



Developmental Disabilities Administration DDA-Operated Medicaid Waiver Amendments Stakeholder Engagement Webinar

JULY 2, 2025























Conduct

The free expression of diverse viewpoints is a fundamental value of our group. This freedom carries the responsibility to engage respectfully, which means treating one another with dignity and respect in good faith.

Uncivil behavior, disruptive actions, abusive language, threats, or harassment will not be tolerated and may result in removal from the meeting.



Welcome



Agenda

- Program Sustainability
- What are we hearing?
- Budget Bill Items That Require Waiver Amendment
- Budget Bill Items That Do Not Require Waiver Amendment
- Federal Requirements That Require Waiver Amendment
- Technical Changes to Align Waiver with Existing Policies
- Other Requirements and New Opportunities
- Public Comment



Waiver Amendment 2025

Program Sustainability



Marylanders with Developmental Disabilities

Receiving DDA Funded Services

DDA-Operated Medicaid Waiver

Program

- Community Pathways 15,168
- Community Supports 3,601
- <u>Family Supports 329</u> 19,098

DDA State-Funded

• 339

Waiting/In Need of Funded Services

DDA Waiting List

- Crisis Resolution 2
- Crisis Prevention 202
- <u>Current Request 3,261</u> Total: 3,465
- MD population estimated to have intellectual/developmental disability
 - 287,470*



Waiver Amendment 2025

What are we hearing?



What are we hearing?

- DDA went beyond what was prescribed in the budget bill
- Concerns related to Supported Decision Making (SDM)
- Concerns related to awake overnight
- Day trips no longer billable
- Questions related to peer advocacy training
- Questions related to the use of Community Development Services (CDS) for disability specific activities



Based on stakeholder feedback received so far, the following proposals will be removed from the amendment for further discussions with stakeholders:

- Awake and alert overnight staff
- Support Broker and Day-to-Day Administrative Supports 40 hours per week limits
- Exclusion of of day trips for Transportation Services and Respite Care Services



Waiver Amendment 2025

Budget Bill Items That Require Waiver Amendment



Fiscal Year 2026 Budget Bill/Draft Waiver Amendment Crosswalk (1 of 3)

Budget Bill	Proposed Waiver Amendment
(a) \$51,850,000 for the purpose of restoring funds for dedicated support hours. Further provided that the hourly payment rate for dedicated hours for Community Living Group Home, Community Living Group Home Enhanced, and Supported Living for fiscal 2026 shall be set at 86% of the fully loaded brick used to determine rates in fiscal 2026. DDA shall not consider the availability of shared hours in a home when approving dedicated hours to support the medical, behavioral, or daytime residential support needs of an individual;	The Waiver was amended to allow the DDA to adjust the funding percentage associated with Dedicated Hours from 87% to 86%



Fiscal Year 2026 Budget Bill/Draft Waiver Amendment Crosswalk (2 of 3)

Budget Bill	Proposed Waiver Amendment
(b) \$37,690,000 for the purpose of funding a geographical differential rate paid for services in local jurisdictions where a geographical differential rate was paid in fiscal 2025. Further provided that DDA shall set the geographical differential rate for each service that is more than 10% above standard rates set for the rest of the State as of January 1, 2025, to no more than 10% above the standard rates set for the rest of the State. DDA shall not eliminate the geographical differential rates of up to 10%;	The Waiver was amended to allow the DDA to cap the geographical differential at 10% above the standard rates set for the rest of State for Calvert, Charles, Frederick, Montgomery, and Prince George's counties



Fiscal Year 2026 Budget Bill/Draft Waiver Amendment Crosswalk (3 of 3)

Budget Bill	Proposed Waiver Amendment
(e) \$7,000,000 for the purpose of removing the day—to—day administrator category of services from Individual and Family Directed Goods and Services and placing this category on a separate service line;	The Waiver was amended to create a day-to-day administrator category of services. The hours were capped at 10-hours per month to allow as many participants as possible to access this service without going over what was appropriated (\$7 million).



