

Temporary Change to Permit Parents to Provide Waiver Services to Their Minor Children

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The Ohio Department of Developmental Disabilities (DODD) continues to be committed to health, safety, and well-being of Ohioans with developmental disabilities and their families.

In response to the coronavirus (COVID-19) state of emergency, school closures, and Governor Mike DeWine's [Stay-at-Home Order](#), DODD is reviewing how waiver services can continue to be accessed and provided. The closure of schools means that children are now home all day and may have a need for waiver services during the hours they would have typically been in school.

DODD recognizes that there may not be enough providers available or able to provide necessary care in the home during this state of emergency and services may not look like they have in the past. Along with a number of other changes to waiver requirements, DODD is seeking approval from the Centers for Medicare and Medicaid Services (CMS) to temporarily permit a parent of a minor child who is enrolled in the Individual Options (IO) Waiver or Level One Waiver to be employed by an agency and be a paid caregiver for their child or children. This would only be permitted when there is an immediate need and the regular provider is not available or able, and when an alternate provider is not available or able, to provide waiver services during the state of emergency.

This flexibility does not reduce the parental obligation for care of their minor child or replace natural supports that were in place prior to the emergency and should only be authorized where it is necessary and appropriate. There is no expectation that every parent of a minor child on the IO or Level One waiver will be a paid caregiver. This option is intended to address needs that cannot be met through any other means and is only available throughout the state of emergency. Parents of minor children will not be permitted to be paid caregivers after the state of emergency has concluded, and teams should plan to ensure that needs can continue to be met through the use of appropriate caregivers at that time.

If there is an unmet need for services, the family should contact their county board service and support administrator (SSA) to initiate the planning process and determine how the needs can be met. Current waiver service authorizations do not automatically transfer or guarantee that the parent of a minor child is permitted to provide waiver services to their minor child. Permitting and authorizing a parent of a minor child would be a new authorization in the Individual Service Plan (ISP) and must be determined, by the team, that the child has a need for and would benefit from the waiver service and that it falls within their budget and funding range cap.

As with all waiver services, the SSA and the team will evaluate if the service is needed and at what frequency and duration. Services delivered by parents of minor children cannot be authorized retroactively.

If it is determined that a parent is to become a paid caregiver, Homemaker/Personal Care (HPC) is the preferred service for this arrangement, as it allows for a specified number of units of service to be authorized, documented by the provider, and reimbursed.

The number of units of HPC authorized to be delivered by the parent of the minor child should be clearly documented in the ISP. Ohio Shared Living is a service that, by definition, is only available to adults enrolled on the IO Waiver; therefore, it cannot be utilized for minor children. Participant-Directed HPC is not a service option for parents of minor children.

If requested, the county board will assist the parent in locating provider agencies who are willing to hire parents to work with their minor child or children. The selected agency assumes all standard requirements for onboarding employees, including required training and background checks. Once employed by an agency, the county board can authorize the agency to be reimbursed for services delivered by the parent. Reimbursement for services is not available prior to the date that the services are authorized by the county board.

DODD acknowledges that these temporary changes are a significant deviation from the way residential services have been delivered in the past. The department is taking these steps in an effort to continue services while remaining compliant with the stay-at-home order to help minimize the spread of COVID-19.

Exclusion of Participant-Directed Services in Expanded Workforce for DODD Waivers for Minor Children

The Ohio Department of Medicaid (ODM) and DODD have jointly decided to exclude participant-directed services from the expanded workforce flexibility for minor children during the COVID-19 emergency. The state is only allowing parents or stepparents of minor children to deliver services to their children during the COVID-19 emergency, if the parent or stepparent is employed by an agency and the service is not participant-directed.

In the developmental disabilities delivery system, while a parent can deliver Participant-Directed Homemaker/Personal Care (PD/HPC) through the agency with choice model to an adult child, the state has determined there is a risk of conflict of interest with employer authority and the agency with choice model, as those terms are defined in Ohio Administrative Code 5123-9-32.

Due to this risk, the state is unable to consider extending the workforce to parents or stepparents of minor children utilizing PD/HPC services. The IO and Level One waivers include a Homemaker/Personal Care (HPC) service that is not participant-directed, so

parents of minor children enrolled on those two waivers may be paid caregivers, if necessary and authorized through the person-centered planning process. The SELF Waiver does not include an HPC service that is not participant-directed, so there is no option for parents to be utilized as paid caregivers.