior management programs have been unsuccessful in controlling the behavior **and** one to one staff supervision has been necessary **and** provided for at least eight consecutive hours in a twenty-four hour period on at least three occasions in the past month.
3. If the application is granted, the facility must reapply every quarter to continue the resident's inclusion in the class.
4. Although the resident for whom the application is made may not always be visited by a surveyor from the Division of Licensing and Protection before a determination on the application is made, all residents for whom an application is made are subject to survey either before or after an application is granted.
5. The Division of Licensing and Protection will make a determination on the application and, pursuant to V.D.R.S.R. §7.2(b)(1), will certify that decision to the Division of Rate Setting along with the other resident classifications. Any disagreements with the decision of the Division of Licensing and Protection shall be resolved with the Division of Licensing and Protection and shall not involve the Division of Rate Setting. V.D.R.S.R. §1.9(b).

Effective: December 21, 1998

s/ Gary Bergeron for Veronica Celani  
Veronica Celani  
Director