Budget Reconciliation and Financing Act 2025/Draft Waiver Amendment Crosswalk

Budget Reconciliation and Financing Act 2025	Proposed Waiver Amendment
7–409. (c) (1) Subject to paragraph (2) of this subsection, the Administration may not establish a limit on[: (i) The dollar amount of individual–directed and family–directed goods and services provided to a recipient; or (ii) The]	This update to the Self Direction Act of 2022, removes the restriction on the DDA's ability to limit the dollar amount of Individual Family Directed Goods and Services (IFDGS). The Waiver was amended to re-establish the \$5500 limit (includes \$500 for recruitment and advertisement)



Waiver Amendment 2025

Budget Bill Items That Do Not Require Waiver Amendment



Fiscal Year 2026 Budget Bill/Draft Waiver Amendment Crosswalk (1 of 2)

Budget Bill	Proposed Waiver Amendment
(c) \$36,000,000 for the purpose of maintaining reasonable and 4 customary wages for self-directed services at the current level. Further provided that DDA shall not lower reasonable and customary wages for self-directed services in fiscal 2026 compared to the wages in effect on November 21, 2024;	 No action was taken by the DDA. Reasonable and Customary rates remain unchanged compared to the wages in effect on November 21, 2024



Fiscal Year 2026 Budget Bill/Draft Waiver Amendment Crosswalk (2 of 2)

Budget Bill

(d) \$12,700,000 for the purpose of allowing wage exceptions for self-directed services that do not exceed 15% above the reasonable and customary wages for the standard maximum wage and 10% above the standard maximum wage for the geographical differential maximum wage;

Proposed Waiver Amendment

- This action does not require a waiver amendment.
- The DDA developed and posted new wage-exception rates as prescribed by HB 350.
- The new standard wage-exception is capped at 15% above the reasonable and customary wages for the rest of State, and the geographical differential maximum wage-exception rate is capped at 10% above the standard maximum wage-exception for Calvert, Charles, Frederick, Montgomery, and Prince George's counties



Waiver Amendment 2025

Federal Requirements That Require Waiver Amendment



Current use of legally responsible person, legal guardian, and/or relative as paid staff

- The DDA-operated Medicaid waiver programs provide the opportunity for legally responsible persons, legal guardians, or relatives to provide 11 waiver services under both service delivery models (self-directed and provider-managed service models)
- The DDA-operated Medicaid waiver programs currently approved have a limit of up to 40 hours per week for legally responsible persons, legal guardians, and/or relatives unless otherwise authorized by the DDA
- The Center for Medicare and Medicaid Services (CMS) requires new waiver application requirements related to the provision of extraordinary care, and services provided by legally responsible persons, legal guardians, and relatives in the updated technical guide



Technical Guide	Proposed Waiver Amendment
The method for determining that the amount of services provided by a legally responsible individual and relatives. This include for "extraordinary care", exceeding the ordinary care that would be provided to a person without a disability or chronic illness of the same age, and which are necessary to assure the health and welfare of the participant and avoid institutionalization	Adds a request form for the use of a legally responsible person, legal guardian, and/or relative so we are able to track, trend, report, and ensure an independent Support Broker as required by the Self-Directed Services Act of 2022 under the self-directed service delivery model (as applicable)

Reference: Center for Medicare and Medicaid Services Instructions,

Technical Guide and Review Criteria



Technical Guide	Proposed Waiver Amendment
The state processes to ensure that legally responsible person, legal guardian, and/or relative who have decision-making authority over the selection of waiver service providers use substituted judgement on behalf of the individual	 For participants who have legally responsible person, legal guardian, and/or relative providing services, those individuals can not make decisions regarding service delivery, and The participant must have a signed Supported Decision Making Agreement to support making their own independent decisions regarding service delivery

Reference: Center for Medicare and Medicaid Services Instructions,



Technical Guide and Review Criteria

Technical Guide	Proposed Waiver Amendment
Any limitations on the circumstances under which payment will be authorized or the amount of services for which payment may be made	 The limit includes when the person is an employee for one service and a vendor for another service Removes the vague language "unless otherwise authorized by the DDA" related to the Personal Supports Services limit of 40 hours Adds the provision to exceed the 40-hours limit due to Emergency, Unplanned Departures and Temporary Exceptions

Note: Currently services are limited of up to 40 hours per week for legally responsible persons, legal guardians, and/or relatives unless otherwise authorized by the DDA

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Technical Guide	Proposed Waiver Amendment
Any additional safeguards the state implements when a legally responsible person, legal guardian, and/or relative provide services	In addition to the previous items, as per current requirements, Coordinators of Community Services (case managers) conduct quarterly monitoring and follow-up activities which includes accessing services delivery and participant's satisfaction and health and welfare

Reference: Center for Medicare and Medicaid Services Instructions,



Technical Guide and Review Criteria

Technical Guide	Proposed Waiver Amendment
The procedures that are used to implement required state oversight, such as ensuring that payments are made only for services rendered	 In addition to the previous items, added "designee" to reflect the Quality Improvement Organization's quality reviews to the following existing waiver standards: Annually, the DDA or its designees will conduct a randomly selected, statistically valid sample of services provided by legal guardians and relatives to ensure payment is made only for services rendered and the services rendered are in the best interest of the participant

