



Office of Aging and Adult Services (OAAS) Quarterly Provider Meeting 2016

Individual Responsibility Agreement (IRA)

OAAS-TNG-16-002
Issued February 22, 2016

Individual Responsibility Agreement (IRA)

- ▶ An IRA is used when a participant expresses a desire to take responsibility for certain risks that could pose a threat to his/her health and welfare.
- ▶ The use of an IRA is an acknowledgment of the dignity of risk assumed by a participant.
 - An IRA means that the participant freely chooses to assume the responsibility and understands the consequences if the risk(s) goes unaddressed.

Individual Responsibility Agreement (IRA) (cont.'d)

- ▶ IRAs do not guarantee providers immunity from civil or criminal liability arising from failure to perform duties specified in the standards for participation rules.
 - If an IRA is to be developed, the SC must use the OAAS IRA form.
 - The participant can choose to seek assistance from family and/or friends in the negotiation of an IRA.
 - All parties should consult with their legal representation regarding the use and limitations of the IRA form.

Dignity of Risk

- ▶ Participants have the right to make their own decisions.
- ▶ No one should take all decision making responsibilities away from a participant without first offering a reasonable amount of support.
- ▶ Participants have the right to make decisions that may be unwise or too risky.
- ▶ When others are involved with making decisions, the participant's best interest and preferences should be at the forefront.

Use of an IRA

- ▶ Examples of situations when an IRA is used:
 - A participant who cannot transfer independently and chooses to be alone overnight with a PERS or other technology to use in case of an emergency.
 - A participant who self operates a ventilator at times to assist with breathing and does not have friends or family in the home at all times.
 - A participant who has had a recurrent history of falls, but chooses not to accept/wear a PERS.

Criteria for an IRA

- ▶ The following criteria must be met:
 - The participant must have the cognitive capacity to make informed decisions and understand what he/she is signing;
 - If the participant does not have the cognitive capacity, he/she must have a legal representative to participate in negotiating and signing the IRA;
 - The participant must have a clear understanding of the tasks, functions, and supports that the service provider will not perform; and
 - When the participant takes responsibility for a risk, he/she must demonstrate how the identified risk will be addressed.

Determination of Potential Need for an IRA

- ▶ During the assessment and care planning phase, SCs identify all potential risks posed to the participant.
- ▶ How each risk will be managed and by whom will be documented in the Plan of Care (POC).
- ▶ Any unaddressed risk(s) should be closely scrutinized and a manner to manage the risk should be discussed with the participant, legal representative (if applicable), DSW/DSP and the SC.

Determination of Potential Need for an IRA (cont.'d)

- ▶ The SC will look for additional resources to possibly address the risk.
- ▶ If no additional resources are found and the participant chooses to take responsibility for an unaddressed risk, the SC will send POC and all supporting documentation to RO for consideration as to whether an IRA is needed.

Implementation of an IRA

- ▶ For cases determined to meet the “potential” need for an IRA:
 - RO reviews the documents and collaborates with the SC to determine whether health and welfare can be assured without the need of an IRA.
 - If RO cannot assure health and welfare, an IRA referral is made to the Service Review Panel (SRP).
 - If SRP determines that an IRA is needed, the request is sent to RO.
 - RO informs the SC to develop an IRA.

Implementation of an IRA (cont.d)

- ▶ SC will meet with the participant to develop the IRA:
 - Enter the participant's name and last 4 of social security number.
 - Provide details regarding the identified risk/concern for which the participant agrees to take responsibility.
 - Describe the participant's plan to address this risk/concern or statements describing a preference to leave the service risk/concern unaddressed.
 - Describe the potential consequences to the participant if the identified risk/concern is not addressed.

Implementation of an IRA (cont.'d)

- ▶ SC will meet with the participant to develop the IRA (cont.d').
 - Obtain signature(s) from the participant or Legally Authorized Representative and date the form.
 - Obtain signature from SC RN consultant and date the form.
 - Obtain signature(s), titles & agencies of other individuals present at the IRA Meeting.
- ▶ Once the form is completed and signed, SC will submit the IRA to RO for approval.

IRA Approval

- ▶ Once the IRA is approved by OAAS, SC sends a copy of the IRA to the provider along with the approved POC.
- ▶ Approved IRAs should be included:
 - On page 1 of the POC, and
 - Within the POC and/or CAPs.
- ▶ IRAs need to be updated at least annually.

Significant Change in the Participant's Condition

- ▶ If there is a significant change in the participant's condition since the IRA was implemented, the SC may need to revise/update the current IRA, MDS-HC, and POC or even discontinue the use of the current IRA.
- ▶ SC will contact RO and follow IRA procedures identified in OAAS-ADM-12-004 should a change in condition occur.



Problems With an IRA

- ▶ If the SC determines that a situation has evolved to be too high of a risk, the SC must take appropriate action; such as, consulting with the SC RN Consultant, the provider, RO, and/or the participant/legal representative to:
 - Revise the POC,
 - Identify additional community services,
 - Revise or discontinue the IRA, and/or
 - Request discharge from waiver services.

Changes to an IRA

- ▶ Service providers may discontinue their participation in an IRA upon consultation with the participant and the SC.
 - If the DSP feels that they can not adequately provide for the participant's health and safety, they may then decide to discontinue the agreement.
- ▶ Participants and/or legal representatives may discontinue the IRA at any time, but must consult with the SC.

Note: If the condition or situation under an IRA no longer applies, the IRA must be re-evaluated!

Termination of an IRA

- ▶ OAAS retains the discretion to terminate the IRA at any time.
- ▶ If any change to or termination of the IRA is proposed that would also change the POC, the participant's POC must be revised and other actions taken as appropriate.
- ▶ Anytime an IRA is terminated, the participant's health and welfare must also be re-evaluated at that time.

References

1. OAAS-ADM-12-004. Individual Responsibility Agreement (IRA). Reissued September 14, 2012.
2. OAAS-SC-11-012. Individual Responsibility Agreement (IRA) Form. Issued December 2, 2011.
3. <http://dignityofrisk.com/what-is-the-dignity-of-risk>. February 8, 2016.

Questions?

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OAAS-TNG-16-002

Issued February 22, 2016