

Appendix I: Financial Accountability

APPENDIX I-1: Financial Integrity and Accountability

Financial Integrity. Describe the methods that are employed to ensure the integrity of payments that have been made for waiver services, including: (a) requirements concerning the independent audit of provider agencies; (b) the financial audit program that the state conducts to ensure the integrity of provider billings for Medicaid payment of waiver services, including the methods, scope and frequency of audits; and, (c) the agency (or agencies) responsible for conducting the financial audit program. State laws, regulations, and policies referenced in the description are available to CMS upon request through the Medicaid agency or the operating agency (if applicable).

(a) **Requirements concerning the independent audit of provider agencies**

In accordance with the Maryland Annotated Code Health-General Article Title 7 and ~~Code of Maryland Regulations (COMAR) 10.22.17.05~~ applicable Maryland regulations, all DDA licensed providers are required to submit on an annual basis: (1) a cost report documenting the provider’s actual expenditures for the fiscal year being reported; (2) audited financial statements supporting the cost report; (3) a worksheet reconciling the cost report to the financial statement; and (4) a certification by an independent certified public accountant, who is not an employee of the licensed provider or any affiliated organization, that he or she prepared the cost report and financial statement.

(b) and (c) **The State’s audit strategies performed by various State agencies**

1. Single State Audit

There is an annual independent audit of Maryland's Medical Assistance Program (“Medicaid”) that includes Medicaid’s home and community-based waiver programs. The annual audit is conducted by an independent contractor in accordance with Circular A-133. A major focus of this audit is the integrity of providers’ claims for payment for services. The contract for this audit is bid out every five years by Maryland's Comptroller’s Office.

2. Office of Legislative Audits

The Maryland Office of Legislative Audits (OLA) conducts fiscal compliance audits every three years. The objectives of these audits is to examine financial transactions, records, and internal controls, and to evaluate the state agency’s compliance with applicable State laws, rules, and regulations.

3. Office of the Inspector General

The Maryland Department of Health’s Office of the Inspector General, conducts audits of DDA contractual and Waiver services. The objectives of these audits are:

- a. Determine the amount of program revenue received and allowable expenditures incurred by the program for the DDA contracts;

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- b. Determine any amount due to the State or to the provider resulting from the operation of the program during the audit period:
- c. Determine to the extent possible that financial matters were conducted in accordance with the Department of Health’s Human Services Agreement Manual (HSAM); and,
- d. Provider recommendations for improving internal controls, ensuring fiscal compliance, or increased efficiency.

The OIG conducts the audits every 3 years. If there have been issues in the past, the OIG may audit more frequently.

4. Utilization Review

The DDA is hiring a Contractor to conduct post-payment utilization reviews of claims to ensure the integrity of payments made for Waiver program services. These utilization reviews are to verify that the hours of service and the actual service for which the DDA has contracted and/or paid for ~~are being~~ were actually provided to the participant. The reviews will consist of reviewing provider furnished documentation to justify that the service was rendered and that the provider’s support hours were utilized as described in the participant’s Person-Centered Plan (PCP) ~~or, and~~ Service Funding Plan (SFP) or Detailed Service Authorization (DSA) in LTSS Maryland. ~~This~~ review ~~is~~ will apply the same for to both traditional (agency-directed) and self-directed services delivery models.

The scope of the post-payment utilization review is limited to a statistically valid sample of participants and claims by service on a quarterly basis with a 95% +/-5% confidence interval. The number of providers audited will be based on the sample of participants selected for review. The review period will be one year of services.

The Contractor will conduct a remote audit of the provider or FMS, requesting and reviewing information, including: staff notes and logs for the consumer(s) identified in the remote audit; the provider’s staffing plan, timesheets, payroll records and receipts; and any other documentation required by MDH. The Contractor will prepare a preliminary audit report for the provider, verifying if less than 100% of billed services were provided, verifying staffing plans and qualifications of staff, and assessing the alignment of service provision with the PCP.

Based on the results of the remote audit, a targeted audit might be required to look for systemic claims issues for the provider. The Contractor shall conduct the targeted audit based on the presence of the following criteria:

- a) Less services provided than billed;
- b) Less or more services s provided than authorized in PCP (+/- >14%);
- c) Services provided did not match the definition of services billed or comply with applicable service requirements;
- d) Staff qualifications could not be confirmed in the remote audit or the individual providing service was not appropriately qualified; and
- e) Payments that cannot be substantiated by appropriate service record documentation

No criterion is weighted more than any other. The Contractor will submit a report of the overall findings of the audit for each provider to the DDA Contract Monitor no later than fifteen (15) working days from the date of the conclusion of the audit. Based on the findings, the DDA will prioritize targeted audits based on the prevalence of audit issues.

For the targeted audit, the Contractor will be required to conduct an in-person review and interviews to determine if service hours and supports match the level and quality identified in the participant’s PCP.

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The scope of the review should be expanded as necessary to determine if systemic issues are present. Interviews will be conducted for the consumer-participant receiving services, and/or the participant’s family or legal guardian and Coordinator of Community Services, as appropriate. The DDA may instruct the Ceontractor to expand the scope of their review based on system issues, such as abuse and rights issues present in their reporting findings.

The major difference between the remote audits and the targeted audits is that the targeted audits require the Ceontractor to conduct an in-person review and interviews to determine if the service hours and supports match the level and quantity identified in the person’s-participant’s Person-Centered Plan. The interview will include the person participant receiving services, theirhis/her family or legal guardian, and Coordinator of Community Services, as appropriate.

The Contractor shall prepare a summary of the audit findings and will hold an exit interview in-person with the provider to verbally share a synopsis of their findings. This will be followed up by a formal letter of findings and allowing for the provider to provide input.

The Contractor will submit a report of the overall findings of the audit for each provider to the DDA Contract Monitor no later than fifteen (15) working days from the date of the conclusion of the audit. An audit report is considered “discrepant” if less than 100% of billed services have been provided. Audit reports must include information regarding any fiscal deficiencies between the services awarded and billed, and to services provided to the person. If the audit report identifies that less than 86% of required services were provided, the Regional Office must also review the findings. All reviewed documentation must be maintained and made available to the DDA.

The DDA Provider Relations staff in the regional offices handle follow-up of corrective action plans, if any is required. The DDA Fiscal Unit will pursue any financial recovery owed to the State. If necessary, DDA may also refer the matter to MDH’s Office of Inspector General.

Quality Improvement: Financial Accountability

As a distinct component of the State’s quality improvement strategy, provide information in the following fields to detail the State’s methods for discovery and remediation.

a. Methods for Discovery: Financial Accountability Assurance

The State must demonstrate that it has designed and implemented an adequate system for ensuring financial accountability of the waiver program. (For waiver actions submitted before June 1, 2014, this assurance read “State financial oversight exists to assure that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver.”)

i. Sub-assurances:

a Sub-assurance: The State provides evidence that claims are coded and paid for in accordance with the reimbursement methodology specified in the approved waiver and only for services rendered. (Performance measures in this sub-assurance include all Appendix I performance measures for waiver actions submitted before June 1, 2014.)

a.i. Performance Measures

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For each performance measure the State will use to assess compliance with the statutory assurance complete the following. Where possible, include numerator/denominator.

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|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| Performance Measure: | FA – PM1 Number and percent of claims that are supported by documentation that services were delivered. Numerator = number of claims reviewed that are supported by documentation. Denominator = number of claims reviewed. | | |
| Data Source (Select one): MMIS Reports and PCIS2 | | | |
| If 'Other' is selected, specify: MMIS claims data; participant records | | | |
| | Responsible Party for data collection/generation (check each that applies) | Frequency of data collection/generation: (check each that applies) | Sampling Approach (check each that applies) |
| | <input checked="" type="checkbox"/> State Medicaid Agency | <input type="checkbox"/> Weekly | 100% Review |
| | <input checked="" type="checkbox"/> Operating Agency | <input type="checkbox"/> Monthly | <input checked="" type="checkbox"/> Less than 100% Review |
| | <input type="checkbox"/> Sub-State Entity | <input checked="" type="checkbox"/> Quarterly | <input type="checkbox"/> Representative Sample; Confidence Interval =95% +/- 5% |
| | <input checked="" type="checkbox"/> Other Specify: Utilization Review Contractor | <input checked="" type="checkbox"/> Annually | |
| | | <input type="checkbox"/> Continuously and Ongoing | <input type="checkbox"/> Stratified: Describe Group: |
| | | Other Specify: ` | |
| | | | <input type="checkbox"/> Other Specify: |

