

## **Self-Directed Services – Budget Modification Guidance**

Issued Date: April 8, 2022 Effective Date: April 8, 2022

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## **AUDIENCE**

- Participant's Self-Directing Services
- Coordinators of Community Services
- Fiscal Management Services Providers
- Support Brokers
- Developmental Disabilities Administration (DDA) Regional Office (RO)

#### **PURPOSE**

In response to health and safety concerns related to the COVID-19 pandemic, the DDA broadened the flexibility of budget modifications for participants and their teams to add new, federally approved waiver services using unused funds in their budgets.

The purpose of this guidance is to enhance the current Appendix K budget modification process so participants can access unallocated DDA self-directed services (SDS) funding that are not currently in their self-directed budget sheets to meet assessed health and safety needs.

#### This guidance:

- 1. Creates a streamline process to support participants and their teams to access authorized unallocated SDS funding.
- Clarifies the Appendix K <u>DDA COVID-19 SELF-DIRECTION (DDACOVID Form</u> #5) and process shall be used for modifications associated with unallocated funding until the end of Appendix K flexibility.

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#### **DEFINITIONS**

- A. "Allocated Budget" means the total DDA self-directed services funding for participants using the self-directed service delivery model to create their individualized self-directed budget sheet.
- B. "Annual Plan" means the person-centered plan completed within 365 days of the agreed upon Annual PCP date. This date is chosen by the person when they first enter services, and the initial PCP is developed.
- C. "Coordinator of Community Services" or "CCS" means an individual who provides Coordination of Community Services either as an employee or contractor of a DDA provider licensed or certified/approved to provide Coordination of Community Service
- D. "DDA COVID-19 SELF-DIRECTION (DDACOVID Form #5)" means the DDA designated modification form used during the public health emergency.
- E. "DDA Medicaid Waiver program" means each Medicaid Home- & Community-Based Waiver program submitted by the Maryland Department of Health and approved by the Centers for Medicare & Medicaid Services pursuant to § 1915(c) of the federal Social Security Act, which is overseen and administered by DDA: Community Pathways, Community Supports and Family Supports.
- F. "Designated representative" means an individual who acts on behalf of the participant in managing the participant's services under the self-directed services delivery model in accordance with applicable requirements.
- G. "Detailed Service Authorization" means the LTSS *Maryland DDA Module* PCP section that lists the DDA funded services including the specific service name, units per month, and annual service cost.
- H. "Fiscal Management Services provider" or "FMS provider" means a DDA provider selected by and contracted with the DDA to provide fiscal management services to support each participant enrolled in the Self-Directed Services delivery model.
- I. "Initial PCP" means the first person-centered plan developed for a participant once they are approved for waiver services or is the new PCP for a different DDA program type. It is the first step in applying for another waiver program when the participant is already currently enrolled in another.
- J. "Legal guardian" means either:
  - 1. A natural or adoptive parent of an applicant or participant under the age of 18; or
  - 2. A person who has been appointed as guardian of the person or property of an applicant or participant by an order of a court of competent jurisdiction.
- K. "Legally Responsible Person" means an individual who has a legal obligation under the provisions of Maryland law to care for another individual. Under Maryland law, this may include a parent (either natural or adoptive), legal guardian, or individual otherwise legally responsible for the care of a minor (e.g., foster parent or relative appointed by court).