Reference: Center for Medicare and Medicaid Services Instructions,



Federal Requirements - Requirements Concerning the Specification of the Scope of Services

Technical Guide	Proposed Waiver Amendment
Services that are diversional/recreational in nature fall outside the scope of section 1915(c) of the Act. In addition, with some exceptions, waiver funds may not be employed to pay for room and board expenses due to the general prohibition on coverage of room and board under section 1915(c) of the Act or to acquire goods and services that a household that does not include a person with a disability would be expected to pay for as household expenses (e.g., subscription to a cable television service).	 Goods, services, equipment, and supplies that are diversional or recreational in nature fall outside the scope of section Medicaid 1915(c) of the Social Security Act Goods, services, equipment, and supplies that a household that does not include a person with a disability would be expected to pay for as household expenses (e.g., subscription to a cable television service)

Reference: Center for Medicare and Medicaid Services Instructions, Technical Guide and Review Criteria page 128



Federal Requirements - Community Activities

Technical Guide

Appendix C-5: <u>Home and Community-Based Settings</u> <u>Requirements</u>

Requirement for services to be integrated in and supports full access to the greater community, including opportunities to seek employment and work in competitive integrated settings, engage in community life, control personal resources, and receive services in the community, to the same degree of access as individuals not receiving Medicaid home and community-based services

Proposed Waiver Amendment

Individual and Family Directed Goods and Services includes:

• Fees for community programs and activities that are inclusive, promote socialization and independence

Individual and Family Directed Goods and Services does not include:

 Programs and activities that are exclusive for individuals with disabilities

Reference: Center for Medicare and Medicaid Services Instructions, Technical Guide and Review Criteria



Assuring Participant Health and Welfare

- Health and Welfare Assurances A waiver's design must provide for continuously and effectively assuring the health and welfare of waiver participants, pursuant to 42 CFR § 441.302(a) including:
 - Specifying the qualifications of waiver providers and verifying that providers continuously meet these qualifications
 - Monitoring the implementation of the service plan and participant health and welfare
 - Identifying and responding to alleged instances of abuse, neglect and exploitation that involve waiver participants
 - Instituting appropriate safeguards concerning practices that may cause harm to the participant or restrict participant rights

Reference: Center for Medicare and Medicaid Services Instructions, Technical Guide and Review Criteria



Assuring Participant Health and Welfare and Safeguard Proposals Examples

Proposed Waiver Amendment	Reason
Awake and alert overnight staff*	Authorization and payment for overnight support services to be provided by alert and awake staff to immediately address assessed health and safety needs
Support Broker and Day-to-Day Administrative Supports 40 hours per week limits*	To support timely and quality service to participants and ensure financial integrity and accountability

*Based on stakeholder feedback we will remove this proposal for further discussions with stakeholders





• **Safeguards** - Policies or procedures that are designed to prevent harm to an individual or to ensure that the application of a policy takes into account potentially adverse effects on a person

Reference: Center for Medicare and Medicaid Services Instructions,



Assuring Participant Health and Welfare and Safeguards - Termination of Participant Direction

	Technical Guide	Proposed Waiver Amendment
•	The waiver must provide safeguards to prevent the premature depletion of the participant- directed budget	 Adds overutilization of authorized services as a reason for termination Adds - In instances where a participant overutilizes authorized services, before involuntarily terminating the participant from the self-directed services model, DDA may first, in its sole discretion: (1) Require the participant to meet with DDA and their team to review rights and responsibilities including the monitoring and usage of funding for authorized services and/or (2) Require a corrective action plan from the participant
•	Safeguards that include flagging potential budget over expenditures or budget underutilization	
•	The provision of additional supports may prevent involuntary termination of participant direction	

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Guide and Review Criteria



Termination of Participation Direction

Current Standards:

The DDA has the authority to restrict the availability of services under the Self-Directed Services Delivery Model or to terminate the participant's enrollment in the Self-Directed Service Delivery Model, if one of the following circumstances occurs:

- The participant no longer meets eligibility criteria for the waiver
- The participant's Person-Centered Plan has not been submitted to the DDA for review and approval in a timely manner and this failure is attributable to the participant, their team, legal guardian, or their designated representative
- The participant does not receive services under the Self-Directed Service Delivery Model, in accordance with the participant's Person-Centered Plan and annual budget, for 90 days or more, with the exception of extenuating circumstances


Termination of Participation Direction

Current Standards (continued):