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|-------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|----------------------------------------------------|
| Performance Measure: | FA – PM2 Number and percent of claims paid for participants who are eligible on the date the service was provided and where services were consistent with those in the service plans. Numerator = Number of claims paid for participants who were eligible on the date the service was provided and where services were consistent with those in service plans. Denominator = Number of claims paid reviewed. | | |
| Data Source (Select one): MMIS Reports, PCIS2 | | | |
| If 'Other' is selected, specify: MMIS claims data; PCIS2 or LTSSMaryland data | | | |
| | Responsible Party for data collection/generation (check each that applies) | Frequency of data collection/generation: (check each that applies) | Sampling Approach (check each that applies) |
| | <input checked="" type="checkbox"/> State Medicaid Agency | <input type="checkbox"/> Weekly | 100% Review |

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| | <input checked="" type="checkbox"/> <i>Operating Agency</i> | <input type="checkbox"/> <i>Monthly</i> | <input checked="" type="checkbox"/> <i>Less than 100% Review</i> |
| | <input type="checkbox"/> <i>Sub-State Entity</i> | <input type="checkbox"/> <i>Quarterly</i> | <input type="checkbox"/> <i>Representative Sample; Confidence Interval =95% +/- 5%</i> |
| | <input checked="" type="checkbox"/> <i>Other</i> <i>Specify: Utilization Review Contractor</i> | <input type="checkbox"/> <i>Annually</i> | |
| | | <input checked="" type="checkbox"/> <i>Continuously and Ongoing</i> | <input type="checkbox"/> <i>Stratified: Describe Group:</i> |
| | | <input type="checkbox"/> <i>Other</i> <i>Specify:</i> | |
| | | | <i>Other Specify:</i> |
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b. Sub-assurance: The State provides evidence that rates remain consistent with the approved rate methodology throughout the five year waiver cycle.

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| Performance Measure: | FA – PM3 Number and percent of claims coded and paid for in accordance with the reimbursement methodology specified in the approved waiver. Numerator = number of claims coded and paid for in accordance with the reimbursement methodology specified in the approved waiver. Denominator = number of claims paid reviewed. | | |
| Data Source (Select one): MMIS Reports, PCIS2 | | | |
| <i>If 'Other' is selected, specify:</i> MMIS claims data and PCIS2 or LTSSMaryland | | | |
| | Responsible Party for data collection/generation <i>(check each that applies)</i> | Frequency of data collection/generation: <i>(check each that applies)</i> | Sampling Approach <i>(check each that applies)</i> |
| | <input checked="" type="checkbox"/> <i>State Medicaid Agency</i> | <input type="checkbox"/> <i>Weekly</i> | <i>100% Review</i> |
| | <input checked="" type="checkbox"/> <i>Operating Agency</i> | <input type="checkbox"/> <i>Monthly</i> | <input checked="" type="checkbox"/> <i>Less than 100% Review</i> |
| | <input type="checkbox"/> <i>Sub-State Entity</i> | <input checked="" type="checkbox"/> <i>Quarterly</i> | <input type="checkbox"/> <i>Representative Sample; Confidence Interval =95% +/- 5%</i> |
| | <input checked="" type="checkbox"/> <i>Other</i> <i>Specify: Utilization Review Contractor</i> | <input checked="" type="checkbox"/> <i>Annually</i> | |
| | | <input type="checkbox"/> <i>Continuously and Ongoing</i> | <input type="checkbox"/> <i>Stratified: Describe Group:</i> |
| | | <input type="checkbox"/> <i>Other</i> <i>Specify:</i> | |

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| | | | | Other Specify: |
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- ii. *If applicable, in the textbox below provide any necessary additional information on the strategies employed by the State to discover/identify problems/issues within the waiver program, including frequency and parties responsible.*

PM1 – DDA or the Utilization Review Contractor will review a representative, random sample of claims annually to determine if they are supported by adequate provider documentation to substantiate that services were delivered.

PM2 - The reimbursement logic built into MMIS, PCIS2, and LTSSMaryland will ensure that Wwaiver program participants are eligible for services on the date the service was provided, and that services paid are authorized in the participant’s approved service plan. A problem may be identified by a provider or providers, contractors, DDA fiscal staff, or Medicaid. The DDA fiscal staff will monitor claims activity on a monthly basis to identify potential issues with the eligibility information, or services paid that are inconsistent with the services authorized in the service plan.

PM3 - The reimbursement logic built into MMIS, PCIS2, and LTSSMaryland will ensure that providers are not paid more than the rate that is stored in the system. A problem may be identified by a provider or providers, contractors, DDA fiscal staff or Medicaid. The DDA fiscal staff will monitor claims activity on a monthly basis to identify potential issues with the reimbursement rate.

b. Methods for Remediation/Fixing Individual Problems

- i. *Describe the State’s method for addressing individual problems as they are discovered. Include information regarding responsible parties and GENERAL methods for problem correction. In addition, provide information on the methods used by the State to document these items.*

PM1- Number and percent of claims that are supported by documentation that services were delivered.

If DDA fiscal staff or the Utilization Review Contractor finds inadequate provider documentation is insufficient to support a claim, depending on the nature of the issue, additional records will be selected for review by DDA and the Department may initiate an expanded review or audit. If indicated, DDA will work with Provider Relations and/or the Utilization Review Contractor to conduct further claims review and remediation activities as appropriate. The provider may be requested by Provider Relations to submit a corrective action plan that will specify the remediation action taken. Remediation may include locating documentation to support that services rendered are consistent with claim submission, training, and voiding (and/or recovering) payments, if the situation warrants. Department staff will ensure that payments are adjusted where necessary and determine if the extent of the problem warrants further action.

PM2- Number and percent of claims paid for participants who were eligible on the date the service was provided and where services were consistent with those in-service plans.

If a problem is identified, appropriate corrective action will be conducted in a timely manner by DDA. Trends will be monitored to identify systemic errors which will be corrected in collaboration with PCIS2 staff and/or Medicaid. Eligibility information entered into the system incorrectly will be

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corrected and the universe of paid claims that was processed using the incorrect information will be identified. In the rare event that a claim is not paid correctly, DDA will adjust the claims accordingly and in a timely manner.

PM3- Number and percent of claims coded and paid for in accordance with the reimbursement methodology specified in the [approved-Wwaiver program application](#).

If a problem is identified, appropriate corrective action will be conducted in a timely manner by DDA. Trends will be monitored to identify systemic errors which will be corrected in collaboration with Medicaid. Claims entered into the system incorrectly will be corrected and the universe of paid claims that were processed using the incorrect information will be identified. In the rare event that a claim is not coded or paid correctly, DDA will adjust the claims accordingly and in a timely manner.

ii. Remediation Data Aggregation

| Remediation-related Data Aggregation and Analysis (including trend identification) | Responsible Party (check each that applies) | Frequency of data aggregation and analysis: (check each that applies) |
|-------------------------------------------------------------------------------------------|------------------------------------------------------|------------------------------------------------------------------------------|
| | <input type="checkbox"/> State Medicaid Agency | <input type="checkbox"/> Weekly |
| | <input checked="" type="checkbox"/> Operating Agency | <input type="checkbox"/> Monthly |
| | <input type="checkbox"/> Sub-State Entity | <input type="checkbox"/> Quarterly |
| | <input type="checkbox"/> Other Specify: | <input checked="" type="checkbox"/> Annually |
| | | <input type="checkbox"/> Continuously and Ongoing |
| | | <input type="checkbox"/> Other Specify: |
| | | |

c. Timelines

When the State does not have all elements of the Quality Improvement Strategy in place, provide timelines to design methods for discovery and remediation related to the assurance of Financial Accountability that are currently non-operational.

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| <input checked="" type="checkbox"/> | No |
| <input type="checkbox"/> | Yes |

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APPENDIX I-2: Rates, Billing and Claims

- a. Rate Determination Methods.** In two pages or less, describe the methods that are employed to establish provider payment rates for waiver services and the entity or entities that are responsible for rate determination. Indicate any opportunity for public comment in the process. If different methods are employed for various types of services, the description may group services for which the same method is employed. State laws, regulations, and policies referenced in the description are available upon request to CMS through the Medicaid agency or the operating agency (if applicable).