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- L. "LTSSMaryland" means an electronic information system, developed, and supported by the Maryland Department of Health, used by DDA, the CCS, and DDA Providers to create, review, and maintain records regarding an individual's eligibility status for DDAfunded services, the individual's Person-Centered Plan, and services and funding authorized by the DDA.
- M. "Over Budget" means the total amount of processed and submitted timesheets and invoices exceed the service specific allocated funding in the approved Self-Directed Services Budget Sheet.
- N. "Participant" means an individual enrolled in, and receiving, DDA-funded services.
- O. "Person-centered plan" means a written plan that is developed by a planning process driven by the individual with a developmental disability in order to:
  - 1. Identify the goals and preferences of the individual with a developmental disability;
  - 2. Identify services to support the individual in pursuing the individual's personally defined outcomes in the most integrated community setting;
  - 3. Direct the delivery of services that reflect the individual's personal preferences and choice; and
  - 4. Identify the individual's specific needs that must be addressed to ensure the individual's health and welfare.
- P. "Regional Office" means one of the four local offices of the DDA, serving as the point of contact for applicants, participants, and DDA providers located in certain counties of Maryland. Each Regional Office has the authority to review individual PCPs and authorize funding for services. The Regional Offices are:
  - 1. Central Maryland Regional Office, serving Anne Arundel, Baltimore, Howard, and Harford Counties and Baltimore City;
  - 2. Eastern Shore Regional Office, serving Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester Counties;
  - 3. Southern Maryland Regional Office, serving Calvert, Charles, Montgomery, Prince George's, and St. Mary's Counties; and
  - 4. Western Maryland Regional Office, serving Allegany, Carroll, Frederick, Garrett, and Washington Counties.
- Q. "Revised PCP" means a plan developed when an active Initial or Annual PCP requires changes to services, outcomes, or other elements of the plan that reflect a change in the person's needs and wants. Reasons for a revision may include but are not limited to discontinuation, initiation or increase in a service, newly identified outcome, etc.

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- R. "Self-Directed Services Budget Spreadsheet" means the fillable Microsoft Excel spreadsheet that captures information related to the Person Centered Plan's (PCP) approved services and amount, the participant's selected employees and vendors, and chosen rates of pay within the established reasonable and customary ranges. The sheet is designed to help people self-directing, and their teams develop and stay within the allocated budget.
- S. "Revised PCP" means a plan developed when an active Initial or Annual PCP requires changes to services, outcomes, or other elements of the plan that reflect a change in the person's needs and wants. Reasons for a revision may include but are not limited to discontinuation, initiation or increase in a service, newly identified outcome, etc.
- T. "Self-directed services delivery model" means the method for delivery of Waiver program services to the participant that is an alternative to the traditional services delivery model, whereby the participant or the participant's designated representative manages aspects of service delivery.
- U. "Support Broker" means an individual hired by a self-directing participant to provide information and advice to make informed decisions related to day-to- day management of staff providing services within the available budget.
- V. "Team" means a group of individuals, chosen by the individual with a developmental disability or that individual's legal guardian, to participate in development of the personcentered plan with the Coordinator of Community Services.
- W. "Unallocated Funding" means funding authorized for participants using the self-directed service delivery model that are not used within their SDS budget sheet.

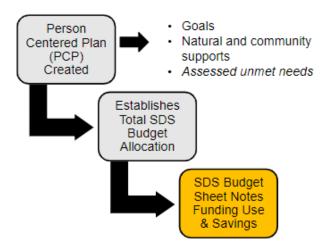
## Budget Allocation Process

- A. Participants, with the support of their teams, create a <u>Person-Centered Plan</u> (PCP) based on their goals, natural supports/community resources, and unmet assessed needs.
  - 1. They begin by identifying their goals the things they want to achieve or do.
  - 2. Then they work with the team to see if there are any natural supports in their community that can help them meet those goals.
  - 3. Once they have looked at the supports, they currently have, the team is able to then identify unmet needs.
  - 4. The DDA funded services that can address unmet needs are then included in the LTSS*Maryland DDA Module* PCP.
- B. The DDA approved PCP detailed service authorization includes the specific DDA services and funding per service which creates the total self-directed service (SDS) budget allocation.
- C. The DDA approved budget allocation is then used to create a <u>SDS Budget Sheet</u> that aligns with the PCP authorized services and within the budget allocation.