- The health, safety, or welfare of the participant is compromised by continued participation in the Self-Directed Service Delivery Model
- The rights of the participant are being compromised
- Failure of the participant, their team, legal guardian, or the participant's designated representative (as applicable) to comply with any applicable federal, State, or local law, regulation, policy, or procedure
- Failure of the participant, their team, legal guardian, or the participant's designated representative (as applicable) to manage funds within the DDA-approved annual budget, including expending or attempting to expend funds inconsistent with the DDA-approved annual budget



Termination of Participation Direction

Current Standards (continued):

- In the event the DDA restricts or terminates the participant's enrollment in the Self-Directed Service Delivery Model in accordance with this section, the DDA shall notify in writing the participant, legal guardian, or their designated representative (as applicable), their Coordinator of Community Services, Support Broker, and the Financial Management and Counseling Services provider. This notice shall include:
 - \circ $\,$ The date and basis of the DDA's determination and
 - The participant's right to a Medicaid Fair Hearing as described in Appendix F
- The Coordinator of Community Services will work with the participant, or their legal guardian (as applicable), and the participant's team to develop a transition plan that includes strategies that ensure service continuity and assure the participant's health and welfare



Technical Changes to Align Waiver with Existing Policies



Technical Changes to Align Waiver with Existing Policies (1 of 3)

Proposed Waiver Amendment

Behavioral Supports Services shall be provided in a holistic manner including assessments, consultations, and development of behavioral strategies in all environments (e.g., home, community, employment, day program, residential program).

There may only be one Behavioral Support provider authorized, at a time, to support a participant.

Policy Reference

- <u>Behavioral Support Services Policy</u> Behavioral Supports Services shall be provided in a holistic manner including assessments, consultations, and development of behavioral strategies in all environments (e.g., home, community, employment, day program, residential program). (Reference: <u>4. Special Service Requirements and Limitation 4. A.2</u>)
- There may only be one Behavioral Support provider authorized, at a time, to support a participant. (Reference: <u>4.</u> <u>Special Service Requirements and Limitation 4. A.</u>)



Technical Changes to Align Waiver with Existing Policies (2 of 3)

Proposed Waiver Amendment

Employment Training

Added training requirements that currently exist in the Meaningful Day Services Training Policy and Provider Training Matrix.

Example

For Discovery, Job Development, and Self-Employment Development Supports Services:

• Proof of competency by completing and passing the Certified Employment Support Professional exam through the Association of People Supporting Employment First (APSE) within 365 days of beginning their role

Policy Reference

Requirements mirror what is in the:

- Meaningful Day Services Training
 Policy
- DDA Provider Training Matrix



Technical Changes to Align Waiver with Existing Policies (3 of 3)

Proposed Waiver Amendment	Policy Reference
CPR and First Aid hands on training component a. The CPR training must include a hands-on,	Self-Directed Services Comprehensive Policy b. First Aid and Cardiopulmonary Resuscitation (CPR)
in-person component.	training and certification are required for all participant
b. At minimum, employees must participate in an in-person skills session that will require them	employees. The Cardiopulmonary Resuscitation (CPR) training must include a hands-on, in-person component.
to show that they are able to perform CPR and First Aid skills.	i. At minimum, employees must participate in an in-person skills session that will require them to show that they are
c. Written materials may be used online and at the employee's own pace.	able to perform Cardiopulmonary Resuscitation (CPR) and First Aid skills.
	ii. Written materials may be used online and at the

employee's own pace.



Other Requirements



Other - Slots

Proposed Waiver Amendment	Reason
 Slots Increased crisis resolution, transitioning youth, slots, and added "Deinstitution" category Discontinued the "Waiting List Equity Funds" Discontinued the "End the Waiting List Act" category which does not have allocated funding to support Increased State Funded Conversion Slots for waiver year 3 and discontinue for year 4 and 5 	 "Waiting List Equity Funds" will be used to fund current services per the Fiscal Year 2026 budget bill "End the Waiting List Act" category does not have allocated funding to support. Each year, approximately 1000 individuals are taken off the list and enrolled into waiver program State Funded Conversion - DDA has a focused effort for enrollment for this group as noted in the budget bill. Individuals disenrolled in future can appeal the disenrollment decision

DEPARTMENT OF HEALTH

Other - Cost Neutrality

Proposed Waiver Amendment	Reason
waiver years 3 - 5	State-funded services
	 Medicaid institutional cost vs Medicaid waiver cost Cost includes Medicaid State Plan services (e.g. doctors, pharmacy)
	 Cost do not include DDA State Funding