The rate methodologies for Community Pathways Waiver Fee Payment System (FPS) services will vary ~~in the Waiver Years (WYs) from Waiver Years (WYs) 1-2 and WYs 3-5~~, as DDA transitions from a prospective payment system to a fee-for-service reimbursement model. Simultaneously DDA will also transition from the current standalone platform, PCIS2, to the Medicaid Long Term Services and Supports system, or LTSSMaryland. New ~~proposed~~ rates from the rate study completed November 2017 this year will be used for non-FPS services but will not be used for FPS services until DDA transitions both the payment model and the IT system ~~in WY3~~.

In WY2, DDA implemented a pilot program to submit claims with LTSSMaryland for a small group of individuals using the new rates. This will ensure that any issues that arise during the pilot can be identified and corrected so that the system is ready for full implementation ~~in WY3~~.

Until the billing for services transitions to LTSSMaryland in WYs 1-2, FPS services, or those services whose claims are submitted using PCIS2, will continue to use rates based on the current rate methodology. The new rates for these services will not be adopted until DDA transitions to submitting claims using LTSSMaryland. Current rates will continue to be used for: *Community Development Services (formerly Community Learning Services), Community Living Group Home Services (formerly Residential Habilitation), Day Habilitation, Employment Discovery & Customization, Personal Supports, Career Exploration, Supported Living, and Supported Employment. Employment Discovery & Customization and Supported Employment services will end when billing for Meaningful Day services transitions into LTSSMaryland.*

The current rate methodology can be found on page 246 of the Community Pathways Waiver Application for 1915(c) HCBS Waiver: MD.0023.R06.01 - Jul 01, 2016 found here: <https://dda.health.maryland.gov/Documents/2016/Community%20Pathways%20Waiver%20Amendment%201%20MD%200023%20R06%2001%20-%20Effective%20July%202016.pdf>

In accordance with Maryland law (Chapter 648 of the Acts of 2014), and to meet requirements of §1902(a)(30)(A) of the Social Security Act, the DDA procured a contractor, Johnston, Villegas-Grubbs & Associates (JVGA), to conduct an independent cost-driven rate setting study. JVGA developed the Brick Method™, which is a structure used to develop standard fees for disability services that utilizes cost categories and studies their relationship to direct service support costs, or the wages of people performing the service. The foundation of the Brick is the direct support professional wage derived from the May 2015 State Occupational Employment and Wage Estimate Bureau of Labor Statistics (BLS) data.

Included in the rates are four standard cost components that are assumed to be common to all social and medical services. They are Employment Related Expenses (EREs), Program Support (PS), Facility Costs (Day Habilitation only) and General and Administrative costs ~~of 11%~~ included in all services except Market Rate services. In Maryland, Training and Transportation ~~(Trans.)~~ components were also studied and used to develop the rates. JVGA surveyed and analyzed the general ledgers of approximately 70 DDA providers to standardize the cost component and rates.

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The Rate Study Report was released on November 3, 2017 and is published on DDA’s website at https://dda.health.maryland.gov/Pages/Rate_Study_Report.aspx. Also, four town halls were held to solicit public comment on the report. Subsequently, DDA hired a vendor, Optumas, to verify and validate data from the JVGA rate study and adjust rates for new services. Any rates that were updated were based on their review of the data, input from providers and public comment and will be implemented in LTSSMaryland. Based on analysis of General Ledgers submitted by Maryland providers by Optumas, the cost component ERE was reduced by 2.2%. Program Support was reduced by 5.8% for Community Living-Group Homes, Community Living-Enhanced Supports, and Supported Living, and increased by 7.1% for Day Habilitation. The Facility cost component is only applicable to Day Habilitation and the data from the General Ledgers provided by the Maryland providers was used to develop the rate. A detailed rate file is available upon request.

A geographical differentiated rate was proposed and adopted for rates in LTSSMaryland as a result of the DDA rate study conducted by JVGA. While the initial report released November 2017 did not recommend a differential, it was later concluded after further analysis that a differential was warranted to account for cost pressures and economic factors impacting certain areas within the State of Maryland.

JVGA recommended, and the DDA concurred, using the Bureau of Labor Statistics’ wages for the Washington, D.C. metro Metropolitan Statistical Area to establish a geographic differential rate for Waiver program services as the rates are based on independent wage data.

Payment of the Geographic Differential will be based on the person’s residence in Frederick, Montgomery, Prince George’s, Calvert, or Charles Counties and is applicable to all Waiver service rates in LTSSMaryland, except Market Rate services, Medical Day Care, Family Peer and Mentoring Supports, and Shared Living.

Beginning in WY2 on December 1, 2019, a representative group of participants were transitioned to the new Employment Services, Day Habilitation Service grouping (i.e. small and large groups), Community Living Group HomeEnhanced Supports, and Support Services outlined within the new PCP detail Detailed Service Authorization in LTSSMaryland. This will be done to ensure fiscal payment strategies used within LTSSMaryland are functional. This transition plan will support live testing of the new detailed service authorization and fee-for-service billing functionality in LTSSMaryland and the Medicaid Management Information System (MMIS) prior to implementing these changes. This testing is being done to reduce the risk of payment issues for all participants and providers.

The group of participants who will test the system will be from different regions and supported by various providers to support the transition to new services and the new fee-for-services payments. The initial group size will be small to ensure that there are adequate resources to quickly resolve issues, if they arise.

The Community Pathways Waiver includes: fee schedule services, market rate services, and tiered rate services. The methods to establish these rates are explained below:

Fee schedule Service Rates (WYs 1-5)

Behavioral Support Services (BSS) - The rates for Behavioral Assessment, Plan and Consulting are based on the BLS hourly wage job code 19-3039- and the rates for Brief Support Implementation Services is based on the BLS hourly wage job code 19-3031. All-BSS Assessment, Plan, and

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Consultation service rates include Employment Related Expenses (ERE), 32.7%, PS 33%, Program Support, and Training, 13.4%, and General & Administrative (G&A). The productivity assumption is 8 1/2 hours for the Assessment and the Plan, Brief Support Implementation includes ERE, Program Support, Training, and General & Administrative (G&A). When BSS services billing transitions into LTSS Maryland, updated rates developed from public comment and validation of data in the rate study will be implemented. The BLS wage job code and the cost components will remain the same.
~~and the hourly rate for Brief Support Implementation and Behavioral Consultation is converted to a 15-minute rate.~~

Environmental Assessment - The rate is based on the BLS hourly wage job code 29-1122 with a productivity assumption of 6 hours and includes cost components ERE 32.7%, PS 33%, and Training G&A 13.4.

Family and Peer Mentoring - This new service is based on a similar service provided in Arizona’s Raising Special Kids program and applying Maryland cost values. To calculate the rate for Family and Peer Mentoring, JVGA recommended a wage level based on BLS job descriptions and wage levels for Maryland and used the program support percentage calculated for Targeted Case Management. Since this is a new service without any history, JVGA based the percentage of employment related expenses and general and administrative costs on the Arizona Raising Special Kids services.

Housing Support Services - The hourly rate, converted to a 15-minute unit in WY3, is based on the hourly wage BLS job code 19-4099 and includes cost components ERE 32.7%, Program Support, \$ 25.7%, and Training, and G&A, 8.6%

Medical Day Care – The rate is established by the Medicaid program.

Nursing Services – The rates are based on hourly BLS wage data job code 29-1141 and include ERE 32.7%, Program Support, \$ 33%, Training 13.4%, and a 5% no show factor G & A. Nursing services will be billed in 15-minute increments and Nursing Consultation and Nursing Health Case Management will be included under Nursing Support Services. Case Management and Delegation beginning in WY3. When Nursing services billing transitions into LTSS Maryland, updated rates developed from public comment and validation of data in the rate study will be implemented. The cost components will include only ERE, Program Support, Training, and G&A.

Respite Care Services (Respite, Hourly and Daily) - The hourly rate, converted to a 15-minute unit in WY3 and called Respite, is based on the BLS wage job code 39-9021 and includes ERE, Program Support, 32.7%, Training at 8.6%, and Transportation, G&A, 2%. The daily rate is based on the hourly rate with an assumption of 16 hours of services. ~~For WYs 2-5, the Respite daily rate is based on the hourly rate with an assumption of 16 hours of service with a 12% G&A to address the increase in administrative costs associated with the new billing system.~~

Beginning in WY3, all hourly services will be changed to services with 15-minute units and the hourly rates will be converted to 15-minute rates by dividing hourly rates by four.