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D. Based on the person's decisions for wages, benefits, vendor rates, etc., they may not use all of the DDA budget allocation. Those funds are considered authorized unallocated funds.

#### Graphic



- E. Participants with new or changed assessed service needs can request services through the person-centered planning process.
- F. Annually, participants PCP shall be reviewed and updates to meet assessed needs and establish their annual budget allocation. Some participants may have completed two annual PCPs to include incorporating service and supports changes due to the public health emergency.
- G. As per current practice, urgent service needs should be reported directly to the CCS or DDA Regional Office, and an emergency Revised PCP can be created.

## **Budget Modification Process**

- A. Due to the COVID public health emergency, the DDA temporarily changed the budget modification process to support immediate health and safety needs which is noted in the Appendix K guidance and will end on June 30, 2022.
- B. Under the Appendix K flexibilities, budget modifications within approved budgets can be submitted:
  - 1. Without DDA's prior authorization, participants with the support of their team may move funding across approved budget service lines, as long as they remain within their total approved budget amount, including:
    - a. Changes within current services authorized by DDA, and
    - b. Changes from current service authorized to a new service covered by the Waiver program in which the participant is enrolled which will end on June 30, 2022.
    - c. Note: One exception is related to requesting Personal Supports overnight supports as a new service. New Personal Supports overnight support service request must be requested using the Revised or Annual PCP process as per the MDH Memo - Personal Supports - Overnight Supports.

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- 2. Without DDA's prior authorization, participants with the support of their team may use up to \$5,000 of unallocated budget funding from their total budget, as long as they remain within their total approved budget amount, including:
  - a. Changes within current services authorized by DDA, and
  - b. Changes from current service authorized to a new service covered by the Waiver program in which the participant is enrolled will end on June 30, 2022.
  - c. Note: One exception is related to requesting Personal Supports overnight supports as a new service. New service request must be requested using the Revised or Annual PCP process as per the MDH Memo - Personal Supports -Overnight Supports.
- 3. Request to use unallocated funding above \$5,000 must be submitted to the DDA Regional Office for review.
  - a. DDA Regional Office email addresses noted below.

Region	Email Address
CMRO	Olasubomi.otuyelu@maryland.gov
ESRO	Jonna.hitch@maryland.gov
SMRO	Tia.henry@maryland.gov
WMRO	Cara.buckman@maryland.gov

- b. The Email subject line should read: DDACOVIDForm#5 Modification Above \$5.000
- c. Regional Office staff may need to contact the participant or their team to gather additional information related to their current situation in order to assess whether the request supports the immediate need to protect health and safety. For example:
  - 1) The participant has COVID, and they need extra support hours with one employee for 2 weeks while they isolate.
  - 2) The participant needs to add two weeks of Community Development Services due to Day Habilitation outbreak.
  - 3) The person needs to increase employee benefit line item to cover unexpected overtime cost when one employee had COVID.
- C. Participants who have exceeded their total budget allocation must work with their teams and DDA Regional Office SDS leads to resolve.
- D. Participants with an expired PCP must work with their teams and DDA Regional Office SDS leads to resolve.
- E. Participant with a prorated or partial year budget must work with their teams and DDA Regional Office SDS leads to confirm unallocated funding amount.

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- F. The participant along with their team shall complete the DDACOVIDForm#5.
- G. The form included two sections based on what action was being requested including section to:
  - Section 1 Request to Move Funds across Existing Budget Service Lines or Add New Service Lines
  - Section 2 Request to Increase Budget Up to \$2,000.

