

# Waiver Updates

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# Recent Waiver Amendments

- February 2018
  - New RN Delegation service
  - Participant-directed Homemaker/Personal Care (HPC) available in Level One, SELF, and IO

# RN Delegation

- Payment for the assessment and supervision activities required by a Registered Nurse who delegates the performance of health-related tasks to unlicensed personnel
- It is not
  - Payment for direct nursing service
  - Payment for health care coordination
  - Payment for supervision of LPNs

# Participant-directed HPC

- In the SELF Waiver
  - Participant-directed HPC replaces Community Inclusion - Personal Assistance
  - Traditional transportation replaces Community Inclusion – Transportation
  - On-site/On-call will be available
- In the Level One and IO Waivers
  - New OPTIONAL way to receive HPC
  - Traditional provider options remain available

# What do these services cover?

- Participant-directed HPC
  - Includes all the same activities as traditional HPC
  - Assistance with personal care, household tasks, errands, community access, money management, learning new skills, supporting advocacy
- Transportation
  - Mileage reimbursement (\$0.45/mile) paid when employees use their vehicles to transport
- On-site/On-call
  - Minimum wage paid to employees who must be at the person's home to provide care, if needed, but are not required to remain awake when help is not needed

# How does it differ from regular HPC?

People enrolled in the waiver, with the help of others, if needed, have the ability to:

- Recruit people to provide HPC
- Hire the people of their choice
- Decide what training is important for their employees to have
- Decide how much to pay their employees
- Provide ongoing supervision of the employees
- Fire employees who are not performing well

# Who can use participant-directed HPC?

- Anyone enrolled in the SELF Waiver that is living with no more than 3 people who are not related
- Anyone enrolled in the Level One or Individual Options Waiver who
  - Lives alone, OR
  - Lives with family
    - Parents
    - Brother/sisters
    - Husband/wife

# Who can people choose to help?

- Parents of minor children (under the age of 18) can be the employer on behalf of their children
- Legal guardians of adults can help people they represent, as needed
- Adults who choose this service can also select other friends/family members to help with employer responsibilities

# What other help is available?

The county board service and support administrator (SSA) can help by

- Explaining participant-direction
- Discussing options for participant-direction available under each waiver
- Making sure the person's chosen representative is identified in the service plan and involved in the planning process
- Monitoring service plan implementation

# What other help is available?

## Financial Management Service (FMS)

- Funded through DODD contract, NOT the waiver
- Completes all new employee paperwork
- Receives timesheets from employees
- Issues paycheck to employees
  - Withholds all required taxes
  - Pays Worker's Compensation premiums
- Provides monthly reports to individual and the board to help track how much of the budget is used

# Who can be hired as an employee?

- All employees must be certified by DODD
- Anyone who meets the qualifications can be certified
  - At least 18
  - Passes background checks
  - Has required training
- Family members may be hired as long as the family member is not designated to help with employer functions.

# Who CANNOT be hired as an employee?

The following people CANNOT be hired as employees:

- Parents of minor children (under the age of 18) cannot be hired to provide participant-directed HPC to those children.
- Anyone who lives with an adult receiving services and provides more than 20% of that individual's personal care and support services cannot be hired to provide participant-directed HPC. This would be Shared Living.

# Comparison with traditional providers

| Traditional Independent Provider  | Common Law Employee   |
|---|---|
| Sets his/her rate, up to maximum  | Rate is negotiated within limits with employee  |
| Must be at least 18<br>Required to have <ul style="list-style-type: none"> <li>• Background check</li> <li>• Diploma/GED</li> <li>• DODD's 8-hour training               <ul style="list-style-type: none"> <li>• MUI training</li> <li>• Rights training</li> <li>• Other</li> </ul> </li> <li>• First Aid training</li> <li>• CPR training</li> </ul> | Must be at least 18<br>Required to have <ul style="list-style-type: none"> <li>• Background check</li> <li>• Diploma/GED (when certified to give medications)</li> <li>• MUI training</li> <li>• Rights training</li> <li>• Other training determined by individual (*may include all the independent provider requirements)</li> </ul> |
| Decides how to deliver services   | Directed how to deliver services by individual  |
| Responsible for payroll taxes   | FMS makes needed deductions from paycheck   |

# How is training verified?

- The individual and the employee will be required to sign a form developed by DODD to verify:
  - What training was required by the individual
  - Training was provided by the individual/designee to the employee
- The form, with both signatures, must be given to the SSA before the employee may begin services.