~~Career Exploration – The rate is based on hourly BLS wage job code 39-9021 and includes ERE 32.7%, PS 35.6%, Training 5.8%, Trans. 13.7%, and a 3.6% closure factor. The rate assumes staff to client ratios of 1:6 for Large Group, 1:2 for Small Group, and 1:10 for Facility.~~

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Fee Schedule Service Rates (applicable in LTSS Maryland WYs 3-5)

Employment Services (Follow-Along Supports, On-going Job Supports and Co-Worker Employment Supports for WYs 1-3) –The rates are based on BLS hourly wage job code 21-1093 and include ERE, Program Support, Training, and G&A. On-going Job Supports rate includes a Transportation cost component.

~~Beginning July 2021, Employment Services – Follow Along Supports and On going Job Supports will be incorporated under Follow Along Support as a value based payment. The rates are based on BLS hourly wage job code 21-1093 and include ERE, Program Support, Training, Transportation, and G&A. The Follow Along Supports rate will be paid at three tiers based on the number of hours of worked by the participant per month. The Tier 1 rate will be paid based on 1-60 hours, the Tier 2 rate will be paid based on 61-100 hours and the Tier 3 rate will be paid based on 101-160 hours.~~

~~Employment Services(Follow Along, On going Job Supports and Co-Worker Employment Supports) –The rates are based on BLS hourly wage job code 21-1093 and include ERE 32.7%, PS 35.6%, Training 5.8%, and Trans. 13.7%. Follow Along Supports rate assumes a 5% No Show factor and 6 hours a month, On going Job Supports rate assumes a 5% No Show factor and Co-Worker Employment Supports hourly rate is limited to a milestone payment of \$500 a month. The milestone payment will only be made after DDA or FMS determines with evidence that the required activities have been completed as per DDA regulations and policy.~~

Employment Services (Discovery, Job Development and Self-Employment Services) - The rates are based on hourly BLS wage job code 21-1012, Job Development and includes cost components ERE 32.7%, Program Support, 35.6%, Training 11.6%, Transportation, and Transportation, and G&A and a service adjustment to offset general job development activities. Job development, originally billed hourly, will be billed is billed hourly as a 15-minute unit.

~~Effective July 2021, Job Development will transition to a valued based milestone payment and will be paid based on an hourly rate with an Upper Pay Limit of 60 hours.~~

~~Self-employment includes ERE, Program Support, Training, and G & A. The self-employment plan assumes 48 hours of service and job development will be billed as a milestone service. is billed hourly.~~

~~Discovery includes ERE, Program Support, Training, Transportation, and G & A. 13.7%. The self-employment plan assumes 4 hours and job development will be billed as a milestone service. is billed hourly. DiscoveryIt is a milestone-service that assumes 10, 20, and 30 hours to complete each of the three milestones levels one to three. Each discovery milestone must be completed as per DDA regulations and policy with evidence of completion of the required activities before DDA or the FMS approve them for payment.~~

Personal Supports- The rate, developed using the BRICK method is based on hourly BLS wage job code 39-9021 and includes ERE, 32.7%, Program Support, 25.7%, Training 8.6%, Transportation, and G&A with a service adjustment for no shows and and a 5% no show factor and will be billed in 15-minute increments.

Personal Supports Enhanced Supports- The hourly rate was developed using the Brick method, developed by Optumas, a vendor hired to validate JVGA rates and develop rates for new services. The rate, developed using the Brick method, is based on BLS wage data job code 21-1093 and

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includes the cost components ERE 30.1%, Program Support 24.3%, Training 11.7%, Transportation, and G&A with a service adjustment for no shows and will be billed in 15-minute increments. 6.5%, 5% for no show and 12% G&A.

Day Habilitation Services - The new Day Habilitation rates were developed by Optumus using the Brick method. The rates for Day Habilitation 1:1 and 2:1 are based on 75% of the BLS wage data job code 21-1093 and include cost components ERE 30.1%, Facility 22.3%, Program Support 31.8%, Transportation 17.6%, 11.7% Training, Closures 3.61%, and 12% G&A. The hourly rate is doubled for Day Habilitation 2:1. The rates for Day Habilitation Small and Large groups are based on 50% of the BLS wage data job code 21-1093 and include cost components ERE 30.1%, Facility 22.3%, Program Support 31.8%, Transportation 17.6%, Training 8%, Closures 3.61%, and 12% G&A as well as a service adjustment.

Dedicated Supports Community Living Group Home 1:1 and 2:1, Dedicated Supports Community Living Enhanced Supports 1:1 and 2:1 and Dedicated Supports Supported Living 1:1 and 2:1 - The hourly rates are based on 75% of BLS wage job code 21-1093 and include the cost following components: ERE 30.1%, Program Support 24.3%, Transportation 6.5%, Training and G&A 11.7%, except for Dedicated Supports Community Living Enhanced Supports 1:1 and 2:1 Training is 18.7%, and 12% G&A.

Community Development Services - The rates are based on hourly BLS wage job code 39-9021 and include ERE 32.7%, Program Support 27.8%, Training 8.6%, Transportation 49.1%, and a 3.6% closure factor. G&A. The rate for Community Development Group (2-4) includes a service adjustment. The three tiered rates assume staff to client participant ratios: 1:1, 1:4, and 2:1.

Career Exploration - The rates are based on hourly BLS wage job code 39-9021 and include cost components ERE, Program Support, Training, Transportation, and G&A. The rate assumes staff to participant ratios of 1:6 for Large Group, 1:2 for Small Group, and 1:10 for Facility.

Market Rate Services (WYs 1-5)

Assistive Technology and Services, Environmental Modifications, Employment Services Co-Worker Employment for WYs 3-5, Live-In Caregiver Supports, Remote Support Services, Respite Care Camp, Support Broker, Transition Services, Transportation and Vehicle Modifications - Payments for market rate services are based on the specific needs of the participant and the piece of equipment, item or service, type of modifications, or service design and delivery method as documented in the PCP and associated Service Funding Plan or Detailed Service authorization as applicable. For needed services identified in the team planning process that do not lend themselves to an hourly rate (e.g., i.e. assistive technology, environmental modifications, etc.), the estimated actual cost, based on the identified need (e.g., i.e. a specific piece of equipment) or historical cost data, is included in the participant's PCP and service authorization budget. The applicable service definitions and limitations included in the waiver this Waiver program application may provide any additional requirements for payment of these services. The DDA Regional Office fiscal staff review provider invoices to ensure costs for market rate services are authorized on an individual's PCP. The rate study established upper pay limits for these services, except for Assistive Technology. Assistive Technology includes various devices that are driven by market cost. Items that cost more than \$1,000 must be recommended by an independent evaluation of the participant's needs. All requests are reviewed and approved by the DDA Regional Offices. The payment limit and any other limiting parameters will be programmed into MMIS to avoid overpayment of these

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services. Employment Services Co-Worker Employment rate is limited to an upper milestone payment limit of up to \$500 a month. The payment will only be made after DDA or FMS determines with evidence that the required activities have been completed as per DDA regulations and policy.

Family Caregiver Training and Empowerment Services and Participant Education, Training and Advocacy Supports – These are new services based on similar services provided in Arizona’s Raising Special Kids program. These services do not lend themselves to an hourly rate but are based on the needs of the participant with costs constrained to an upper pay limit or meeting a milestone.

~~Tiered rates are used in the Department’s rate setting model to reimburse those services for which the level of provider effort and the intensity of the service are variable based upon the differing support needs of individuals. Rates for tiered services are based on the assumption of the hours of service that a participant requires per day. An acuity adjustment was included in the rates for Day and Licensed Congregate services taking into account costs associated with people that require intensive supports such as enhanced supervision.~~

Tiered-Rate Services (applicable in LTSS Maryland WYs 3-5) include the following using JVGA’s proposed rate structure:

Community Living Group Home Services - The rates are based on hourly BLS wage job code 39-9021 and include cost components ERE 32.7%, Program Support, S 26.7%, Training 8.6%, and Transportation, and G&A as well as a service adjustment. s. 7.2%, 3.6% closure factor, and an acuity adjustment. The rates assume individuals receiving 4, 10, or 17 hours of care are based on how many individuals reside in the home (1-8) and whether overnight supervision is included.

Community Living Enhanced Supports - The rates are based on hourly BLS wage job code 29-2053 and include ERE 32.7%, PS 26.7%, Training 8.6%, and Trans. 7.2%, and an acuity adjustment. The rates assume 24 or 42 hours a day of care. The rates are based on hourly BLS wage job code 39-9021 and include cost components ERE, Program Support, Training, Transportation, and G&A as well as a service adjustment. The rates are based on how many individuals reside in the home (1-4) and whether overnight supervision is included.