# **Accessing Unallocated Funding**

### **Standards and Requirements**

- A. The revised DDACOVIDForm#5 and process will be used to access unallocated funding until June 30, 2022.
- B. The DDACOVIDForm#5 has been revised to include the following information:
  - 1. DDA SDS Budget Allocation (*i.e.*, Approved Budget Amount)
  - 2. SDS Budget Sheet Total (previously listed above the "checksum" box)
  - 3. SDS Unallocated Funding
- C. Participants, with the support of their teams, shall complete Section 1 including:
  - 1. Service(s) Being Reduced or Taken From Unallocated Funds" section to indicate the use of unallocated funding; <u>and</u>
  - 2. Services Being Increased or Added\* " section to note the use of unallocated funding.
- D. The form shall be submitted to the participant's Fiscal Management Services (FMS) provider for processing and a copy provided for team members.
- E. Calculating Unallocated Funding
  - 1. The revised DDACOVIDForm#5 excel form will automatically calculate the unallocated funding (i.e., budget savings) once the total budget allocation and SDS budget sheet totals are entered.
  - 2. The form can also be printed, and figures written in.
  - 3. It is important for the team to ensure the correct figures are entered.
- F. The FMS provider shall send a copy of the *processed* DDACOVIDForm#5 to all team members and include a copy of it with an updated statement as soon as the modification is applied.
- G. All requests must be within the scope of the DDA waivers, policy, and guidance.
- H. The Appendix K budget modification shall remain in effect until the next PCP (*e.g.,* Initial, Revised, or Annual).
- I. The Participant and their team members (including the CCS and FMS) are responsible for:
  - 1. Identifying and confirming unallocated budget sheet funding;
  - 2. Ensuring all requests are within the scope of the DDA waivers, policy, and guidance; and
  - 3. Ensuring the total authorized budget is not exceeded.

# **Process to Determine Unallocated Funding**

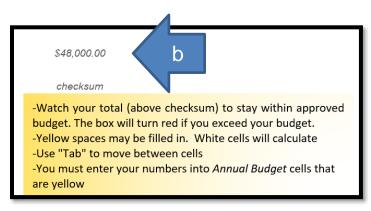
- A. Scenario #1 Participants with an authorized DDA Self Directed Services Budget Sheet Revised March 8, 2021
  - 1. This SDS Budget Sheet (Revised March 8, 2021) includes: the DDA SDS Budget Allocation (*i.e.*, Approved Budget Amount); and the total cost of the SDS budget sheet (shown above "checksum") noted by the blue arrows below.

## EXAMPLE - SDS Budget Sheet (Revised March 8, 2021)

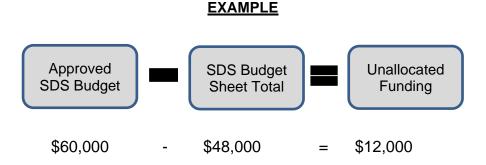
**a.** The person's total DDA budget allocation is \$60,000. This is what the DDA has approved for all the services the person and their team submitted in their PCP.



**b.** The person's SDS Budget Spreadsheet has accounted for \$48,000 for the checksum total.



2. Participants, with the support of their team, shall subtract these two figures to identify the unallocated funding.



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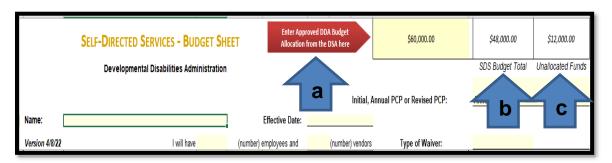
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3. These figures are then noted on the DDACOVIDForm#5 – Revised April 8, 2022, as shown below with blue arrows.