# How are rates negotiated?

- Rates are paid in 15-minute units
- DODD set a range for the rates that may be paid
  - Lowest = minimum wage
  - Highest = \$4.49 for each 15-minute/unit (\$17.96/hour)
- People may choose to spend any amount within this range

Medicaid payment rate  $\neq$  wage paid to employee  
Employee wage  $\neq$  employee net pay

# How is the rate different than wage/pay?

- “Rate”
  - Medicaid rate paid to the FMS who pays the employee
  - Includes wage to be paid to the employee, as well as employer-related expenses
  - Total amount that will be deducted from the person’s waiver budget
- “Wage”
  - Amount of the rate that becomes the employee’s “gross” pay
  - Roughly 13% less than the “rate”
- “Net pay”
  - Amount paid to the employee after the FMS deducts appropriate withholdings

# Rate/Wage/Pay Comparison

| Medicaid Rate<br>(Cost to budget) | Employee Wage<br>(Rate less 13%* for<br>employer related expenses) | Net Pay*<br>(Wage less employee<br>withholdings) |
|-----------------------------------|--|--|
| \$9.40                            | \$8.32**   | \$7.63   |
| \$12.00                           | \$10.62  | \$9.75   |
| \$17.96                           | \$15.89  | \$14.58  |

\*Estimated. Actual may vary based on hours worked and other factors.

\*\*Wage may never be less than minimum wage!

# Rate add-ons

- Some people also have the choice to pay a rate add-on to their employees. Three different add-ons are available
  - Medical add-on
  - Behavioral support add-on
  - Complex care add-on (Available only to people enrolled in the IO Waiver!)
- The SSA will inform people if they are eligible for any or all of the rate add-ons

# Budget Example

**Budget = \$5,325/year**

| Rate                                | Number of hours/week |
|-------------------------------------|----------------------|
| \$13.00/hour                        | 7.8 hours            |
| \$15.00/hour                        | 6.8 hours            |
| \$17.00/hour                        | 6.0 hours            |
| \$17.96/hour (maximum base rate)    | 5.7 hours            |
| \$17.96 + medical add-on = \$18.44  | 5.5 hours            |
| \$17.96 + behavior add-on = \$20.48 | 5.0 hours            |

# What must be in the ISP?

It is important that the service plan of anyone choosing participant-directed HPC include:

- Name of anyone chosen to support the person with employment functions
- Description of how timesheets will be verified (signature, individual-specific mark, stamp, etc.)
- Name of person responsible for verification

# Proposed Waiver Amendments

- July 2018
  - Competency-based rate add-on for HPC (does not apply to participant-directed HPC)
  - Rate increases for Residential Respite and Community Respite

# Competency-based Add-on

- Created to provide a “career ladder” for direct support professionals
- Intended to support workforce retention
- Independent providers and agencies may bill an additional \$0.39/unit or \$1.56/hour for qualified staff
- DOES NOT impact individual budgets

# Competency-based Add-on

- To qualify, independent providers or agency employees must:
  - Have at least 24 months of paid, full-time (or equivalent) experience working with people with developmental disabilities; AND
  - Have either
    - Certificate of Initial/Advanced Proficiency from DSPATHS, OR
    - Completed at least 60 hours of accredited, competency-based training in the past 5 years

# Competency-based Add-on

- DODD offers FREE web-based training through DirectCourse that qualifies toward the 60 hours
- Independent providers must submit proof of training and experience to DODD through the Provider Services Management (PSM) system
- Employees of agencies must submit proof of training and experience to their employer

# Proposed Waiver Amendments

- January 2019
  - New Assistive Technology service
  - Modifications to Remote Monitoring/Support
  - New Community Transition service
  - Changes to the billing unit used by agency providers serving people who live together and share services
  - Modifications to NMT/transportation

# Assistive Technology

- A new service designed to simplify the technology-related services in the waivers
- Provides funding for
  - Assessments to determine the most appropriate technology to support people at home or in the community
  - The equipment, “apps,” software, etc. needed
  - Up to 40 hours/year for education/support for the individual and caregivers to learn to use the technology

# Remote Monitoring/Supports

- Modify the existing Remote Monitoring service
  - Now to be called “Remote Supports”
  - Roughly 6% rate increase

# Community Transition Service

- Developed to replace HOME Choice as it is phased out
- Provides start-up funds for people leaving institutions to return to community-based settings

# Non-Medical/Transportation

- Working with stakeholders on possible modifications to rates for both
  - Non-medical transportation (transportation to/from adult day and/or employment locations)
  - Routine (“HPC”) transportation
- Considering separate rates for modified and non-modified vehicles

# Questions?