Supported Living- The rates are based on hourly BLS wage job code 39-9021 and include cost components ERE, Program Support, Training, Transportation, and G&A. The rates are based on how many individuals reside in the home (1-4) and whether overnight supervision is included. The rates are based on the hourly BLS wage job code 39-9021 and include ERE 32.7%, PS 25.7%, Training 8.6%, Trans. 7.2% and a 5% no show factor. The rate assumes individuals receiving 4, 10, or 17 hours of care.

Shared Living Services- The three tiered rates are based on the participant’s level of need for supervision and monitoring or the need to mitigate behavioral risk or provide health and safety supports. Formerly a contract service, the tiered rates are based on historical budget amounts that include a stipend, case management, respite care and the application of 12% G&A.

Rates for Self-Directed Services

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Individual and Family Directed Goods and Services and *Support Broker* services are available for self-direction only and are negotiated market rates. Self-Directed Services participants (“SDS Participants”) can also establish their own payment rates for approved services in their budgets as they are considered the employer; however these rates must be reasonable and customary. To assist SDS Participants, the DDA has developed A Guide to Reasonable and Customary Rates posted on the DDA website.

Cost of Living Adjustment (COLA)

Since rates were initially published, there have been ongoing rate amendments. Prior to FY2016, rates were evaluated for a Cost of Living Adjustment (COLA). If a COLA was approved by the Maryland Legislature, the Maryland Department of Health’s Office of Budget Management determined an appropriate percentage increase based on the increases included in the approved budget.

The Maryland General Assembly passed legislation in 2014 mandating a 3.5% COLA for certain community-based services providers for all DD community based services, including Personal Supports beginning in State FY 2016 and continuing until State FY 2019. A 3.5% COLA was approved for FY2020.

Community Pathways Waiver rates are available on the DDA website and service and rate changes are made through the regulatory process which includes publication in the Maryland Register and a 30-day public comment period as required by law. The last amendment to the rates occurred on or about July 1, **2017**~~2019~~. The DDA will continue to review and amend rates as necessary based on the rate setting methodology for comparable services and based on actual costs at least every **three** ~~to~~ five years.

- b. Flow of Billings.** Describe the flow of billings for waiver services, specifying whether provider billings flow directly from providers to the State’s claims payment system or whether billings are routed through other intermediary entities. If billings flow through other intermediary entities, specify the entities:

The flow of billings for **W**waiver program services is based on which service delivery model the participant is enrolled in: Traditional Services Model or Self-Directed Services Model.

Billings under the Traditional Services Delivery Model

~~Until the billing for these services transitions to LTSSMaryland and Electronic Visit Verification (EVV)-) for Personal Supports using Maryland’s In-Home Supports Assurance System (ISAS). For claims with dates of service up to Waiver Year 3,~~ Personal Supports, Day Habilitation Services, Community Development Services (formerly Community Learning Services), Employment Discovery & Customization, Community Living Group Home (formerly Residential Habilitation) Service and Retainer Fees ~~and~~, Supported Employment, ~~and Career Exploration~~ claims will be submitted electronically through the DDA’s electronic data system called PCIS2 which interfaces with the MMIS system to generate federal claims. PCIS2 data collects information on: (1) the services included in the participant’s Person-Centered Plan (PCP) that can be billed; (2) the approved services and individualized budget set forth in the Service Funding Plan (SFP); and (3) the services actually rendered by the provider. PCIS2 checks the PCP and SFP against the services actually rendered to ensure that overbilling or billing for services not in the PCP or SFP does not occur.

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In addition, MMIS has in place a series of coding system “edits” that prevent billing for two or more services that cannot occur at the same time. Claims that are rejected by MMIS due to system edits are reviewed by the DDA federal billing unit. Based on this review, if the services were actually rendered in accordance with the PCP and SFP, the claim will be paid either with State funds only (if not a waiver-covered service), or, the claim is corrected and resubmitted (if a waiver-covered service). If the services were not actually rendered, then the claim is denied.

~~Until the billing for these services transitions to LTSS Maryland, LTSS~~ ~~For claims with dates of service in WYs 1-2, Assistive Technology and Services,~~ Behavioral Support Services, Environmental Assessments, Environmental Modifications, Medical Day Care, Family Caregiver Training and Empowerment Services, Family and Peer Mentoring Supports, Housing Support Services, Live-In Caregiver Supports, Nursing Services, Participant Education, Training and Advocacy Supports, Remote Support Services, Respite Care Services, Shared Living Services, Supported Living Services, Transition Services, Transportation, and Vehicle Modifications ~~and Career Exploration Services~~ will be claimed via either a paper billing process using the CMS 1500 Form or direct submission by the provider into MMIS. The CMS 1500 is completed by the provider of services and submitted to DDA for review. If the CMS 1500 is consistent with the participant’s SFP based on his or her PCP, then the DDA submits the claim to Medicaid to be entered into the MMIS system. Providers may also directly submit these service claims electronically to MMIS. Claims that are rejected by MMIS are reviewed by the DDA federal billing unit.

Based on this review, if the services were actually rendered in accordance with the PCP and SFP, the claim will be paid either with State funds only (if not a waiver-covered service), or, the claim is corrected and resubmitted (if a waiver-covered service). If the services were not actually rendered, then the claim is denied.

~~Beginning in Waiver Year 3, When~~ DDA ~~plans to~~ transition ~~s~~ from PCIS and the paper billing process to Maryland’s Long Term Services and Supports system, LTSS Maryland and using EVV for Personal Supports. ~~Using LTSS Maryland,~~ providers will electronically bill for all Waiver services for participants based on the services and allowable units in their PCPs and Detailed Service Authorization. The PCPs will be loaded into the LTSS Maryland system and will be the basis of provider billings. The LTSS Maryland system will interface with MMIS to adjudicate claims and pay providers for rendered services. Edits and limits will be placed in LTSS Maryland and in MMIS to prevent overbilling and billing for services that are not authorized or in an individual’s PCP and Detailed Service Authorization.

Billings under the Self-Directed Services Delivery Model

For participants enrolled in the Self-Directed Services Model (as described in Appendix E), only the Fiscal Management Service (FMS) provider can submit claims on behalf of self-directed participants. When processing claims on behalf of these participants, ~~t~~The FMS provider compares employee timesheets or invoices against ~~the DDA approved~~ the participant’s Person-Centered Pplan and annual self-directed services budget, approved by DDA for processing. For claims that match, the FMS provider then submits them to MMIS. Claims that are rejected by MMIS are reviewed by the FMS and the DDA federal billing unit. Based on this review, if the services were actually rendered in accordance with ~~the PCP and SFP~~ DDA’s authorization, the claim will be paid either with State funds only (if not a waiver-covered service), or, the claim is corrected and resubmitted (if a waiver-covered service). If the services were not actually rendered, then the claim is denied.

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c. Certifying Public Expenditures (*select one*):

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| <input checked="" type="checkbox"/> | No. State or local government agencies do not certify expenditures for waiver services. |
| <input type="checkbox"/> | Yes. State or local government agencies directly expend funds for part or all of the cost of waiver services and certify their State government expenditures (CPE) in lieu of billing that amount to Medicaid. <i>Select at least one:</i> |
| <input type="checkbox"/> | Certified Public Expenditures (CPE) of State Public Agencies. Specify: (a) the State government agency or agencies that certify public expenditures for waiver services; (b) how it is assured that the CPE is based on the total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). <i>(Indicate source of revenue for CPEs in Item I-4-a.)</i> |
| <input type="checkbox"/> | Certified Public Expenditures (CPE) of Local Government Agencies. Specify: (a) the local government agencies that incur certified public expenditures for waiver services; (b) how it is assured that the CPE is based on total computable costs for waiver services; and, (c) how the State verifies that the certified public expenditures are eligible for Federal financial participation in accordance with 42 CFR §433.51(b). <i>(Indicate source of revenue for CPEs in Item I-4-b.)</i> |

d. Billing Validation Process. Describe the process for validating provider billings to produce the claim for federal financial participation, including the mechanism(s) to assure that all claims for payment are made only: (a) when the individual was eligible for Medicaid waiver payment on the date of service; (b) when the service was included in the participant’s approved service plan; and, (c) the services were provided:

Payments for all Waiver program services are made through the approved Medicaid Management Information System (MMIS). The claim for Federal Financial Participation (FFP) is based on the initial processing and review of the provider claim by the DDA or its agent and the subsequent review of the provider claim by the OLTSS through MMIS.

a) Verification of Eligibility for a Medicaid Payment on the Date of Service

MMIS edits are in place to validate the participant's waiver enrollment on the date of service and established service limitations. Requests are made for FFP based on claims processed through the MMIS. The FFP claim is based on the review of the paid provider claim by Medicaid. While consumer-participant eligibility information is ultimately maintained by Medicaid, eligibility information within the DDA claims processing information system is updated on a regular basis. The information in PCIS includes both the service plan and the effective dates of coverage. The claims are subject to the full edits of the DDA and Medicaid systems. Claims eligible for FFP are submitted to the Medicaid system for additional review and for the collection of FFP.