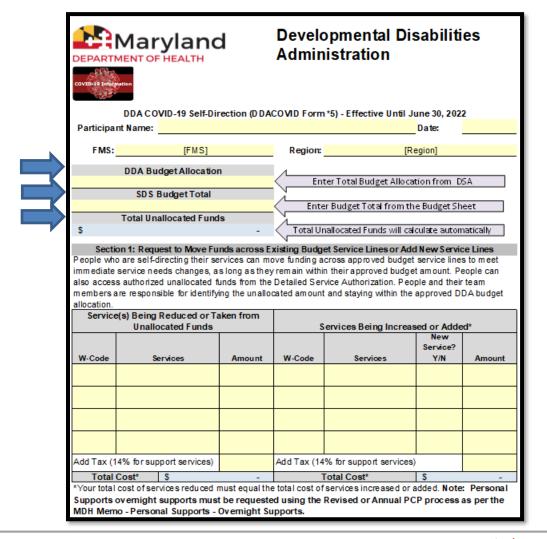
Developmental Disabilities Administration  DDA COVID-19 Self-Direction (D DACOVID Form *5) - Effective Until June 30, 2022						
Participa	nt Name:			.,	Date:	
FMS:	[FMS]		Region:	[R	egion]	
	DDA Budget Allocation	n	En	ter Total Budget Alloca	tion from D	SA
SDS Budget Total  Enter Budget Total from the Budget SI  Total Unallocated Funds  Total Unallocated Funds will calculate autor						
Section 1: Request to Move Funds across Existing Budget Service Lines or Add New Service Lines  People who are self-directing their services can move funding across approved budget service lines to meet immediate service needs changes, as long as they remain within their approved budget amount. People can also access authorized unallocated funds from the Detailed Service Authorization. People and their team members are responsible for identifying the unallocated amount and staying within the approved DDA budget allocation.  Service(s) Being Reduced or Taken from						
W-Code	Unallocated Funds Services	Amount	W-Code	ervices Being Increas Services	New Service? Y/N	Amount
Add Tax (1	4% for support services)		Add Tax (14	% for support services	)	
Supports	Cost* \$ cost of services reduced rovernight supports musto-Personal Supports -	t be requeste	total cost of d using the			

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- B. Scenario #2 Participants with an authorized DDA Self Directed Services Budget Sheet Revised April 8, 2022
  - 1. The newly revised DDA SDS Budget Sheet (Revised April 8, 2022) includes:
    - a. The SDS DDA Budget Allocation (i.e., Approved DDA Budget Amount);
    - b. The SDS Budget Sheet Total (previously listed above the "checksum" box); and
    - c. The SDS Unallocated Funding



2. These figures are to be noted on the DDACOVIDForm#5 – Revised April 8, 2022, as shown below.



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# Process for Completing the DDA COVID-19 Self-Direction (DDACOVIDForm#5)

- A. The best practice for completing budget modifications is for the participant and their team to meet to discuss the need for a modification and complete the form together.
- B. It is important for the team to discuss and to ensure any potential conflict of interest are addressed (e.g., family as staff or Support Broker seeking increase hours or funding).
- C. The revised DDACOVIDForm#5 form can be found on the DDA website and also within the revised SDS Budget Sheet (Revised April 8, 2022) as a new tab.
- D. The top of the form includes:
  - 1. The participant's name and the date the modification was completed.
  - 2. Drop down options to note the participant's chosen FMS and the Region they live in.
- E. Section 1 Request to Move Funds across Existing Budget Service Lines or Add New Service Lines
  - 1. Service(s) Being Reduced or Taken From Unallocated Funds section to indicate the use of unallocated funding
    - a. W-Code text field shall be left blank;
    - b. Services text field should note *Unallocated Funding*;
    - Amount insert the unallocated funding amount to support the services being increased or added as applicable per the DDA operated waiver programs, policies, and guidance;
    - d. Add Tax (14% for support services) enter funding to support taxes for direct support staff waged support services as applicable; and
    - e. Total Cost\* this data field will automatically total based on information entered above.

#### Screenshot

Service(s) Being Reduced or Taken from Unallocated Funds			
W-Code	Se	ervices	Amount
Add Tax (1	Add Tax (14% for support services)		
Total Cost* \$ -			

- 2. Services Being Increased or Added\* section to note the increased or new service for which the use of unallocated funding.
  - a. W-Code insert the applicable service code;
  - b. Services –insert the service name and details as applicable;
  - c. New Service? Y/N enter Y if the service is new or enter N if it is an existing service;
  - d. Amount insert funding amount;
  - e. Add Tax (14% for support services) enter funding to support taxes for direct support staff waged support services as applicable; and
  - f. Total Cost\* this data field will automatically total based on information entered above.