Other - Community Development Services -Community Activities

Proposed Waiver Amendment	Reason
No changes proposed related to participating in Community Development Services community activities	Community Development Services can be provided in a variety of community settings and activities that promote opportunities for increased independence and inclusion. Through the person-centered planning process, all opportunities should be explored based on the person's preferences and support their desired outcomes and goals. The setting should not have institutional qualities. Considering the person's overall Person-Centered Plan, activities should not isolate or segregate. If the individual chooses any disability specific classes, activities, events or programs, the choice must be documented in the Person-Centered Plan



Other - Transportation Day Trips

Proposed Waiver Amendment	Reason
It does not include day trips.*	 Transportation Services are designed specifically to improve the participant's and the family caregiver's ability to independently access community activities within their own community
	 Participant's community is defined as: places the participant lives, works, shops, or regularly spends their days
	 Support community activities and financial accountability and integrity

*Based on stakeholder feedback we will remove this proposal for further discussions with stakeholders



New Opportunities



New Opportunities - Consolidation

- Meet participants' needs timely
- Streamlined service delivery
- Greater transparency
- Administrative simplification
- Enhance internal and external stakeholder experiences
- Improve efficiencies across partner administrations
- Address equitable access issues
- Reduce certain duplicative processes and delays
- Sustainable funding
- Enhance compliance with state requirements and federal assurances
- Reduce the risk of audit findings, deficiencies, and recoupment



New Opportunities - New Community Provider Opportunities

- Assistive Technology Shift Enabling Technology Certification
- Behavioral Specialist Licensed graduate-level professional counselor working, Licensed masters-level social worker, and Board Certified Behavior Analyst
- Environmental Modifications Maryland Home Improvement Commission license
- Family Mentors focus on lived experiences and not Bachelor's degree
- Family Caregiving Training & Empowerment Services Organized Health Care Delivery System option



New Service Opportunities

- New Assistive Technology monthly fee service category and smart home device options
- Updates to Behavioral Support Services for participant attending Medical Day Care
- Support for staff training prior to person's transition from an institution



Respite and Supported Living Public Comment End Date



Public Comment Period Extended for Respite and Supported Living

- Due to challenges with uploads to the DDA website, Respite Services and Supported Living Services were not posted on June 9, 2025. To address this, the public comment period for Respite Services and Supported Living Services only be extended until July 13, 2025
- Public comment related to the Amendment Purpose; Appendices A, B, C1 and 2-5, D, E, F, G, H, I, J, and all other service proposals ends on July 8, 2025. Comments must be submitted by July 8, 2025 for these proposals



Amendment Resources

- <u>Community Pathways Waiver Amendment #3 2025</u>
- DDA-operated Medicaid Waiver Amendment Frequently Asked
 Questions
- <u>Center for Medicare and Medicaid Services Instructions</u>, <u>Technical Guide and Review Criteria</u>
- <u>Revisions to the 1915(c) Home and Community-Based Services</u> (HCBS) Waiver Application and Technical Guide



Amendment Resources

- DDA Operated Medicaid Waiver Amendments June 16, 2025
 - <u>VIEW HERE</u>
 <u>DOWNLOAD PRESENTATION HERE</u>
- Waiver Application Overview and Input Process June 17, 2025
 - <u>VIEW HERE</u>
 <u>DOWNLOAD PRESENTATION HERE</u>
- <u>Self-Direction June 17, 2025</u>
 - <u>VIEW HERE</u>
 <u>DOWNLOAD PRESENTATION HERE</u>
- <u>Services and Provider Qualifications June 17, 2025</u>
 - <u>VIEW HERE</u>
 <u>DOWNLOAD PRESENTATION HERE</u>



Public Comment



Timeline and Next Steps

- Public Comment Period
 June 9, 2025 July 8, 2025
 *Respite Services and Supported Living Services only extended to July 13, 2025
- Center for Medicare and Medicaid Services Review
 July 17, 2025 October 5, 2025
- Proposed Waiver Amendment Effective Date
 - October 6, 2025



Public Comment Process

- Track change documents regarding the amendment proposals are on: <u>DDA Waiver</u>
 <u>Program website page</u>
- Public comments can be:
 - Submitted to <u>wfb.dda@maryland.gov</u>; or
 - Mailed to: DDA Federal Programs at 201 West Preston Street, 4th Floor, Baltimore MD 21201
- To be considered, all public comments must be submitted by **11:59 PM on July 8, 2025**.
 - Respite Services and Supported Living Services only extended to July 13, 2025



Public Comment

- Please raise your hand if you would like to speak
- Each person will have two (2) minutes to speak

NOTE: To ensure confidentiality, if you have a question specific to an application, eligibility, or services, please contact the DDA Regional Office directly



Public Comment