When billing and claims submission transitions into Beginning in Waiver Year 3, claims will be submitted using LTSS Maryland, the claim. The LTSS Maryland system will interface with MMIS to determine participant eligibility before claims are sent. If a participant is determined not to be

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eligible on a date of service, the claim will not be submitted to Medicaid for payment until eligibility is updated. If during post-payment review, provider billings are determined to be inappropriate, the DDA will remove the problem billing from its claim for FFP and recoup the inappropriate payment.

b) Verification that the service was included in the participant's approved service plan

As specified in further detail in Appendix I-2, subsection b. above, the DDA generally verifies the claim against the PCP and SFP **or Detailed Service Authorization** (under the Traditional Services delivery model) and the FMS verifies the claim against the DDA-approved annual self-directed services budget (under the Self-Directed Services delivery model). Please refer to Appendix I-2, subsection b. above for further details about these processes.

~~-When billing for services transitions into LTSSMaryland, Beginning in Waiver Year 3, individuals' participants' PCPs will be included in the systemLTSSMaryland_ and providers will only be able to bill for services and units that have been approved and included in the **PCPs Detailed Service Authorization** plans.~~

c) Verification of Service Provision

The participant’s Coordinator of Community Service (CCS) performs quarterly monitoring, which includes inquiring whether the participants are receiving the services indicated in the PCP and the SFP **or Detailed Service Authorization** for participants enrolled in Traditional Services or the DDA-approved annual self-directed services budget for participants enrolled in Self-Directed Services Model. They complete this task by interviewing the participant, family members, and staff. Audits of service provision are also conducted by DDA (see Appendix I-1).

If during post-payment review, provider billings are determined to be inappropriate, the DDA will remove the problem billing from its claim for FFP and recoup the inappropriate payment. DDA also requires that each licensed provider be audited by an independent auditor consistent with Circular A-133, as further specified in Appendix I-1. Additionally, Electronic Visit Verification (EVV) may be implemented along with LTSSMaryland to verify service provision of Personal Support services.

- e. **Billing and Claims Record Maintenance Requirement.** Records documenting the audit trail of adjudicated claims (including supporting documentation) are maintained by the Medicaid agency, the operating agency (if applicable), and providers of waiver services for a minimum period of 3 years as required in 45 CFR § 92.42.

APPENDIX I-3: Payment

- a. **Method of payments — MMIS (select one):**

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| <input checked="" type="checkbox"/> | Payments for all waiver services are made through an approved Medicaid Management Information System (MMIS). |
| <input type="checkbox"/> | Payments for some, but not all, waiver services are made through an approved MMIS. |

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| | Specify: (a) the waiver services that are not paid through an approved MMIS; (b) the process for making such payments and the entity that processes payments; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64. |
| <input type="radio"/> | Payments for waiver services are not made through an approved MMIS. Specify: (a) the process by which payments are made and the entity that processes payments; (b) how and through which system(s) the payments are processed; (c) how an audit trail is maintained for all state and federal funds expended outside the MMIS; and, (d) the basis for the draw of federal funds and claiming of these expenditures on the CMS-64: |
| <input type="radio"/> | Payments for waiver services are made by a managed care entity or entities. The managed care entity is paid a monthly capitated payment per eligible enrollee through an approved MMIS. Describe how payments are made to the managed care entity or entities: |

b. **Direct payment.** In addition to providing that the Medicaid agency makes payments directly to providers of waiver services, payments for waiver services are made utilizing one or more of the following arrangements (*select at least one*):

| | |
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| √ | The Medicaid agency makes payments directly and does not use a fiscal agent (comprehensive or limited) or a managed care entity or entities. |
| ☐ | The Medicaid agency pays providers through the same fiscal agent used for the rest of the Medicaid program. |
| √ | <p>The Medicaid agency pays providers of some or all waiver services through the use of a limited fiscal agent.</p> <p>Specify the limited fiscal agent, the waiver services for which the limited fiscal agent makes payment, the functions that the limited fiscal agent performs in paying waiver claims, and the methods by which the Medicaid agency oversees the operations of the limited fiscal agent:</p> <p>For participants enrolled in the Self-Directed Services Delivery Model (as described in Appendix E), <u>W</u>waiver <u>program</u> services are paid by the <u>FMS</u> <u>provider</u> and then the <u>FMS</u> submits the claim through MMIS. Providers are informed of the billing process during orientation and <u>training</u>trainings.</p> <p>DDA provides oversight of the <u>FMS</u> providers by conducting an annual audit. The audit monitors and assesses the performance of the <u>FMS</u> provider including ensuring the integrity of the financial transactions that they perform.</p> <p>The utilization review contractor will conduct a remote audit of the <u>FMS</u> provider, requesting and reviewing information, including: staff notes and logs for the participants identified in the remote audit; the staffing qualifications, timesheets, payroll records and receipts; and any other documentation required by MDH. For the utilization review, the scope of the post-payment review is limited to a statistically valid sample of participants and claims by service with a 95% +/-5% confidence interval. The review period will be one year of services.</p> |

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| | <p>In addition to the utilization review by the independent contractor, the <u>Department’s current request for proposal for the FMS provider RFP</u> includes various requirements that will be overseen by the DDA and OLTSS contract monitors. This includes a variety of monthly reports such as Employee Training Reports, Payroll Reports Error Reports, Participant Report, and Monthly and Historical Reports. In addition, the contractor will conduct satisfaction surveys and report the results of the surveys to the contract monitor on a quarterly basis.</p> <p>The FMS <u>provider-contractor</u> will be required to submit an annual audit by an independent Certified Public Accountant (CPA) or an independent CPA firm to verify the activities required by the scope of work.</p> |
| <input type="checkbox"/> | <p>Providers are paid by a managed care entity or entities for services that are included in the State’s contract with the entity.</p> <p>Specify how providers are paid for the services (if any) not included in the State’s contract with managed care entities.</p> |

c. Supplemental or Enhanced Payments. Section 1902(a)(30) requires that payments for services be consistent with efficiency, economy, and quality of care. Section 1903(a)(1) provides for Federal financial participation to States for expenditures for services under an approved State plan/waiver. Specify whether supplemental or enhanced payments are made. *Select one:*

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| <input checked="" type="checkbox"/> | <p>No. The State does not make supplemental or enhanced payments for waiver services.</p> |
| <input type="checkbox"/> | <p>Yes. The State makes supplemental or enhanced payments for waiver services. Describe: (a) the nature of the supplemental or enhanced payments that are made and the waiver services for which these payments are made; (b) the types of providers to which such payments are made; (c) the source of the non-Federal share of the supplemental or enhanced payment; and, (d) whether providers eligible to receive the supplemental or enhanced payment retain 100% of the total computable expenditure claimed by the State to CMS. Upon request, the State will furnish CMS with detailed information about the total amount of supplemental or enhanced payments to each provider type in the waiver.</p> |

d. Payments to State or Local Government Providers. *Specify whether State or local government providers receive payment for the provision of waiver services.*

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| <input type="checkbox"/> | <p>No. State or local government providers do not receive payment for waiver services. Do not complete Item I-3-e.</p> |
| <input checked="" type="checkbox"/> | <p>Yes. State or local government providers receive payment for waiver services. Complete item I-3-e.</p> <p>Specify the types of State or local government providers that receive payment for waiver services and the services that the State or local government providers furnish. <i>Complete item I-3-e.</i></p> <p>Some local Health Departments provide Respite Care services due to a lack of qualified providers in their area to meet the needs of the participants receiving these services.</p> |

e. Amount of Payment to State or Local Government Providers.