#### Screenshot

S	ervices Being Increas	ed or Adde	ed*
W-Code	Services	New Service? Y/N	Amount
Add Tax (14	% for support services)		
	Total Cost*	\$	-

- 3. The total cost noted under the Service(s) Being Reduced or Taken From Unallocated Funds section must equal the total cost noted under Services Being *Increased or Added\** section.
- 4. The W-Code and Service names are all listed on the SDS Budget Spreadsheet.
- F. The DDACOVIDForm#5 is signed by the person or their legal guardian.
- G. The form is sent to the FMS provider either by email or fax as noted below:

FMS	Email	Fax Number
Arc CCR	FMSParticipants@thearcccr.org	1-888-272-2236
Medsource	FMS@medsourceservices.org	1-301-560-5782

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# **Optional Tracking Tool for Use of Unallocated Funds**

A. The revised DDACOVIDForm#5 includes an optional tracking tool for participants and their teams to use to track unallocated fund use at the bottom of the form as shown below

Optional Tracking Tool for Use of Unallocated Funds			
People and their team members are responsible for identifying the unallocated amount and staying within the approved DDA budget allocation. You may use this optional tool to keep track of the unallocated funds that are moved to the SDS Budget.			
Total Unallocated Funds	Date Used	Unallocated Funds Used	
Remaining Unallocated Funds \$ -			

- B. To complete this tool:
  - 1. Total Unallocated Funds enter the unallocated funds amount in the box referenced above.
  - 2. Date Used enter the date of the DDACOVIDForm#5
    - If multiple budget modifications are used, they can all be recorded in this tracking tool to have a current balance of available unallocated funding.
  - 3. Unallocated Funds Used enter the amount of funding being used for the associated DDACOVIDForm#5 budget modification and reference date
  - 4. Remaining Unallocated Funds will automatically calculate based on the funding noted under Unallocated Funds Used.
- C. Participants with the support of their team need to track and monitor funding use to ensure they stay within their budget and do not exceed or overspend.

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## **Service Limitation Reminders**

As a reminder, below are some of the service and associated limits. Please refer to the DDA operated federally approved Medicaid Waiver programs and Appendix K flexibilities for additional information and requirements.

Service	Limitation
Environmental Modification	Waiver - \$15,000 every three years
	<ul> <li>Appendix K – cost can be exceeded if approved by the DDA</li> </ul>
Family and Peer Mentoring	Waiver - Up to 8 hours per day
Supports	Appendix K – May exceed 8 hours per day
Family Caregiver Training and	Waiver - Up to \$500 per plan year, 10 hour per day
Empowerment Services	<ul> <li>Appendix K – May exceed 10 hours per day</li> </ul>
Participant Education,	Waiver - Up to 10 hours per year; \$500 per year
Training, and Advocacy	
Housing Support Services	<ul> <li>Waiver – Maximum of 8 hours/day; 175 hours/year</li> </ul>
	<ul> <li>Appendix K – May exceed 8 hours per day</li> </ul>
Individual and Family Directed	Waiver – Maximum of \$500
Good and Service – Staff	<ul> <li>Appendix K – May increase to \$1,000 per plan year</li> </ul>
Recruitment and Advertising	
Individual and Family Directed	Maximum of \$5,000
Good and Service	T ( ) ( ) ( ) ( ) ( ) ( )
Live-In Caregiver Support	Total monthly additional cost of rent and food as     determined by the Department of LILID and LISDA
	determined by the Department of HUD and USDA monthly food plan at the two (2) person moderate plan
	level.
Personal Supports	Waiver – Limit of 82 hours per week unless authorized by the DDA
	<ul> <li>Appendix K – may exceed the 82 hours per week <u>within</u> the person's overall authorized funding budget (i.e., move</li> </ul>
	funds within budget) without DDA's prior authorization
Remote Support Services	Up to \$6000 per year
Respite Care Services	Hourly and daily total hours may not exceed 720 hours
. 1355113 3413 35141000	<ul> <li>DDA Licensed Respite is based on daily rate and equals</li> </ul>
	24 hours
	Camp up to \$7248 per plan year
	Appendix K – 360 COVID19 hours
Support Broker	Waiver - Up to 4 hours per month unless otherwise
	authorized by the DDA
	Appendix K flexibility – up to 20 hours per month
Transition Services	• Up to \$5,000
Vehicle Modification	\$15,000 over a 10-year period
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#### Reference:

- DDA Appendix K #4 Exceptions to Pre Authorization and Service Requirements
- DDA Appendix K #11 Self Directed Service Delivery Model Exceptions
- Community Pathways Waiver Amendment #3 2021, Effective January 19, 2021

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# FMS - Criteria for Approving or Denying Request Process

- A. The FMS provider may approve a request to use unallocated funding when:
  - The request is associated with immediate direct staff supports or services needed during the COVID-19 crisis to ensure the health and safety of the participant;
  - The service and items are allowable under the DDA operated Medicaid Waiver programs or Appendix K flexibility;
  - 3. The service and items do not exceed the limits under the DDA operated Medicaid Waiver programs or Appendix K flexibility; and
  - 4. The total cost noted under the Service(s) Being Reduced or Taken From Unallocated Funds section <u>must equal</u> the total cost noted under Services Being Increased or Added\* section.
- B. The FMS provider may **deny a** request to use unallocated funding when:
  - 1. The request is not associated with an immediate direct staff supports or services needed during the COVID-19 crisis;
  - 2. The service and items are not allowable under the DDA operated Medicaid Waiver programs or Appendix K flexibility;
  - 3. The service and items exceed the limits under the DDA operated Medicaid Waiver programs or Appendix K flexibility; and
  - 4. The total cost noted under the Service(s) Being Reduced or Taken From Unallocated Funds section <u>does not equal</u> the total cost noted under Services Being Increased or Added\* section.
- C. The FMS provider shall send a copy of the DDACOVIDForm#5 to all team members and include a copy of it with an updated statement as soon as the modification is applied.
- D. The FMS provider will send form, with its determination, to the following:
- 1. The Participants, and, if applicable their Legal Guardian or designated representative;
- 2. Their Coordinator of Community Services; and
- 3. Their DDA Regional Office using the email addresses noted below.

Email Subject line should read: COVID-19 - FMS SD Budget Request Determination

Region	Email Address
CMRO	Olasubomi.otuyelu@maryland.gov
ESRO	Jonna.hitch@maryland.gov
SMRO	Tia.henry@maryland.gov
WMRO	Cara.buckman@maryland.gov

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E. If the FMS provider's determination is to deny the request, the DDA Regional Office will review the determination. If DDA determines that the denial was proper, DDA will issue notice of its decision, its legal and factual basis, and applicable appeal rights as required by Section 10-207 of the State Government Article of the Maryland Annotated Code.

## **Questions**

Please contact the applicable DDA Regional Office Self-Directed Service lead staff associated with your region with any question.

Central Maryland Regional Office (CMRO)

- Ola Otuyelu at olasubomi.otuyelu@maryland.gov and
- Rashawn Moore at <u>rashawn.moore@maryland.gov</u>

Eastern Shore Regional Office (ESRO)

• Jonna Krabill at jonna.krabill@maryland.gov

Southern Maryland Regional Office (SMRO)

• Tia Henry at <a href="mailto:tia.henry2@maryland.gov">tia.henry2@maryland.gov</a>

Western Maryland Regional Office (WMRO)

Cara Buckman at cara.buckman@maryland.gov

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