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Specify whether any State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed its reasonable costs of providing waiver services and, if so, whether and how the State recoups the excess and returns the Federal share of the excess to CMS on the quarterly expenditure report. *Select one:*

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| <input checked="" type="checkbox"/> | The amount paid to State or local government providers is the same as the amount paid to private providers of the same service. |
| <input type="checkbox"/> | The amount paid to State or local government providers differs from the amount paid to private providers of the same service. No public provider receives payments that in the aggregate exceed its reasonable costs of providing waiver services. |
| <input type="checkbox"/> | The amount paid to State or local government providers differs from the amount paid to private providers of the same service. When a State or local government provider receives payments (including regular and any supplemental payments) that in the aggregate exceed the cost of waiver services, the State recoups the excess and returns the federal share of the excess to CMS on the quarterly expenditure report. Describe the recoupment process: |
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f. Provider Retention of Payments. Section 1903(a)(1) provides that Federal matching funds are only available for expenditures made by states for services under the approved waiver. *Select one:*

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| <input checked="" type="checkbox"/> | Providers receive and retain 100 percent of the amount claimed to CMS for waiver services. |
| <input type="checkbox"/> | Providers are paid by a managed care entity (or entities) that is paid a monthly capitated payment. Specify whether the monthly capitated payment to managed care entities is reduced or returned in part to the State. |
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g. Additional Payment Arrangements

i. Voluntary Reassignment of Payments to a Governmental Agency. *Select one:*

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| <input type="checkbox"/> | No. The State does not provide that providers may voluntarily reassign their right to direct payments to a governmental agency. |
| <input checked="" type="checkbox"/> | Yes. Providers may voluntarily reassign their right to direct payments to a governmental agency as provided in 42 CFR §447.10(e). Specify the governmental agency (or agencies) to which reassignment may be made. Under the current payment methodology, outlined in COMAR, 10.22.17.10-.13, reassignment may be made to the Developmental Disabilities Administration (DDA). Conditions for participation from COMAR 10.09.026.03 require DDA providers to have a provider agreement in effect with DDA and the Medical Assistance Program. DDA service providers elect to become licensed or approved providers and acknowledge the voluntary reassignment of payments. DDA has one payment methodology for fee |

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| | <p>payment services (Residential, Day, Supported Employment, and Personal Supports). Providers agree to accept payments through this methodology.</p> <p>The DDA provider agreements acknowledge the reassignment of Medicaid payments to DDA as under the current payment methodology the DDA prospectively pays the providers for expected expenditures for services and the reassignment permits DDA to recover the outlay for the expenditures. This payment methodology will change when providers begin to bill using LTSS <i>Maryland</i>, as they will be paid directly for their services.</p> |
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ii. **Organized Health Care Delivery System.** *Select one:*

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| <input type="radio"/> | <p>No. The State does not employ Organized Health Care Delivery System (OHCDS) arrangements under the provisions of 42 CFR §447.10.</p> |
| √ | <p>Yes. The waiver provides for the use of Organized Health Care Delivery System arrangements under the provisions of 42 CFR §447.10.</p> <p>Specify the following: (a) the entities that are designated as an OHCDS and how these entities qualify for designation as an OHCDS; (b) the procedures for direct provider enrollment when a provider does not voluntarily agree to contract with a designated OHCDS; (c) the method(s) for assuring that participants have free choice of qualified providers when an OHCDS arrangement is employed, including the selection of providers not affiliated with the OHCDS; (d) the method(s) for assuring that providers that furnish services under contract with an OHCDS meet applicable provider qualifications under the waiver; (e) how it is assured that OHCDS contracts with providers meet applicable requirements; and, (f) how financial accountability is assured when an OHCDS arrangement is used:</p> <p>a) A potential provider interested in becoming an OHCDS may apply to do so as part of initial licensure, or by amending their current license, and must meet all regulatory requirements outlined in Code of Maryland Regulations (COMAR) 10.22.20.05. A provider may be designated an OHCDS if they submit a DDA application to become an OHCDS provider, and they are a licensed DDA provider for a DDA Fee Payment System service, they are an enrolled Medicaid provider, and render at least one Medicaid service directly.</p> <p>b) Other DDA licensed providers may provide services directly and are not required to contract with an OHCDS. To become a licensed or approved provider, the entity can contact the DDA for an application or find the application on the DDA’s website.</p> <p>c) The Coordinator of Community Services (CCS) supports participants and their legal representatives and families by sharing information about the various services, providers, and service delivery models available. Participants may choose a DDA licensed or approved provider, an OHCDS, or other <u>qualified providers, such as FMS or direct care staff</u>, under the Self-Directed Services Program. Maryland regulations prohibit providers from infringing on an individual’s right to choose freely among qualified providers at any time.</p> |

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| | <p>d) An OHCDS must attest that all provider qualifications are met as set forth in regulations and provide supporting documentation upon request. OHCDS shall enter into a subcontract with each provider of service that contains the scope, frequency, duration, and cost of services to be provided; documents the qualifications of the provider of service; details service termination procedures; is consistent with the participant’s PCP, and is executed by all parties to the contract. The OHCDS is required to maintain detailed record on the purchase of services from qualified entities or individuals, including invoices.</p> <p>e) In the OHCDS application, the provider agrees to submit an aggregate annual summary, delineating OHCDS activities, including subcontractor names, amounts paid per subcontractor, nature of services and number of individual’s serviced by each subcontractor. The report will be due within 30-60 days of the close of the State fiscal year. As part of the DDA’s quality assurance procedures, the DDA surveys OHCDS providers for their compliance with regulatory requirements, including those requirements governing contracts with qualified providers.</p> <p>f) Billing for OHCDS contract services are completed using the CMS 1500 Form or by direct provider electronic submission in the MMIS system. The DDA and Medicaid review all claims submitted. The DDA will monitor and conduct oversight of the OHCDS by including their activities in the Utilization Review process outlined in Appendix I-a to assess their performance and to ensure the integrity of the financial transactions that they perform. Accountability efforts also include Single State and Independent audits as further detailed in this Appendix I-1.</p> |
| | |

iii. **Contracts with MCOs, PIHPs or PAHPs. Select one:**

| | |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | <p>The State does not contract with MCOs, PIHPs or PAHPs for the provision of waiver services.</p> |
| <input type="checkbox"/> | <p>The State contracts with a Managed Care Organization(s) (MCOs) and/or prepaid inpatient health plan(s) (PIHP) or prepaid ambulatory health plan(s) (PAHP) under the provisions of §1915(a)(1) of the Act for the delivery of waiver and other services. Participants may voluntarily elect to receive waiver and other services through such MCOs or prepaid health plans. Contracts with these health plans are on file at the State Medicaid agency.</p> <p>Describe: (a) the MCOs and/or health plans that furnish services under the provisions of §1915(a)(1); (b) the geographic areas served by these plans; (c) the waiver and other services furnished by these plans; and (d) how payments are made to the health plans.</p> |
| <input type="checkbox"/> | <p>This waiver is a part of a concurrent §1915(b)/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1915(b) waiver specifies the types of health plans that are used and how payments to these plans are made.</p> |
| <input type="checkbox"/> | <p>This waiver is a part of a concurrent §1115/§1915(c) waiver. Participants are required to obtain waiver and other services through a MCO and/or prepaid</p> |

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| | inpatient health plan (PIHP) or a prepaid ambulatory health plan (PAHP). The §1115f waiver specifies the types of health plans that are used and how payments to these plans are made. |
| | |

APPENDIX I-4: Non-Federal Matching Funds

a. State Level Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the State source or sources of the non-federal share of computable waiver costs. *Select at least one:*

| | |
|-------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Appropriation of State Tax Revenues to the State Medicaid agency |
| <input type="checkbox"/> | <p>Appropriation of State Tax Revenues to a State Agency other than the Medicaid Agency. If the source of the non-federal share is appropriations to another state agency (or agencies), specify: (a) the State entity or agency receiving appropriated funds and (b) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if the funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:</p> |
| <input type="checkbox"/> | <p>Other State Level Source(s) of Funds. Specify: (a) the source and nature of funds; (b) the entity or agency that receives the funds; and (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and/or, indicate if funds are directly expended by State agencies as CPEs, as indicated in Item I-2-c:</p> |

b. Local Government or Other Source(s) of the Non-Federal Share of Computable Waiver Costs. Specify the source or sources of the non-federal share of computable waiver costs that are not from state sources. *Select one:*

| | |
|-------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="radio"/> | Not Applicable. There are no local government level sources of funds utilized as the non-federal share. |
| <input checked="" type="checkbox"/> | <p>Applicable <i>Check each that applies:</i></p> |
| <input checked="" type="checkbox"/> | <p>Appropriation of Local Government Revenues. Specify: (a) the local government entity or entities that have the authority to levy taxes or other revenues; (b) the source(s) of revenue; and, (c) the mechanism that is used to transfer the funds to the Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement (indicate any intervening entities in the transfer process), and/or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2-c:</p> <p>The Maryland Annotated Code, Health-General, §7-705 states that the DDA will use local funds to offset the State’s share of support of day habilitation and vocational services. The amount of local funds is limited to the amount paid by each jurisdiction in FY 1984. These funds meet the applicable federal requirements.</p> |

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| | Each state fiscal year, the DDA invoices all 23 counties and Baltimore City for the amount noted in statute. The jurisdictions pay the state by check or through an interagency transfer. These local funds are credited to the appropriate budget and are applied to the appropriate expenditures. |
| <input type="checkbox"/> | Other Local Government Level Source(s) of Funds. Specify: (a) the source of funds; (b) the local government entity or agency receiving funds; and, (c) the mechanism that is used to transfer the funds to the State Medicaid Agency or Fiscal Agent, such as an Intergovernmental Transfer (IGT), including any matching arrangement, and /or, indicate if funds are directly expended by local government agencies as CPEs, as specified in Item I-2- c: |
| | |

c. **Information Concerning Certain Sources of Funds.** Indicate whether any of the funds listed in Items I-4-a or I-4-b that make up the non-federal share of computable waiver costs come from the following sources: (a) health care-related taxes or fees; (b) provider-related donations; and/or, (c) federal funds . *Select one:*

| | |
|--------------------------|---------------------------------------------------------------------------------------------------------------|
| √ | None of the specified sources of funds contribute to the non-federal share of computable waiver costs. |
| ○ | The following source(s) are used. <i>Check each that applies.</i> |
| <input type="checkbox"/> | Health care-related taxes or fees |
| <input type="checkbox"/> | Provider-related donations |
| <input type="checkbox"/> | Federal funds |
| | For each source of funds indicated above, describe the source of the funds in detail: |
| | |

APPENDIX I-5: Exclusion of Medicaid Payment for Room and Board

a. **Services Furnished in Residential Settings.** *Select one:*

| | |
|---|------------------------------------------------------------------------------------------------------------------------------------------------|
| | No services under this waiver are furnished in residential settings other than the private residence of the individual. |
| √ | As specified in Appendix C, the State furnishes waiver services in residential settings other than the personal home of the individual. |

b. **Method for Excluding the Cost of Room and Board Furnished in Residential Settings.** The following describes the methodology that the State uses to exclude Medicaid payment for room and board in residential settings:

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| JVGA excluded the cost of room and board from service costs in determining payment rates for Community Living-Group Home and Community Living-Enhanced Supports. The Medicaid payment does not include either of the following items which the provider is expected to collect from the participant: (1) Room and board; or (2) Any assessed amount of contribution by the participant for the cost of care. |
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Respite Care services may be furnished in a residential setting. The rates developed for respite care services were based solely on service costs and exclude costs for room and board.

APPENDIX I-6: Payment for Rent and Food Expenses of an Unrelated Live-In Caregiver

Reimbursement for the Rent and Food Expenses of an Unrelated Live-In Personal Caregiver. *Select one:*

| | |
|----------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="radio"/> | <p>No. The State does not reimburse for the rent and food expenses of an unrelated live-in personal caregiver who resides in the same household as the participant.</p> |
| <input checked="" type="radio"/> | <p>Yes. Per 42 CFR §441.310(a)(2)(ii), the State will claim FFP for the additional costs of rent and food that can be reasonably attributed to an unrelated live-in personal caregiver who resides in the same household as the waiver participant. The State describes its coverage of live-in caregiver in Appendix C-3 and the costs attributable to rent and food for the live-in caregiver are reflected separately in the computation of factor D (cost of waiver services) in Appendix J. FFP for rent and food for a live-in caregiver will not be claimed when the participant lives in the caregiver’s home or in a residence that is owned or leased by the provider of Medicaid services.</p> <p>Live-in Caregiver Supports is limited based on the following: <u>to the cost of rent and cost of food associated with the live-in caregiver (and not the participant), calculated as follows:</u></p> <p><u>1. The cost of rent, associated with the live-in caregiver, must be calculated as follows:</u></p> <p style="margin-left: 20px;"><u>a. The difference in cost between: (i) a unit sufficient to house the participant only; and (ii) a unit sufficient to house the participant and the live-in caregiver, providing separate bedrooms for each; and</u></p> <p style="margin-left: 20px;"><u>b. The cost must be based on, and not exceed, the Fair Market Rent for the jurisdiction in which the unit is located as determined by the Department of Housing and Urban Development.</u></p> <p><u>2. The cost of food, associated with the live-in caregiver, must be calculated as follows:</u></p> <p style="margin-left: 20px;"><u>a. The cost of food attributable solely to the live-in caregiver; and</u></p> <p style="margin-left: 20px;"><u>b. The cost must be based on, and not exceed, the U.S. Department of Agriculture’s Monthly Food Plan Cost at the 2-person moderate plan level.</u></p> <p>1. Within a multiple family dwelling unit, the actual difference in rental costs between a 1 and 2-bedroom (or 2 and 3-bedroom, etc.) unit. Rental rates must fall within Fair Market Rent (FMR) for the jurisdiction as determined by the Department of Housing and Urban Development (HUD). 2. Within a single family dwelling unit, the difference in rental costs between a 1 and 2-bedroom (or 2 and 3-bedroom, etc.) unit based on the Fair Market Rent (FMR) for the jurisdiction as determined by the Department of Housing and Urban Development (HUD). Live-in Caregiver Food is limited to the USDA Monthly Food Plan Cost at the 2-person moderate plan level. The participant will be reimbursed by the provider who will pass along the payments for eligible costs.</p> |

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APPENDIX I-7: Participant Co-Payments for Waiver Services and Other Cost Sharing

a. **Co-Payment Requirements.** Specify whether the State imposes a co-payment or similar charge upon waiver participants for waiver services. These charges are calculated per service and have the effect of reducing the total computable claim for federal financial participation. *Select one:*

| | |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | No. The State does not impose a co-payment or similar charge upon participants for waiver services. <i>(Do not complete the remaining items; proceed to Item I-7-b).</i> |
| <input type="checkbox"/> | Yes. The State imposes a co-payment or similar charge upon participants for one or more waiver services. <i>(Complete the remaining items)</i> |

i. **Co-Pay Arrangement**

Specify the types of co-pay arrangements that are imposed on waiver participants *(check each that applies)*:

| | |
|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|
| <i>Charges Associated with the Provision of Waiver Services (if any are checked, complete Items I-7-a-ii through I-7-a-iv):</i> | |
| <input type="checkbox"/> | Nominal deductible |
| <input type="checkbox"/> | Coinsurance |
| <input type="checkbox"/> | Co-Payment |
| <input type="checkbox"/> | Other charge <i>Specify:</i> |
| | |

ii. **Participants Subject to Co-pay Charges for Waiver Services.**

Specify the groups of waiver participants who are subject to charges for the waiver services specified in Item I-7-a-iii and the groups for whom such charges are excluded

| |
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| |
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iii. **Amount of Co-Pay Charges for Waiver Services.** The following table lists the waiver services defined in C-1/C-3 for which a charge is made, the amount of the charge, and the basis for determining the charge.

| Waiver Service | Charge | |
|----------------|--------|-------|
| | Amount | Basis |
| | | |

iv. **Cumulative Maximum Charges.**

Indicate whether there is a cumulative maximum amount for all co-payment charges to a waiver participant *(select one)*:

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| <input type="radio"/> | There is no cumulative maximum for all deductible, coinsurance or co-payment charges to a waiver participant. |
| <input type="radio"/> | There is a cumulative maximum for all deductible, coinsurance or co-payment charges to a waiver participant. Specify the cumulative maximum and the time period to which the maximum applies: |
| | |

b. Other State Requirement for Cost Sharing. Specify whether the State imposes a premium, enrollment fee or similar cost sharing on waiver participants. *Select one:*

| | |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| √ | No. The State does not impose a premium, enrollment fee, or similar cost-sharing arrangement on waiver participants. |
| <input type="radio"/> | Yes. The State imposes a premium, enrollment fee or similar cost-sharing arrangement. Describe in detail the cost sharing arrangement, including: (a) the type of cost sharing (e.g., premium, enrollment fee); (b) the amount of charge and how the amount of the charge is related to total gross family income (c) the groups of participants subject to cost-sharing and the groups who are excluded; and (d) the mechanisms for the collection of cost-sharing and reporting the amount collected on the CMS 64: |
| | |

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